



# CITY OF SALEM PLANNING BOARD

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CITY CLERK, SALEM, MASS.

## Decision: Modification to a Form C Subdivision Decision

March 1, 2012

George W. Atkins III  
Ronan, Segal & Harrington  
59 Federal Street  
Salem, MA 01970

RE: Dell Street/Witch Hill Subdivision Re-phasing request

Dear Attorney Atkins:

The Salem Planning Board met on Thursday, February 2, 2012 to discuss the request of Ken Steadman to modify the phasing of the Dell Street/Witch Hill Subdivision ("the Subdivision"), as described in the attachment to your letter dated February 2, 2012 ("Witch Hill Itemization of Proposed Decision Amendments").

The Board decided by a vote of 6-0 (Tim Kavanagh, Tim Ready, Lewis Beilman, Mark George, Helen Sides, and George McCabe in favor, none opposed) to approve the request to re-phase the Subdivision with the following changes to the original decision dated January 20, 2005, as follows:

**Time For Completion.** Time for completion is hereby waived and extended and the Subdivision shall be completed in three (3) phases as follows:

- a. Phase I: Martin Lane is substantially completed except for lighting and sidewalks.
- b. Phase II: Nurse Way to Good Circle and Good Circle shall be completed on or before July 31, 2012.
- c. Phase III: Remainder of Subdivision shall be completed on or before July 31, 2013.

**Condition 10 - Open Space.** Documentation of recording of a Conservation Restriction and Easement is to be submitted to the Department of Planning and Community Development prior to the issuance of any Phase III building permit (this condition was previously required prior to issuance of any building permit).

**Condition 13 - Trails.** The trail system shall be laid out in the field for the review and approval of the City Planner prior to the issuance of any Phase III building permit (this condition was previously required prior to issuance of any building permit).

**Condition 19 - Signage.**

- a. Subject to approval by the City Council, the applicant shall install a stop sign at the intersection of Durkin Road and Mooney Road. The placement shall be reviewed and approved by the Salem Police Department and the Department of Planning and Community Development prior to the issuance of any Phase II certificate of occupancy. (This condition was previously required prior to issuance of any building permit.)
- b. Subject to approval by the City Council, the applicant shall install a stop sign and a stop line at the intersection of Highland Avenue and Mooney Road. The placement shall be

reviewed and approved by the Salem Police Department and the Department of Planning and Community Development prior to issuance of any Phase II certificate of occupancy. (This condition was previously required prior to issuance of any building permit.)

**Condition 20 - Lighting.** A final lighting plan for each phase shall be submitted to the City Planner and the City Electrician for review and approval prior to the issuance of any Certificates of Occupancy for homes within that phase (this condition was previously required prior to issuance of any certificate of occupancy). After installation of lighting within each phase, lighting shall be reviewed by the City Planner and the City Electrician, prior to the issuance of any certificate of occupancy for that phase (this condition was previously required prior to issuance of any certificate of occupancy).

**Condition 21 - Parks.**

b. The applicant shall provide documentation of the purchase of Lot 38 shown on the Subdivision Plan prior to the issuance of any Phase II certificate of occupancy (this condition was previously required prior to issuance of any building permit).

d. Conveyance and construction of the park referred to in Condition 21. d. is to be done prior to the issuance of any Phase II certificate of occupancy (this condition was previously required prior to issuance of any building permit).

**Condition 31 - Utilities.** The applicant has voluntarily agreed to contribute \$15,000.00 to the City of Salem for improvements to the sewer system. The contribution shall be submitted to the City of Salem prior to the issuance of any Phase II certificate of occupancy (this condition was previously required prior to issuance of any building permit).

All other conditions of the original decision dated January 20, 2005 remain in effect. The above amendments do not affect any lot or rights appurtenant thereto in the subdivision conveyed or mortgaged in good faith and for valuable consideration subsequent to the approval of the subdivision plan (no lots in the subdivision have been conveyed or mortgaged).

In conjunction with this re-phasing, the Board voted to release lots 211, 212, 213, 214 (Phase I of the subdivision) and to accept a new tri-party agreement in an amount of \$500,000 subject to the approval of the City Engineer.

On February 17, 2012, the City Engineer gave approval that \$500,000 would be adequate to complete the remaining construction on the subdivision.

I hereby certify that a copy of this decision and plans has been filed with the City Clerk and copies are on file with the Planning Board. The Special Permit shall not take effect until a copy of this decision bearing the certification of the City Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, is recorded in the Essex South Registry of Deeds and is indexed under the name of the owner of record is recorded on the owner's Certificate of Title. The owner or applicant, his successors or assigns, shall pay the fee for recording or registering.

Sincerely,



Timothy Ready

Vice Chair

Salem Planning Board