

**TOWN OF BOXFORD
PLANNING BOARD**

June 7, 2011

Attorney Robert Lavoie
Devine Millimet & Branch
300 Brickstone Square
Andover, MA 01810

Re: Budnick Way, Boxford (a.k.a. Lauren Woods) Conditions for Release of Covenant on Lot 1

Dear Attny Lavoie,

The Boxford Planning Board has reviewed your letter of May 4, 2011 in which you set forth the history of the Budnick Way project and outline steps to resolve outstanding issues and bring the project to completion. Upon advice of Town Counsel, the Planning Board adopts the approach outlined in your letter, and hereby sets forth a listing of items that must be satisfactorily completed in order for the Board to release the Form F Covenant it holds on Lot 1.

1. A water tank, hydrant, and associated improvements must be installed as shown on sheets 4 and 12 of the (draft) Definitive Subdivision Plan dated 12/11/2000 or in an alternate manner approved by the Planning Board, the Boxford Department of Public Works, the Boxford Building Inspector, and the Boxford Fire Department.
2. The requirement for street lights shown on sheet 4 of the (draft) Definitive Subdivision Plan dated 12/11/2000 is waived by the Planning Board.
3. Property bounds shown on sheet 3 of the (draft) Definitive Subdivision Plan dated 12/11/2000 shall be installed.
4. Bituminous concrete top course pavement shall be laid on the road surface in accordance with details shown on sheet 10 of the (draft) Definitive Subdivision Plan dated 12/11/2000 and in the presence of the Town's designated inspector, to be determined, who will have authority to require minor modifications in the field to ensure satisfactory results.

5. Street trees shall be provided and planted in the unpaved portion of the road right-of-way, in accordance with Town Code 300-32 and as approved by the Boxford Tree Warden.
6. Vegetation immediately adjacent to the headwall at road station 1+20 (left) within BMP#2 shall be cleared to prevent impediments to stormwater flow into the basin.
7. The common driveway serving Lots 2 and 3 shall be 12-feet wide with 2-foot shoulders per the Special Permit issued by the Boxford Zoning Board December 5, 2001. The Boxford Zoning Code 196-29 does not apply to this driveway as approved, however any substantive deviations from the approved driveway shall require Planning Board approval under Zoning Code 196-29. The Planning Board notes that the existing common driveway is not currently located entirely within the easement as shown on the approved Definitive Subdivision plan. Whether the common driveway conforms to the Special Permit is a matter to be determined by Boxford's Code Enforcement Officer prior to issuing any building permits for Lots 2 and 3.
8. The partially constructed driveway serving Lot 1 currently traverses a corner of Lot 2, in violation of Zoning Code 196-13(B)(1). Boxford's Code Enforcement Officer shall determine if a proposed driveway serving Lot 1 is in conformance with the Zoning Code, including sections 196-13(B)(1) and 196-29, prior to issuing any building permits for Lot 1. Based upon the history of the project and current knowledge of site conditions, the Planning Board is unlikely to support a Variance request seeking to leave the existing driveway partially on Lot 2.
9. The rim elevation of leaching basin #2 shall be adjusted lower and shoulder area regraded to eliminate standing water in the vicinity, or alternative remedial measures shall be implemented as approved by the Town's designated inspector.
10. A drainage easement shall be provided to the Town for access and maintenance of catch basin #4 located at station 1+50.
11. Confirmation shall be provided to the Planning Board that all utility conduits and connections have been installed to service each lot, and that suitable easements for such utility conduits and connections have been provided to the Town and the respective utilities, and have been properly recorded.
12. Confirmation shall be provided to the Planning Board that all easements and manufacturers' warranties pertaining to the stormwater management system, fire tank, hydrant, and common driveways have been provided to the Town, and have been properly recorded, as appropriate.

The following tasks must be completed prior to consideration by the Planning Board of a recommendation for acceptance of Budnick Way at Town Meeting. When the Planning Board releases the Covenant for Lot 1, it may require the applicant to deposit sufficient funds with the Town to ensure the completion of these tasks.

13. Additional plantings in the stormwater detention facilities are not required by the Planning Board, although plantings may be required under separate Orders of Conditions issued by the Conservation Commission. Any invasive species established in the stormwater detention facilities shall be eradicated or controlled to

the satisfaction of the Planning Board prior to a recommendation for final acceptance of roadway.

14. Leaching basins and catch basins shall be cleaned.

Approval of this letter was duly moved and seconded at a public meeting of the Boxford Planning Board held June 1, 2011, and adopted by a 5 to 1 vote of the Planning Board.

Robert Gore, Chair *Robert Gore*

Ellen Nestervich, Clerk _____

Holly Langer *Holly Langer*

Steve Merriam *Steve Merriam*

Pat Canonica _____

Joe Hill *Joe Hill*

Angela Steadman _____

Acknowledgment


Essex County

Date:

On this 29 day of June 2011, before me, the undersigned notary public, personally appeared Robert Gore, Holly Langer, Steve Merriam, Joe Hill, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Ross M. Povenmire
Notary Public

2/24/2017
My Commission Expires

 **ROSS M. POVENMIRE**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 24, 2017