DATE: January 27, 2016

PLANNING BOARD
CITY OF QUINCY
MASSACHUSETTS
RECORD AND DECISION
65 Cleverly Court Modification
Planning Board Case #2015-38 Modification

LOCUS: 65 Cleverly Court
Quincy, MA 02169
Assessors Map 2068, Lot 4, Lot 5

ZONING DISTRICT: Business B

OWNERS: 65 Cleverly Court LLC,
Michael K. Grehan, Manager
65 Reservoir Road
Quincy, MA 02170

2016 FEB 23 AM 11:04
CITY CLERKS OFFICE
QUINCY, MASS 02169

APPLICANT: 65 Cleverly Court LLC,
Michael K. Grehan, Manager
65 Reservoir Road
Quincy, MA 02170

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

ENGINEER: Civil Environmental Consultants, LLC
8 Oak Street
Peabody, MA 01960

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

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

- Civil Engineering Plans prepared by Civil Environmental Consultants, LLC, 8 Oak Street Peabody, MA 01960

Sheet #/Plan Description		Plan Date	Recent Revision Date
1 of 3	Existing Conditions Plan	February 23, 2015	11-30-2015
2 of 3	Proposed Site Plan	February 23, 2015	11-30-2015
3 of 3	Detail Sheet	February 23, 2015	11-30-2015

- Architectural Plans prepared by Charles E. Bamberg, 550 Adams Street, Unit 231, Quincy, MA, 02169, dated November 21, 2015.

Sheet #/Plan Description		Plan Date	Recent Revision Date
	Cover Sheet	November 21, 2015	
A-1	Proposed Site & Landscape Plan	November 21, 2015	
A-2	Proposed Garage/Ground Level & First Floor Plans	November 21, 2015	
A-3	Proposed Second Floor Plan		
A-5	Proposed South & West Exterior Elevations	November 21, 2015	
A-6	Proposed North & East Exterior Elevations	November 21, 2015	

ACTION ON APPLICATION FOR SPECIAL PERMIT/SITE PLAN REVIEW: APPROVED WITH CONDITIONS

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

ACTION ON APPLICATION FOR SPECIAL PERMIT: APPROVED WITH CONDITIONS

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

SITE PLAN/ SPECIAL PERMIT MODIFICATION APPROVAL FOR
65 Cleverly Court
Planning Board Case #2015-38

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, January 13, 2016 at 7:00 P.M. in the Thomas Crane Library, 40 Washington Street, Ground Floor Community Meeting Room, Quincy, Massachusetts 02169 on the application of 65 Cleverly Court LLC, Michael C. Grehan, Manager, 64 Reservoir Road, Quincy, MA 02170 for modifications to the previously approved Planning Board Site Plan/Special Permit #2015-38. The proposal is to reduce the number of residential townhouse units previously approved from an eight (8) unit, 3 story residential building to a five (5) unit, 3 story residential townhouse building with modifications to the previously approved parking, landscaping, drainage and other site developments. The property contains 11,244 square feet of land and is located at 65 Cleverly Court. The land is within the Business B Zoning District and is shown on Assessors Map 2068, Lot 4.

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, December 30, 2015 and Wednesday, January 6, 2016.

2) Posted at the City Clerk's office December 28, 2015.
3) Mailed December 28, 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 9.4 (Special Permit), 9.5.1 (Site Plan Approval) 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 Planning Board approved a Site Plan on September 9, 2015 for an 8 unit residential townhouse development on this site. The project was also submitted to the Board of Appeal for a special permit, dimensional variances and a finding. The Board of Appeal was not in favor of the project and did not grant the requested relief.

The Applicant then revised the project and submitted a revised plan to the ZBA showing 5 units on the land at 65Cleverly Court only with no additional land from 57R Cleverly Court. The Board of Appeals granted the variances and desired relief for the 5 unit project.

The Applicant's Attorney submitted a revised set of plans to the Planning Board seeking a modification to the previously approved Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5.1 to reduce the number of residential townhouse units previously approved from an eight (8) unit, 3 story residential building to a five (5) unit, 3 story residential townhouse building. The property contains 11,244 square feet of land and is located at 65 Cleverly Court. The land is within the Business B Zoning District and is shown on Assessors Map 2068, Lot 4..

The Planning Department engaged the independent engineering peer review services of H. W. Moore Associates, Inc. H. W. Moore worked closely with the City Departments and the Applicants' engineering team in its thorough review of the project. Planning Board peer review resulted in slight revisions to the plan and all outstanding issues were adequately addressed by the Applicant.

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 utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Special Permit &/or Site Plan Review Rules and Regulations and 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 modification has also resulted in adequate parking for the residents and guests.

DECISION

Now, therefore, by unanimous vote, the Planning Board hereby approves the subject application for a modification to Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5,

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. There shall be no deviation from the approved architectural design development plans including materials, colors and textures without prior written approval of the Planning Board.
2. The Applicant shall submit a detailed cost estimate prior to obtaining a building permit in order to accurately determine the applicable permit fees.
3. The Applicant shall be required to obtain any necessary variances from the Zoning Board of Appeals.
4. The Applicant shall adhere to the requirements of the City's Tree Ordinance.
5. The Applicant shall submit a Construction Management Plan that will include truck routes approved by the City's Traffic Engineer to the Building Department prior to obtaining a building permit.
6. Prior to obtaining a building permit, the Applicant is required to submit details for the retaining walls stamped by a Massachusetts Structural Professional Engineer for review to the Planning Department and the Building Department.
7. It is crucial that any activities proposed for this development not cause rodent problems for abutters. Prior to obtaining Demolition or Building Permits the Applicant must submit a rodent control plan to the Department of Health for review and approval.
8. Any current or future owners of the property shall be required to submit a copy of the completed Stormwater Management System Inspection Forms annually to the City of Quincy Department of Public Works in order to document compliance with the approved Stormwater Management System Operation & Maintenance Plan.
9. The Applicant shall submit a signed Illicit Discharge Compliance Statement prior to the discharge of any stormwater to post-construction BMP's.
10. Prior to any Building Permits being issues the Applicant will perform a water flow test with the City's Water Department.
11. Upon completion of the project, the Applicant shall furnish to the Planning Department and City Engineer the digital file as-built plans showing all utilities, building footprints, reference bounds and benchmarks defining the total site, facilities and rights of way.
12. The Applicant shall obtain approval of the sewer connection from the Public Work Department prior to applying for a Building Permit.

13. The Applicant shall develop a dust control plan to be implemented during any site activities to ensure compliance with state air quality regulations.

14. 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.

15. The Applicant shall submit a pre-renovation survey to the Health Department for any potential asbestos containing materials to be conducted by a licensed DLI-certified inspector. If ACM is present it must be removed by a licensed contractor and a post abatement inspection must be performed by DLI certified project monitor.

16. The hours for construction actives and delivery of materials will be as follows:

- 7:00am to 5:00pm Monday thru Friday.
- 8:00am to 4:00pm Saturday.
- All construction and deliveries shall be prohibited on Sunday unless approval is obtained from 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 65 Cleverly Court LLC, 65 Reservoir Road, Quincy, MA 02170 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, #2015-38 Modification, dated January 27, 2016, relative to the proposed alteration of 65 Cleverly Court, 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 any 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 Site or Development Plans may be allowed subject to the review by 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, the Planning Director 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 conducted for the purpose of fully discussing such modification. 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 Health Department, 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. **SITE PLAN SIGN-OFF REQUIRED** No Occupancy Permit shall be issued for the proposed expansion until the Planning Director certifies to the Building Inspector in writing that all site work indicated on the above referenced plans has been substantially completed in accordance with said plans, this decision, and all applicable Zoning Ordinances and Planning Board Rules and Regulations.

    a. Inasmuch as the asphalt plants cease operations and trees or shrubs may not be successfully transplanted during the winter months, it is incumbent upon the Applicant to carefully schedule the work of the Site Plan to completion prior to the onset of cold weather. If for documentable reasons, beyond the Applicant's control (e.g. water use ban, bankruptcy of the contractor, etc.) the work of the Site Plan will not be completed prior to winter, the Planning Director will conduct a Conditional Final Inspection. The Planning Director and Planning Board may require a Performance Guarantee or evidence, in the form of executed and prepaid contacts, that the otherwise undone and undoable work will be completed, at the earliest possible date. If this procedure is deemed necessary and unavoidable, the Planning Director will recommend to the Building Inspector that any Temporary Certificate of Occupancy he may issue be limited to a minimal period of time (in no case should this exceed 200 days) and tied to the completion of the Site Plan.

    b. The Board reserves the right to treat as violations of the Quincy Zoning Ordinance Section 9.5 any uncompleted work which remains undone at the termination of the Temporary Certificate of Occupancy.

14. All construction shall be in accordance with the approved drawings and reports referenced above.

15. All water services and installations shall be in accordance with the requirements of the City of Quincy Department of Public Works.

SITE PLAN/SPECIAL PERMIT APPROVAL **DATE: January 27, 2016**
65 Cleverly Court Modification
Planning Board Case #2015-38 Modification

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.

Coleman Barry, Member

Glen Comiso, Member

Richard Meade, Member

Sean Callaghan, Member

Date: February 10, 2016

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.