

**PLANNING BOARD
CITY OF QUINCY
MASSACHUSETTS
RECORD AND DECISION
65 Cleverly Court and 57 Rear Cleverly Court
Planning Board Case #2015-38**

LOCUS: 65 and 57 Rear 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

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	7-15-2015
2 of 3 Proposed Site Plan	February 23, 2015	7-15-2015
3 of 3 Detail Sheet	February 23, 2015	7-15-2015

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CITY CLERKS OFFICE
QUINCY, MASS 02169

- Architectural Plans prepared by Charles E. Bamberg, 550 Adams Street, Unit 231, Quincy, MA, 02169, dated March 31, 2015.

Sheet #/Plan Description	Plan Date	Recent Revision Date
A-6 Proposed West & South Exterior Elevations	February 21, 2015	3-3-2015

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

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

**ACTION ON APPLICATION FOR SPECIAL PERMIT: APPROVED WITH
CONDITIONS**

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

**NOTICE OF PUBLIC HEARING
57 Rear and 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 will hold a public hearing on **Wednesday, May 13, 2015 at 7:20 P.M.** in the City Council Chambers, 2nd Floor, Quincy City Hall Annex, 1305 Hancock Street, Quincy, MA, on the application of 65 Cleverly Court LLC, Michael C. Grehan, Manager, 64 Reservoir Road, Quincy, MA 02170 for Special Permit under Quincy Zoning Ordinance Title 17, Section 9.4 (Site Plan Approval) and Section 5.1.17 (Parking Waivers). The proposal is to construct a new eight (8) unit, 3 story residential building of approximately 11,552 square feet. The applicant also proposes parking, landscaping, drainage and other site modifications. The property contains 16,779 square feet of land and is located at **57 Rear and 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, April 29, 2015 and Wednesday, May 6, 2015.
- 2) Posted at the City Clerk's office April 23, 2015.
- 3) Mailed April 23, 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 Special Permit under Section 5.1.17 (parking waiver) and all other pertinent sections of the Quincy Zoning Ordinance subject to compliance with the conditions contained herein. Specifically, the Planning Board finds that:

Applicant is seeking Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5.1 and Special Permit under Section 5.1.17 (parking waiver) to construct a new eight (8) unit, 3 story residential building of approximately 11,552 square feet. The property contains 16,779 square feet of land and is located at 65 and 57 Rear Cleverly Court. The land is within the Business B Zoning District and is shown on Assessors Map 2068, Lot 4. The project site is also partially located within the Flood Plain Overlay district.

The project will require variances from the Zoning Board of Appeals for setbacks. The project will also require that a Form A (ANR) plan be submitted for endorsement to the Planning Board prior to building permits being issued.

The Planning Department engaged the independent engineering peer review services of H. W. Moore Associates, Inc. H. W. Moore worked closely with the City and the Applicants' engineering team in its thorough review of the project. Planning Board peer review resulted in revisions to the proposed site plans. H. W. Moore Associates, Inc., assisted the City of Quincy in its review of the 57 Rear and 65 Cleverly Court project and issued a peer review report on May 8, 2015. Also, the following City of Quincy Departments issues comments for the record: Department of Public Health, Department of Public Works, and Fire Department. Recommendations and conditions are predicated on comments furnished by the City's interdepartmental review and peer review.

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

Based on the City of Quincy interdepartmental review and the outside peer reviewer and after taking into account the characteristics of the site and of the proposal in relation to that site, the Board holds that in accordance with the City of Quincy's Zoning Ordinance Section 9.4.2 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 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.

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 9.4 Special Permit, Section 9.5.1 Site Plan Review and Special Permit under Section 5.1.17 (parking waiver), 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

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.

1. The Applicant shall submit a detailed cost estimate prior to obtaining a building permit in order to accurately determine the applicable permit fees.
2. The Applicant shall be required to obtain the necessary variances from the Zoning Board of Appeals.
3. The Applicant shall obtain either an Order of Conditions or a Negative Determination from the Conservation Commission for work within the Flood Plain.
4. The Applicant shall obtain approval from the Zoning Board of Appeals for work within the flood plain.
5. The Applicant shall adhere to the requirements of the City's Tree Ordinance.
6. 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.
7. 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.
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. The Applicant shall adhere to all comments for the Health Department review letter February 12, 2015 (Drainage, Rodent Control, Swimming Pool, Environmental Control, State Sanitary Code, Demolition and Water Feature).

12. 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.
13. 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 same are approved by the Chief of Police
14. The Applicant shall obtain approval of the sewer connection from the Public Works Department prior to applying for a Building Permit.
15. The Applicant shall develop a dust control plan to be implemented during any site activities to ensure compliance with state air quality regulations.
16. 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.
17. 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.

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, dated September 9, 2015, relative to the proposed alteration of 57R-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.

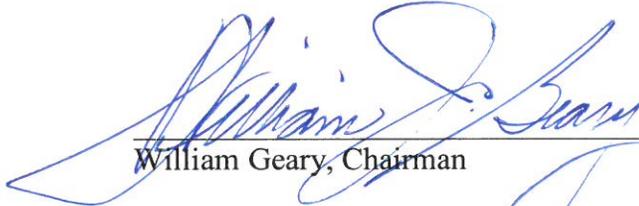
3. **NO DEVIATION FROM APPROVED PLAN:** There shall be no deviation from the approved Site Plan and Conditions of this Decision without prior written approval of the Planning Board or Planning Director. Minor changes to the Final Site or Development Plans may be allowed subject to the review by and the 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 contracts, 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.

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) and Section 5.1.17 (Special Permit) 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



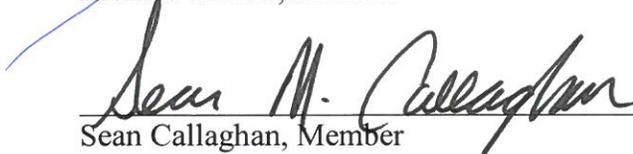
Coleman Barry, Member



Glen Comiso, Member



Richard Meade, Member



Sean Callaghan, Member

Date: September 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.