

**PLANNING BOARD  
CITY OF QUINCY  
MASSACHUSETTS  
RECORD AND DECISION  
113 Elm Street  
Planning Board Case #2015-48**

**LOCUS:** 113 Elm Street  
Quincy, MA 02169  
Assessors Map 2036, Plot 20.

**ZONING DISTRICT:** Residence B

**OWNERS:** Zou Zong Yu  
147 Brook Street  
Quincy, MA 02169

**APPLICANT:** Welby Builders, LLC  
Donald Gillespie, Manager  
353 Hatherly Road  
Scituate, MA 02066

**ATTORNEY:** Christopher Harrington, Esq.  
21 McGrath Highway, Suite 301  
Quincy, MA 02169

**ENGINEER:** Gregory Tansey, P.E.  
Ross Engineering Company, Inc.  
683 Main Street  
Norwell, MA 02061

**ARCHITECT:** Charles E. Bamberg.  
550 Adams St, Unit 231  
Quincy, MA 02169

2015 DEC 11 AM 10:33  
CITY CLERKS OFFICE  
QUINCY, MASS 02169

**DRAWINGS & REPORTS:** *(ALL INCORPORATED HEREIN BY REFERENCE)*

- A ten (10) page plan set, a two (2) page plan, and a one (1) page plan prepared by Ross Engineering Company, Inc., Professional Engineers - Land Surveyors, 683 Main Street, Norwell, MA 02061, dated as follows:

Sheet #/Plan Description	Plan Date	Recent Revision Date
1 of 10 Cover Sheet	October 7, 2015	12/7/2015

**SITE PLAN REVIEW APPROVAL**  
**113 Elm Street**  
**Planning Board Case #2015-48**

**DATE: December 9, 2015**

2 of 10	Existing Conditions Plan	October 7, 2015	12/8/2015
3 of 10	Drainage & Grading Plan	October 7, 2015	12/8/2015
4 of 10	Proposed Utility Plan	October 7, 2015	12/8/2015
5 of 10	Site Layout Plan	October 7, 2015	12/8/2015
6 of 10	Water & Sewer Details	October 7, 2015	12/8/2015
7 of 10	Drainage Details	October 7, 2015	12/8/2015
8 of 10	Site Details	October 7, 2015	12/8/2015
9 of 10	Erosion Control Plan	October 7, 2015	12/8/2015
10 of 10	Erosion Control Details Plan	October 7, 2015	12/8/2015
1 of 1	Site Distance Triangle & Fire Engine Turning Radius Plan	December 7, 2015	N/A

- A one (1) page plan prepared by ML Curadossi Landscape Design & 3D Imaging, Boston MA 02127, dated as follows:

<b>Sheet #/Plan Description</b>	<b>Plan Date</b>	<b>Recent Revision Date</b>
L1.0 Proposed Landscape Plan	July 28, 2015	11/3/15

- A seven (7) page plan prepared by Charles E. Bamberg, 550 Adams St, Unit 231 Quincy, MA 02169, dated as follows:

<b>Sheet #/Plan Description</b>	<b>Plan Date</b>	<b>Recent Revision Date</b>	
	Cover Sheet	August 10, 2015	N/A
A-0	Proposed Site & Landscape Plan	July 10, 2015	12/08/15
A-1	Proposed Garage/Ground Level Floor Plan	July 10, 2015	8/10/15
A-2	Proposed First Floor Plan	July 10, 2015	8/10/15
A-3	Proposed Second Floor Plan	July 10, 2015	8/10/15
A-5	Proposed Front of Buildings & Elm Street, West Exterior Elevations	July 10, 2015	8/10/15
A-6	Proposed Rear of Buildings & Elm Street, East Exterior Elevations	July 10, 2015	8/10/15

- A report entitled "113 Elm Street Stormwater Report" Prepared by Gregory Tansey, P.E. Ross Engineering Company, Inc., 683 Main Street, Norwell, MA 02061, dated October 7, 2015.
- A materials narrative entitled "Five Unit Townhouse Condominium Development" prepared by Charles E. Bamberg, 550 Adams St, Unit 231 Quincy, MA 02169, dated November 2015.
- An access and landscape easement agreement prepared by John P. Flavin & Edward P. Flavin, Flavin & Flavin Realty, LLC, 1085 Hancock Street, Quincy, MA 02169, dated December 8, 2015.

- A letter from Attorney Christopher Harrington to the Board of Trustees and Unit Owners, Elm Street Townhomes Condominium Trust, 115 Elm Street, Quincy, MA 02169 regarding an Agreement between Donald Gillespie, Manager of Welby Builders LLC and Elm Street Townhomes Condominium dated December 8, 2015. (Exhibit A)
- A "Post Construction Operation & Maintenance Plan" Prepared by Gregory Tansey, P.E., Ross Engineering Company, Inc, 683 Main Street, Norwell, MA 02061, dated October 7, 2015, with latest revision date of December 9, 2015. (Exhibit B)

**ACTION ON APPLICATION FOR SITE PLAN REVIEW: APPROVED WITH CONDITIONS**

**VOTE:** (Y) William Geary (Y) Richard Meade (Y) Glen Comiso (Y) Coleman Barry  
(Y) Sean Callaghan

**SITE PLAN APPROVAL FOR**  
**113 Elm Street**  
**Planning Board Case No. 2015-48**

In accordance with the provisions of Chapter 40A, Section 11 MGL, and Title 17 of the Quincy Municipal Code, the Quincy Planning Board held a public hearing on Wednesday, December 9, 2015 at 7:05 P.M. at 34 Coddington Street, 1st floor, Room 121, Quincy, MA, on the application of Welby Builders LLC, Donald Gillespie, Manager, 353 Hatherly Road, Scituate, MA 02066, for Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5.1 (Site Plan Review). The proposal is for the construction of a five (5) unit 3-story, residential townhouse development with private 2-car garages on the first floor and living space on the second and third floors. The applicant also proposes landscaping, drainage, and other site modifications. The property contains approximately 14,784± square feet and is located at 113 Elm Street. The land is within Residential B Zoning District and is shown on Assessors Map 2036, Plot 20.

A notice of public hearing on this application was advertised as follows, a true copy of which is on file in the office of the Planning Board:

- 1) Published in The Patriot Ledger, a newspaper of general circulation in the City of Quincy, on Wednesday November 25, 2015 and Wednesday December 2, 2015.
- 2) Posted at the City Clerk's office November 6, 2015.
- 3) Mailed November 11, 2015 to the petitioner, abutters, owners of the land directly opposite the property in question on any public or private street or way, abutters to abutter within 300 feet of the subject property.

## FINDINGS

After thorough analysis and deliberation, the Planning Board finds that the Applicants have complied with all pertinent provisions of the Quincy Zoning Ordinance Title 17, Section 9.5.1.1 and all other pertinent sections of the Quincy Zoning Ordinance subject to compliance with the conditions contained herein. Specifically, the Planning Board finds that:

The Applicant is seeking Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5.1.

The Applicant, Welby Builders LLC proposes to construct a new 3-story, five (5) unit residential townhouse development with private 2-car garages on the first floor and living space on the second and third floors. In addition to the 2-car garage spaces for each of the units, the Applicant will provide an additional five (5) on-site parking spaces for general use. The total of fifteen (15) parking spaces provided meets the requirements of 1.75 spaces per 1 dwelling unit plus .25 spaces for guest parking for multi-family projects in a Residence B zoning district.

After review by the City's Traffic Engineer it has been determined that the project will not create any additional traffic concerns and the access to the site is adequate and provides safe access and egress for vehicle and bicycle traffic and pedestrian flow.

The Applicant has committed to an extensive stormwater system upgrade for the site as well as landscape improvements.

The Planning Department engaged the independent engineering peer review services of FST/Stantec Consulting Services, Inc. FST/Stantec worked closely with the City and the Applicants' engineering team in its thorough review of the project. Planning Board peer review resulted in a series of revisions to the proposed site plans.

The Applicant has satisfactorily responded to the Peer Review and City Departmental comments.

The Applicant has provided adequately for utilities and stormwater drainage consistent with the functional requirements of the Quincy Stormwater Ordinance. The public utilities have been determined to be adequate to serve the needs of the additional residents of this project.

The project was reviewed by the City's Fire and Safety Officers and it has been determined that the project as proposed will provide adequate access to each structure for fire and service equipment.

After taking into account the characteristics of the site and of the proposal in relation to that site the Board has found that the proposed use or structure(s) shall not cause substantial detriment to the neighborhood or the City. Specifically the Board considered the Community needs served by the proposal. There is an identified need in the City of Quincy for adequate housing. The proposed Project as presented is consistent with the City of Quincy requirements for providing adequate access to the proposed structure for fire and service equipment and has provided adequate provisions for parking, utilities, and stormwater drainage consistent with the functional requirements of the Planning Board's Site Plan Review Rules and Regulation and the Quincy Stormwater Ordinance. The Project plans provide for proper environmental controls to prevent site erosion and other potential construction impacts to City systems, as well as providing appropriate landscaping as requested by the Department of Planning and Community Development.

## DECISION

Now, therefore, by unanimous vote, the Planning Board hereby approves the subject application for Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5.1 with authorization for the subject construction in accordance with the above referenced and approved plans, subject to the below listed Special and General Conditions.

## SPECIAL CONDITIONS

- 1) The Applicant has entered into certain agreements with the owners of the abutting property at 115 Elm Street the Elm Street Townhomes Condominium Trust. The Applicant shall adhere to these agreements as outlined in Exhibit A as attached to this decision and it shall be recorded at the Norfolk County Registry of Deeds as part of the Planning Board's decision.
- 2) The Applicant shall ensure that a final access, utility and landscape agreement be executed and recorded prior to the issuance of a building permit.
- 3) The Applicant shall provide a Construction Management Plan at least one month prior to start of construction to be approved by the City's Traffic Engineer, which shall include but isn't limited to the following:
  - A Truck Route that keeps vehicles out of the residential neighborhoods that shall be provided to all vendors for their use.
  - A Traffic Management plan for sidewalk closures, utility work/repair of trenches within the public right of way, and any other work that may impact the safe passage of vehicles and pedestrians.
  - A Street Sweeping schedule
  - The following notes shall be added:
    - "There shall be no equipment, personal vehicles or material left on the public ways (roadway or sidewalk) unless approved by the Department of Public Works."
    - "Utility companies shall obtain a street opening permit from the Department of Public Works Engineering Department and include with the permit for review a traffic management plan. This is required to do the work" Utility work shall be coordinated with the City's traffic engineer.
- 4) The Applicant shall be responsible for replacing any City signage that is removed during construction. Prior to the start of construction the Applicant shall provide a list of signage to be replaced which shall include pictures and a location map to the City Traffic Engineer.
- 5) The Applicant shall be required to submit plans stamped by a Massachusetts Structural Professional Engineer for the proposed retaining wall to the Inspectional Services Department as part of the Building Permit Application prior to the start of construction.
- 6) The Applicant shall adhere to any recommendation of the City's Tree Warden regarding removal or replacement of trees on the site.

- 7) The applicant shall submit documentation to the Health Department indicating that construction activities at 113 Elm Street will not result in rodent issues for abutters. The applicant shall develop a rodent control contingency plan prior to the commencement of construction activities on site which will include the name and contact information for an on-call pest control company.
- 8) The applicant shall commit to conformance with both local and state regulations regarding noise since this project is within a residential neighborhood and construction could create noise generating activities.
- 9) The Post Construction Operation and Maintenance Plan (Exhibit B) for the drywells and all related drainage structures and site maintenance which includes the ownership and responsible parties shall be recorded at the Norfolk County Registry of Deeds as part of the Planning Board decision.
- 10) The applicant shall submit to the Planning Board a copy of the recorded Condominium Association Agreement.
- 11) Upon completion of this project, the applicant shall submit to the Planning Board as-built plans showing all utilities, building footprints, reference bounds and benchmarks defining the total site, facilities and right of ways. Plans shall be submitted in a digital format acceptable to the Planning Department.
- 12) The hours for construction activities and delivery of materials will be as follows:
  - 7:00 am to 5:00 pm Monday thru Friday
  - 8:00 am to 4:00 pm Saturday.
  - All construction and deliveries shall be prohibited on Sunday unless a different schedule is approved by the Chief of Police.

### GENERAL CONDITIONS

1. **REQUIRED CERTIFICATION:** Prior to, or at the time of, submittal of the decision for endorsement, the applicant shall submit to the Planning Board a certification indicating, in effect, the following:

“I (We), \_\_\_\_\_ as representatives of/for Welby Builders LLC Hatherly Road, Scituate, MA 02066, on this date, \_\_\_\_\_ do hereby certify that I (We) have completely read and do fully understand all Special and General Conditions of Planning Board Decision, #2015-48, dated December 9, 2015, relative to the proposed alteration of 113 Elm Street, Quincy, MA. Furthermore, it is my (our) intention to comply fully, to the best of my (our) ability, with all aspects of the approved Site Plan and with all Special and General Conditions of the Decision.

\_\_\_\_\_  
Signature(s)

2. **RECORDING AT REGISTRY OF DEEDS:** Within sixty (60) days of the expiration of the twenty (20) day appeal period, the Applicant shall record the endorsed Decision at the Registry of Deeds. Evidence of such recording shall be submitted to the Planning Department and to the Building Commissioner prior to the initiation of any construction activities.
3. **NO DEVIATION FROM APPROVED PLAN:** There shall be no deviation from the approved Site Plan and Conditions of this Decision without prior written approval of the Planning Board or Planning Director. Minor changes to the Final Development Plans may be allowed subject to the review by the assigned Planning and Community Development Project Manager and the approval of the Planning Director. Substantial changes and/or plan revisions are subject to the review and approval of the Planning Board. In the event that the applicant anticipates that some deviation is either necessary or desirable, he (she) shall notify the Planning Director and Project Manager in writing requesting modification of the Plan or the Conditions. If the Planning Director determines that the requested modification is minor in nature, they may grant such request. If the Planning Director determines that the modification is not minor in nature, no such request may be granted until after a subsequent Public Hearing before the Planning Board is conducted for the purpose of fully discussing such modification. In any event, no such modification shall be undertaken until such time as the Board has approved the request in writing. Any modification or deviation shall be fully processed in accordance with this General Condition prior to the applicant initiating a request for Final or Conditional Site Plan Sign-Off. In the event that the applicant intends to seek a Conditional Site Plan Sign-Off, any paving or landscaping relief shall be completely processed in accordance with this General Condition prior to the applicant initiating a request for Conditional Site Plan Sign-Off.
4. **ZONING ORDINANCE COMPLIANCE:** No aspect of this Site Plan Approval/Special Permit decision or of any Condition of Approval shall be construed in such a manner so as to alleviate an owner, applicant, assign, or successor from full compliance with all pertinent provisions and requirements of the City of Quincy Zoning Ordinance.
5. **LANDSCAPING GENERAL:** Prior to the issuance of a Certificate of Occupancy for the subject expansion, all parking areas and landscaping shown on the Plan referenced above shall be completed.
6. **LANDSCAPE MAINTENANCE:** It shall be the responsibility of the owner(s) of the site to ensure that all vegetation and landscaping is maintained in a healthy condition and that any dead or dying materials be replaced at the earliest appropriate season. Any violation of this General Condition shall be considered a violation of this Site Plan Approval and of the City of Quincy Zoning Ordinance and may be treated accordingly.
7. **REVIEW BY OTHERS:** The applicant shall secure all requisite permits prior to commencing any work under this Site Plan. We specifically call your attention to the possibility of need for permits or other approvals from the Board of Health, Conservation

Commission, Quincy Historical Commission, Affordable Housing Trust Fund Committee and the Department of Inspectional Services. Additionally, regulatory agencies of the Commonwealth may have jurisdiction over this project. The applicant shall address any other outstanding issues raised in the interdepartmental review of the proposed project.

8. **PLAN MODIFICATION BY OTHERS:** Should a permit from any other entity include provisions which require a revision of the Plan, such revision shall be submitted to and approved by the Planning Board prior to the start of any construction activities in accordance with General Condition 3, above.
9. **OFF-SITE WORK:** All work done off-site shall be to the satisfaction of the appropriate owner or public body having jurisdiction. In the case of City streets, public ways, City lands and easements, the work shall conform to the requirements of the Quincy Department of Public Works and to the satisfaction of the Planning Board. In the case of State roads, the work shall conform to the requirements of the Massachusetts Highway Department.
10. **TIME LIMIT APPROVAL:** If substantial use of the site under this permit or construction of this project does not begin within two years of the date of filing of this decision with the City Clerk, then the granting of these Site Plan/Special Permits shall become null and void. A new application and approval shall be necessary to proceed with such construction if no extension is granted by the Planning Board.
11. **APPROVAL SCOPE:** This Special Permit/Site Plan Approval, and the obligations of the applicant set forth in the conditions hereto, shall run with the land comprising the site and shall inure to and be binding upon the applicant, its successors and assigns (including lessees and tenants).
12. **FINAL PLANS:** Upon completion of the project, the applicant shall furnish along with the digital file as-built plans showing all utilities, building footprints, reference bounds and benchmarks defining the total site, facilities and rights of way.
13. **APPROVED PLANS:** All construction shall be in accordance with the approved drawings and reports referenced above.
14. **WATER SERVICES AND INSTALLATIONS:** All water services and installations shall be in accordance with the requirements of the City of Quincy Department of Public Works.

The Board affirms that all provisions of Sections 9 & 11, Chapter 40A of the General Laws and Quincy Zoning Ordinance Title 17, Section 9.5 (Site Plan Review) were complied with as regards procedures.

The Decision shall not take effect until recorded in the Norfolk County Registry of Deeds and/or Land Court after certificate by the City Clerk, as required by MGL, Chapter 40A, Section 11. Appeals from this Decision, if any, shall be made pursuant to MGL, Chapter 40A, Section 17 and shall be filed within 20 days after the date of the filing of this Decision in the office of the City Clerk.



---

William Geary, Chairman



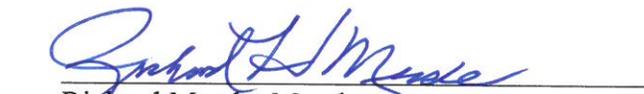
---

Coleman Barry, Member



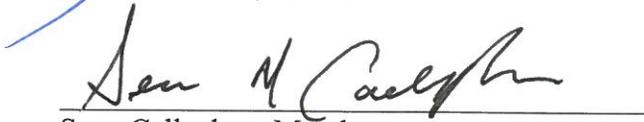
---

Glen Comiso, Member



---

Richard Meade, Member



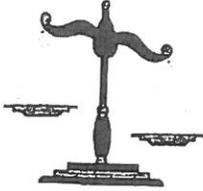
---

Sean Callaghan, Member

Date: December 9, 2015

NOTE: It is the responsibility of the petitioner to:

1. File a copy of this Decision with the Norfolk Registry of Deeds or Land Court after certification by the City Clerk that the 20-day statutory appeal period has elapsed.
2. File duplicate copies of the receipt from the Norfolk Registry of Deeds or Land Court with the Building Inspector and the Planning Department.



CHRISTOPHER HARRINGTON  
 ATTORNEY AT LAW  
 21 McGRATH HIGHWAY, SUITE 301  
 QUINCY, MASSACHUSETTS 02169

TEL: 617-272-5789  
 FAX: 617-801-8268  
 ch@harringtonlawoffice.net

December 8, 2015

Board of Trustees and Unit Owners  
 Elm Street Townhomes Condominium Trust  
 115 Elm Street  
 Quincy, MA 02169

Re: Agreement between  
 Donald Gillespie, Manager of Welby Builders LLC and  
 Elm Street Townhomes Condominium

Attn: Damon Avent

Dear Mr. Avent:

This letter is to confirm that Welby Builders LLC has agreed to perform and or pay for the following items relative to the proposed five-unit residential development at 113 Elm Street, Quincy, MA. The agreed item are organized using the previous correspondence of the parties. The agreed items are:

Items from Developer Proposal already agreed upon:

ITEM		COMMENT
1. 4 driveway/easement lights	Agreed	Lights shown on development plans
2. Cobblestone walkway	Agreed	Walkway shown on development plans
3. 3' landscape easement, from Elm St to entrance of 113 Elm St plus 2 trees on Flavin property	Agreed	Easement shown on development plans
4. Speed bump	Agreed	Speed bump shown on development plans
5. Mitigation payment of \$6,000 (one time)	Agreed	Payable after issuance of building permit
*5a. Boulder at end of easement	Agreed	Ornamental safety boulder shown on development plans

New Requests – Residents of 115 Elm Street request the following additions:

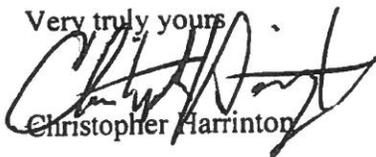
ITEM		COMMENT
1. Units identified by letters A-E	Agreed	

2. 30 day repair requirement for easement repairs	Agreed	Subject to unavoidable delays due to the weather or time of year (ex. Winter).
3. Funds in escrow for easement maintenance	Agreed	Developer has agreed to fund \$2,000 for an escrow or reserve fund for easement maintenance. Funded by Developer prior to occupancy. (Request was \$3,000).
4. Fencing	Agreed	Developer will supply at least 2 vinyl options for the residents of 115 Elm Street to choose.
5. Construction fencing	Agreed	
6. Repave drive and parking area at 115 Elm St	Not Agreed*	*Developer agrees to seal coat the pavement at 115 Elm St. (Request was new pavement.)
7. Match 2 front yard trees to existing front yard trees at 115 Elm.	Agreed	
8. Safety mirror	Agreed	Safety mirror shown on development plans
9. Speed limit signage	Agreed	Signage shown on development plans
10. Limitation on rental units	Agreed	Developer agrees to a minimum requirement in the condominium documents of 60% owner occupied units (3 units) and no more than 40% non-owner occupied units (2 units). (Request was 80%)
11. Meeting with Developer, 115 Elm Street residents and landscape contractor.	Agreed	
12. Construction schedule	Agreed	

Easement Maintenance: With respect to the 20' access easement and landscape easement, we have agreed to pay for maintenance, snow removal and insurance. These items will be included in the condominium documents for 113 Elm Street and in the condominium operating budget. Upon creation of the condominium trust for 113 Elm Street, we will create a written contract between the two condominium associations to memorialize the agreement on these items.

Limitation on Non-owner occupied units: We have agreed to include a limitation on non-owner occupied units in the condominium documents. We agree to meet with the Elm Street Townhomes Condominium to review these provisions prior to execution and recording of the condominium master deed and declaration of trust.

Very truly yours,



Christopher Harrington

Copy: Donald Gillespie, Manager, Welby Builders LLC  
Brad Croall, Ward Two City Councillor

Attachments: 2

### Items from Developer Proposal already agreed on

- 1- The four light posts will be located in the center of the 3 ft landscape easement spaced equally from Elm st to the Entrance of 113 Elm st at the proposed new fence opening at the top of the driveway. At least two decorative light post options will be offered for the 115 Elm st residents to decide upon.
- 2- 16 inches wide cobblestone pedestrian walkway would run parallel with the easement from the entrance of Elm st to the entrance of 113 Elm st at the proposed new fence opening at the top of the driveway. it runs along the 115 easement line that abuts the 115 side of the property so that it creates a way to attractively break up the wide swath of asphalt and also encourage cars not to drive close to the front of the 115 front doors for safety reasons.
- 3- The landscape easement is shown on the latest plan by Ross Engineering, which was also shown on the Architectural renderings by Charles Bamberg, which where the 11x17 hand outs at the last neighborhood meeting. The 3 foot landscape berm does run from Elm st past the entrance of 113 Elm St at the proposed new fence opening at the top of the driveway.  
  
Proposed fencing & landscaping will end at the sidewalk as shown on plan.  
  
It was confirmed with Ed Flavin that he would allow 2 trees to be planted between the front of his building and the sidewalk in the center of the proposed 3 ft landscape easement, so long as they do not overhang his building. The size of the new trees will be approximately 15 to 20 feet when planted.
- 4- The speed bump that is being proposed will be located at the entrance of the 113 Elm st at the proposed new fence opening at the top of the new driveway.  
So long as drivers adhere to the 10 mph speed limit we feel the thump / thump noise would be minimal.  
The proposed speed bump will run from the fence corner to the landscape mound. There will be no way to avoid or drive around it.
- 5- A one-time payment of \$6000 will be made to the 115 Elm st Condominium Association for snow removal and landscaping, upon issuance of all permits and approvals from the City of Quincy and State for the construction of 5 Proposed Townhouses at 113 Elm St Quincy. Snow removal during the construction year is included in this one-time payment.

Notes from Don Gillespie:

\*\* We will maintain the easement area for 113 Elm St snow and landscaping. Which will be the proposed 113 Elm st condominium responsibility forever if approved. This will be in all condo documents and recorded at the registry.

(3 pages)

AH. 1

**\*\*All Maintenance and liability agreements will be contracts in writing with the 113 Elm st Condominium Association and made available for review by any abutters.**

**\*\*We will install a boulder at the end of the landscape easement close to the sidewalk for safety reasons.**

### **New Requests – Residents of 115 Elm request the following additions**

1. 113 Elm St. addresses include letters instead of numbers for the each unit to reduce mistakes in mail delivery. For example 113 Elm St Unit A, B, C, etc. in contrast to our current 115 Elm Unit 1, 2, etc.
2. For the maintenance of easement features (light posts, speed bump, signage, pedestrian walk, potholes, etc.) there should be a 30 day requirement for repair work written into the 113 Condo documents for reasons of safety and the general upkeep of the of the property to avoid negative impact on property values.
3. An escrow account should be opened in the event that the trustees of 113 Elm St. fail to comply with the easement maintenance schedule specified in their condo documentation. This escrow account would be accessed by 115 Elm St. to make the repairs ourselves once the 30 day repair requirement has been exceeded. The escrow account must maintain a limit of \$3000, for which quarterly statements would be provided to the treasurer of 115 Elm St for confirmation. This escrow account would be seeded in full from the outset of the development.
4. 115 residents would like to review some choices of the new fencing being proposed to confirm that there is enough coverage for privacy and look nice aesthetically.
5. During construction, gate off a path for the construction vehicles.
6. Repave drive and parking area for 115 Elm St at the time when the new easement to 113 Elm is being paved, so that there is a uniform look to the entire area. The pedestrian walkway should be the only non-uniform paving feature.
7. If there is an option for tree planting, we would request that the 2 trees toward the front of the easement closest to Elm St. match the 2 trees that are already on the 115 Elm St. property in the green space at the front of the complex between the mailbox and the street.

8. A safety mirror should be installed at the entry point to 113 on the side closest to Ed Flavin's property so that cars entering the easement from 113 can easily be seen before they pass the fencing. And cars backing out of 115 Elm Unit #6 would be seen by 113 Elm drivers and pedestrians as well.
9. 5 mile per hour posted signage along easement (instead of 10 mph).
10. **The number of 115 Elm Street residents in support of 5 units would like a strong focus on owner occupation.** It has been put forth by the developer that we don't want a three- or four-family renter occupied set of units back there (and we agree), but who is to say that those 5 units won't eventually all be renter occupied? There should be a stipulation of 80% owner occupation in the bylaws of 113 Elm St.
11. 115 residents would like to consult with the landscape architect.
12. Upon zoning/planning board approval, once construction moves forward, please provide a regular construction schedule

Hello Damon,

We have reviewed the additional requests made by the neighbors. This is what we feel we can do in addition to the previous agreed upon items.

1. We agree to letter units A ---E at 113 Elm St.
2. We agree to include the 30 day repair requirement for the Easement area with the understanding that certain repairs or maintenance might be delayed by weather conditions or the time of year. For example having to wait until spring.
3. We will fund an escrow account for the maintenance of the Easement area in the amount of \$2000 for 113 Elm St. easement area. Paid by the developer prior to Occupancy of 113 Elm St. to be used if the 30 day repair requirement is not met.
4. We agree to allow 115 Elm St. residents to choose fence options abutting their property. Developer will supply at least 2 vinyl options for the residents to choose from.
5. Developer will provide temporary construction fencing along easement area.
6. We inspected the existing paving area at 115 Elm St. with our paving contractor. Approximately 4,700 SF of asphalt which is in good condition. We agree to seal coat that area to the proposed cobblestone easement strip. We cannot agree to regrade and repave that entire area in addition to all the other improvements and financial concessions we are making.
7. We agree with this request and will set up a meeting with 115 Elm St. residents and the landscape architect.
8. We agree to supply and install a safety mirror.
9. We agree to supply and install a 5 MPH signage.
10. We are willing to adopt a minimum requirement of 51% owner occupied units. This would result in no more than 2 units being occupied by renters at one time. An absolute prohibition against rentals is unwise and is not recommended because changing circumstances (such as job transfer, poor real estate market or poor mortgage market) may compel a unit owner to rent.

In addition, the condominium documents, bylaws and rules and regulation will apply to owners, tenants and guests alike. The bylaws and rules and regulations will control the allowed uses of the property and the conduct of the residents.

Massachusetts Continuing Legal Education publishes a handbook of Massachusetts Condominium Law and contains bylaw provisions written to reduce tenant problems. These best practices will be incorporated into the condominium documents for 113 Elm St. This, combined with the 2 unit maximum will be sufficient to prevent and address tenant issues.

(2 pages)  
A.H. J

11. We will set a meeting with the Developer, Landscape Architect and 115 Elm St. residents.
12. We will provide a construction schedule for the project.

Thank you,

Don Gillespie

Welby Builders LLC

## 8.0 Post Construction O

### peration and Maintenance Plan

The owners of the stormwater management system shall be the Condominium Association at 113 Elm Street in Quincy, MA (Association). A transfer in ownership of any condominium unit shall not constitute a transfer in ownership of the stormwater management system. The record owners of the condominium units shall be a part of the Condominium Association at 113 Elm Street in Quincy, MA and shall fund the operation and maintenance obligations described in this plan.

#### OPERATION:

Stormwater will discharge to a stormwater treatment unit (STU) via a catchbasin grate. Stormwater will then discharge from the STU via a 12" concrete pipe into a subsurface galley chamber recharge system and be disposed of via infiltration.

#### MAINTENANCE:

1. The Owners shall hire a qualified professional to perform the inspectional requirements prescribed in this Operations and Maintenance Plan, said professional referred to hereafter as the "Inspector". The minimum qualifications of the Inspector are as follows: The Inspector must be a Professional Engineer Licensed in the Commonwealth of Massachusetts and have at least 10 years of experience in the design of stormwater management systems and conducting inspectional services.
2. Inlet Grate to the Stormwater Treatment Unit (STU):
  - A. Inlet grates to STU be inspected quarterly and following heavy rainfalls, a heavy rainfall being defined as a storm event exceeding one inch of rainfall within a twenty-four hour period, to verify that the inlet openings are not clogged by debris. Debris shall be removed from the grates and disposed of properly off site.
  - B. If conditions are encountered or observed that require heavy or specialized equipment to restore the Inlet Grate, the Inspector shall so note and record names of contractor(s) and types of equipment used in his report and make recommendations to the Association to resolve the issue in timely manner.
3. Stormwater Treatment Unit  
The Inspector shall inspect the Stormwater Treatment Unit on a quarterly basis for accumulations of sediments and hydro carbons. Said accumulations shall be logged and noted in the inspectors report. If any accumulations are encountered in any unit, the inspector shall inform the Owner(s) and make immediate arrangements to have the said pollutants removed using specifically designed absorbent materials or other standard practices for hydrocarbon removal and to ensure that said pollutants are legally disposed of. The STU's shall be serviced by a contractor certified by the stormwater treatment unit. The inspector or a representative for the STU vender may conduct routine maintenance on the unit as prescribed in the maintenance manual located further on in this section of the report.
4. Galley Unit Recharge System:  
The Inspector shall visually inspect the interior of the Galley chambers that have covers to grade. The Inspector shall make note of any silt or debris accumulations or standing water conditions. If silt accumulations having a depth of 9" or more, then the Inspector shall prescribe the silt or debris to be removed with a vacuum truck. Should prolonged standing water be observed in the

galley systems, inspector shall initiate protocols to ascertain the cause and remedy pertaining to this condition. All maintenance associated with the precast galley chambers shall adhere to the manufacturer's recommendations.

5. Parking Lot Pavement Maintenance:

Vacuum sweepers shall sweep paved areas periodically during dry weather to reduce the amount of sediment that the drainage system shall have to remove from the runoff. The sweeping should be conducted on a semiannual basis before April 30th and after November 15th. Salt used for de-icing on the parking lot during winter months should be limited as much as possible as this will reduce the need for removal and treatment. Sand containing the minimum amount of calcium chloride (or approved equivalent) needed for handling may be applied as part of the routine winter maintenance activities.

6. Pesticides, Herbicides and Fertilizers:

Pesticides and herbicides shall be used in accordance with the prescribed concentrations. In addition, fertilizers that are used should be restricted to the use of organic fertilizers only.

7. Roof Gutters:

Roof gutters shall be inspected and cleared of any debris in the late fall after the trees have shed their leaves. Downspouts and splash pads shall also be inspected, flushed or otherwise cleared of any debris. Roof gutter maintenances will serve to maintain intended drainage patterns and can prevent potentially harmful ice dams from forming at roof soffits.

8. Lawn and Landscape Care:

A well maintained lawn can offer significant aesthetic value to the owner's business and community as well providing environmental benefits. Such benefits include recharge, erosion control, and temperature moderation. The lawn areas shall be maintained per the standard landscape and lawn care protocols commonly performed for green areas. All lawn clipping shall be disposed of properly. Yard waste shall not be disposed of in any resource area.

9. Snow Management and Level Spreader Care:

The storage of all deicing agents shall be stored in water tight containers having a lid that secures to the container making a watertight seal and will not open under the impact force associated with the container being knocked over to achieve spill prevention control. De-icing containers are to be stored in quantities necessary to meet the need only and are to be stored in enclosed areas safe from damage.

Deicing agents should be applied in concentrations necessary to ensure safe vehicular and pedestrian access to the units. Dispersion of deicing agents should be performed with the proper equipment required for the amount to pavement.

Most Associations have control over their immediate parking spaces. Proper and adequate clearing and removal of snow will reduce the use of deicing agents. Snow should be removed with shovels and plows to the greatest extent practicable. At a minimum, the entire paved area should be cleared of snow prior to the application of deicing agents.

Since this project proposes pavement, deicing agents and sanding should be used wisely. Alternative de-icing should be considered to preserve plantings of the rainwater garden. One such alternative that could be employed is to remove snow with a shovel or by plowing such that any snow melt will occur as far away from the rainwater garden as possible. A light

application of deicing agents between snowfall events will safely suffice saving the Association Members time and effort and benefiting the environment as well.

Whenever possible snow removal should be stored or piled in suitable areas having the following parameters:

- Snow storage areas should not result in a snow melt discharge on to areas of pavement generating a residual need for more applications of deicing agents.
- Snow storage areas should not be located at intersections so as to produce hazardous blind drives or reduce sight distances.
- Snow storage areas should not be located in detention basins or in areas that could cause damage other BMP Structures particularly those that rely upon various forms of vegetation to provide stormwater treatment.
- Deicing agents should be mixed with sand to reduce the amount of chemicals such as salt. Environmentally sensitive areas may warrant the exclusive use of sand as a deicing agent to prevent other deicing chemicals from contaminating wells or destroying vegetation.

The level spreader shall be raked free of leaves and debris in the early spring and late fall. The 2" pea stone layer at grade shall be restored to a thick layer if depleted or be replaced in its entirety if clogged.

10. Reporting

All post construction maintenance activities will be documented and kept on file by the Association. The Inspector shall submit all inspection reports to the owner(s) within 30 days. Structural BMP's as identified on the site plans located within the parking lot will be owned and maintained by the facility owners until such time of a transfer in ownership occurs. All BMP's located within site shall be owned and maintained by the owner(s).

## Estimated Annual Maintenance Budget

BMP STRUCTURE	EST. AVG. ANNUAL MAINTENANCE COST
Inspectional services	\$2000.00
Street Sweeping	\$300.00
Plowing	\$3000.00
Stormwater Treatment Unit	\$300.00
Landscaping	\$1000.00
Roof Gutters	\$ 100.00
Level Spreader	\$ 100.00
<b>Total</b>	<b>\$6800.00</b>

Field Log for Inspections

Condominium Building at 113 Elm Street, MA

Date: \_\_\_\_\_

Inspector: \_\_\_\_\_

Component	Functioning Properly	Debris removal required	Maintenance Needed	Comments
Catchbasins	Depth of Silt	Oil	Any Obstruct	Grates
STU				
Roof Gutters				
Landscaping				
RECHARGE System				
Level Spreader				
PARKING LOT				