



# City of Newburyport, Mass.

PLANNING BOARD

CITY HALL

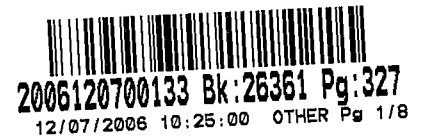
RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2006 OCT 20 A 10:25

## Approval of a Definitive Subdivision Plan

October 20, 2006

Richard Jones, City Clerk  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

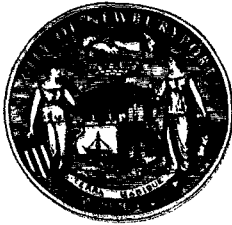


It is hereby certified by the Planning Board of the City of Newburyport, Massachusetts, at a duly called and properly posted meeting of said Board held on July 19, 2006, and continued to August 2, 2006, August 16, 2006, September 6, 2006, September 20, 2006, October 4, 2006, and October 10, 2006, a quorum of the Board being present and voting, upon motion duly made and seconded, it was VOTED TO APPROVE the definitive subdivision plan entitled "Oleo Woods OSRD Definitive Subdivision" as shown on a plan of land prepared by Millennium Engineering, Inc., of Salisbury, MA, dated June 14, 2006, said plan and petition having been originally filed with the Newburyport Planning Board on June 15, 2006 concerning the property located at Russell Terrace Extension (Map 99, Parcels 1 and 2, and Map 109, Parcel 23) and showing 24 proposed lots with revision dates of 08/23/06 and 09/19/06.

The following conditions, waivers, and requirements do not limit any other rights and remedies the City of Newburyport may have.

Approval is conditioned upon construction and completion of the project in accordance with the following plans which have been submitted to the Planning Board during the course of hearing on this application:

1. OSRD Definitive Plan for Land in Newburyport, Massachusetts, prepared for Oleo Realty Trust, Millennium Engineering Inc., Engineers and Land Surveyors dated June 14, 2006, revised September 19, 2006 (sheets 1-20) as those plans may be further revised as necessitated by the Department of Public Service or Board of Health requirements;



# CITY OF NEWBURYPORT

PLANNING BOARD

OFFICE OF PLANNING AND DEVELOPMENT

60 PLEASANT STREET • NEWBURYPORT, MA 01950

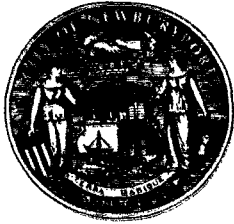
TEL: 978-465-4400 • FAX: 978-465-4452

## Approval of a Definitive Subdivision Plan

2. Home and Garage Footprints and Elevation drawings entitled Proposed Lots Off Russell Terrace for Oleo Realty Trust, Bruce A. Taylor, Architect dated August 2, 2006 (10 sheets);
3. Home and Garage Footprints and Elevation drawing entitled Proposed Lots Off Russell Terrace for Oleo Realty Trust, Bruce A. Taylor, Architect, dated August 24, 2006 (3 sheets);
4. Typical Home Landscape Plan for Oleo Realty Trust, Bruce A. Taylor, Architect dated August 14, 2006 (1 sheet);
5. Stormwater Management Report, prepared by Millenium Engineering, Inc., dated June 14, 2006 and revised September 19, 2006

### Standard Conditions

1. As a condition of the definitive plan approval the petitioner shall record this document with the Certificate of Approval for the Definitive Plan in the Registry of Deeds and notify the Planning Board of such recording.
2. As a condition of approval, in accordance with the Rules and Regulations of the Subdivision of Land in Newburyport Section the approval of the definitive plan is subject to the waivers, conditions, covenants and easements as voted on October 10, 2006.
3. As a condition of the approved subdivision, the approval of the Planning Board applies to the definitive subdivision plan entitled "Oleo Woods OSRD Definitive Subdivision" as shown on a plan of land prepared by Millenium Engineering, Inc., of Salisbury, MA, dated June 14, 2006 said plan and petition having been originally filed with the Newburyport Planning Board on June 15, 2006 concerning the property located at Russell Terrace Extension and showing twenty-four (24) proposed lots, with revision dates of 08/23/06 and 09/19/06.
4. As a condition of approval, in accordance with the Rules and Regulations of the Subdivision of Land in Newburyport Section 5.1.9., Street Names, and the applicant/developer shall inform the City Council, who, within a reasonable time period, shall approve or disapprove



# CITY OF NEWBURYPORT

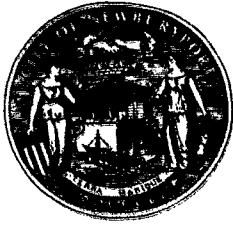
## PLANNING BOARD

OFFICE OF PLANNING AND DEVELOPMENT  
60 PLEASANT STREET • NEWBURYPORT, MA 01950  
TEL: 978-465-4400 • FAX: 978-465-4452

### Approval of a Definitive Subdivision Plan

the street names assigned by the Director of Veteran's Services.

5. Approved plans shall bear the signature of the majority of the Planning Board and the stamp of the City Clerk indicating the filing of said plans and decision.
6. As a condition of approval, in accordance with the Rules and Regulations of the Subdivision of Land in Newburyport Section 5.5, the definitive plan must receive endorsement by the Planning Board within six months of the date of the certificate of approval.
7. If the endorsement on the plan or the certificate which accompanies the plan is not dated within six (6) months of the date of recording, the applicant shall apply to the Planning Board or City Clerk for a certificate which shall be endorsed on the plan or referred to on the plan and recorded with the plan. The certificate must be dated within thirty (30) days of the recording. The certificate shall state: "that the approval has not been modified, amended, or rescinded, nor the plan changed."
8. As a condition of approval, in accordance with the Rules and Regulations of the Subdivision of Land in Newburyport Section 5.16. Failure of an Applicant to comply with the construction schedule incorporated into the performance agreement, or to initiate construction of improvements in a subdivision within three (3) years of the approval of the Definitive Plan, or to comply with all applicable City of Newburyport Zoning Ordinance requirements, or to comply with the approved plans and any conditions of approval; shall constitute grounds for rescission of approval in accordance with the requirements and procedures set forth in M.G.L. c.41, s. 81-W.
9. As a condition of approval, in accordance with the Rules and Regulations of the Subdivision of Land in Newburyport Section 5.17. The Board, its officers and agents, may, as far as they deem necessary in carrying out the subdivision control law, enter upon any lands and there make examinations and surveys or to place and maintain monuments and marks.
10. As a condition of approval, in accordance with the Rules and Regulations of the Subdivision of Land in Newburyport Section 5.15.1. Approval by the Board of a Definitive Subdivision



# CITY OF NEWBURYPORT

## PLANNING BOARD

OFFICE OF PLANNING AND DEVELOPMENT  
60 PLEASANT STREET • NEWBURYPORT, MA 01950  
TEL: 978-465-4400 • FAX: 978-465-4452

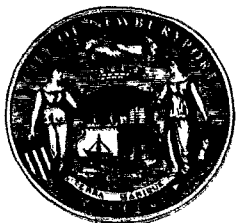
### Approval of a Definitive Subdivision Plan

Plan shall not constitute acceptance by the City of Newburyport of any street, sidewalk, or other municipal service within the subdivision.

11. As a condition of approval, in accordance with the Rules and Regulations of the Subdivision of Land in Newburyport Section 5.5. Following recording of the endorsed plan and the Board's written decision at the Essex South District Registry of Deeds or the Land Court by the applicant, the applicant shall provide the Board with four (4) complete sets of prints of the recorded plan, four copies of the recorded written decision and four copies of the recorded covenants and restrictions or other required documents.
12. Developer will take reasonable care not to disturb surrounding properties and property owners during construction. Construction work will be limited to the hours between 7 a.m. and 6 p.m., unless a specific waiver is requested. The Planning Board and the City Marshal shall approve such waiver.
13. As a condition of approval, in accordance with the Rules and Regulations of the Subdivision of Land in Newburyport Section 6.2.1. Developer will insure the protection of Natural Features with in the Subdivision.

This approval is further conditioned upon applicant's compliance with the following:

14. Requirements of the City of Newburyport Department of Public Service, Police and Fire Departments and Board of Health;
15. Approval by the City of Newburyport Conservation Commission;
16. Compliance with technical recommendations of Horsley Whitten Group letters of July 28, 2006, August 16, 2006, September 6, 2006 and September 29, 2006, as well as Planning Department comments dated October 10, 2006;
17. Compliance with §§C and D of the OSRD Special Permit dated February 15, 2006;
18. Review by the City Solicitor and approval of all deeds, affordable housing regulatory agreements, deed riders, easements, restrictions, homeowners association documentation,



# CITY OF NEWBURYPORT

PLANNING BOARD

OFFICE OF PLANNING AND DEVELOPMENT

60 PLEASANT STREET • NEWBURYPORT, MA 01950

TEL: 978-465-4400 • FAX: 978-465-4452

## Approval of a Definitive Subdivision Plan

including operation and maintenance plans for all rain gardens, infiltration systems, pervious driveway surfaces, swales and constructed wetlands areas. Any requirement by the City Solicitor not agreed to by the Applicant may be addressed by an Amendment to this approval.

19. Review by the City Solicitor and Essex County Greenbelt Association of the Conservation Restriction to be placed on the 35.9 acre portion of the site labeled 'remaining land', and approval of that Conservation Restriction.
20. Review and approval of final plans by Division of Fisheries & Wildlife/Natural Heritage & Endangered Species Program.
21. Certification of Title to 'remaining land' parcel, and an environmental assessment report satisfactory to City Solicitor.

The following waivers were granted in consideration of the scope of the project and as they are in the Public interest.

### Waivers

In accordance with M.G.L.'s 41 Section 81-R Waiver of Compliance – The following waivers are granted as such actions are in the public interest and not inconsistent with the intent and purpose of the subdivision control law.

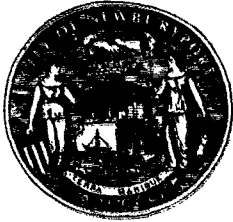
1. Waiver of requirements of the following Sections: 6.11.1 & 6.11.2

Requests were granted; however, waiver of 6.11.2 relative to the sizing of detention facilities, is subject to approval by the Newburyport Conservation Commission.

2. Waiver of requirements of Section 6.14.2

Request was granted.

3. Waiver of requirements of Section 6.8.3



CITY OF NEWBURYPORT  
PLANNING BOARD  
OFFICE OF PLANNING AND DEVELOPMENT  
60 PLEASANT STREET • NEWBURYPORT, MA 01950  
TEL: 978-465-4400 • FAX: 978-465-4452

Approval of a Definitive Subdivision Plan

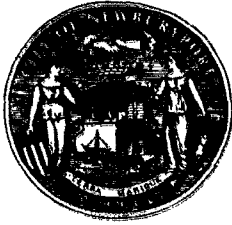
Request was granted.

4. Waiver of requirements of Section 6.8.3 Table 1C – Local Streets – Vertical Curve, Minimum Right of Way Width, Minimum Radius Centerline Curve

Requests were granted.

Requirements:

1. There will be no further subdivision of the property.
2. Owner (s) will be responsible for the maintenance of the storm water drainage system.



CITY OF NEWBURYPORT

PLANNING BOARD

OFFICE OF PLANNING AND DEVELOPMENT  
60 PLEASANT STREET • NEWBURYPORT, MA 01950

TEL: 978-465-4400 • FAX: 978-465-4450

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

OCT 20 A 10:41

Approval of a Definitive Subdivision Plan

*Douglas A. Locy*  
\_\_\_\_\_  
Douglas A. Locy, Chair  
Newburyport Planning Board

COMMONWEALTH OF MASSACHUSETTS

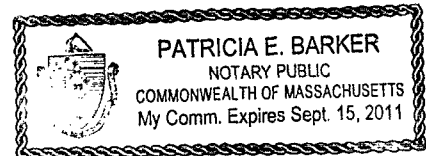
Essex, ss

October 20, 2006

Then personally appeared Douglas A. Locy, duly authorized Chair, of the Planning Board of the City of Newburyport and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.


*Patricia E. Barker*  
\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_



**City of Newburyport Planning Board  
Record of Proceedings and Decision for a Definitive Subdivision**

Certification of the City Clerk: I, Richard Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 41, Section 81BB, that the decision for the property known as **10 Russell Terrace Extension, Newburyport, MA 01950** was filed in the Office of the City Clerk on **October 20, 2006** and that (20) twenty days have elapsed after the decision was filed and NO APPEAL was filed.

  
\_\_\_\_\_  
Newburyport City Clerk

Date: 11/11/2006

Appeals shall be made pursuant to M.G.L. Chapter 41, Section 81BB and filed within (20) twenty days after the date of filing of this decision in the Office of the City Clerk.

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2006 NOV 10 A 10:25