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Definitive Subdivision Approval  
227 Pleasant Street  
HP Homes, LLC, Applicant  
Kyle Harnish, Resident Agent

Approval of Subdivision.

Upon Application from HP Homes, LLC ("Applicant") signed by Marion McEttrick as agent, the Town of Milton Planning Board hereby approves a definitive subdivision for a private road and five building lots (Lots 1-5) on a parcel of land which contains 69,968 square feet, more or less, and which is numbered 227 Pleasant Street, Milton, Massachusetts (the "Premises"), subject to: (1) all designs, specifications, terms, conditions and restrictions on the hereinafter described definitive subdivision plan; and (2) the terms, conditions, covenants, obligations and restrictions in the "Declaration of Trust, including Easements, Covenants and Restrictions for the Pine Gardens Subdivision" to be recorded in final form at the Registry of Deeds after review and approval by Town Counsel and prior to the sale of the first lot in the subdivision.

The Definitive Subdivision Plan

The definitive subdivision plan consists of 11 sheets prepared by DeCelle-Burke-Sala & Associates for "Pine Gardens Development Proposed Definitive Subdivision 227 Pleasant Street Milton, Massachusetts" (the "Subdivision Plan") dated August 6, 2020, as revised:

- Sheet 1 entitled "Cover Sheet," revised and signed by the surveyor 9/30/2020
- Sheet 2 entitled "Existing Conditions," revised 9/30/2020
- Sheet 3 entitled "Construction Management," revised 9/30/2020
- Sheet 4 entitled "Definitive Subdivision Plan," revised 9/30/2020
- Sheet 5 entitled "Site Layout Plan," revised 9/30/2020
- Sheet 6 entitled "Site Grading Plan," revised 9/30/2020
- Sheet 7 entitled "Utility Plan," revised 9/30/2020
- Sheet 8 entitled "Road Profile Plan," revised 9/30/2020
- Sheet 9 entitled "Construction Details," revised 9/30/2020
- Sheet 10 entitled "Construction Details," revised 9/30/2020
- Sheet 11 entitled "Proposed Retaining Wall Profile," revised 9/30/2020

The Subdivision Plan shall be recorded with the Registry of Deeds after the relevant appeal period has passed. The subdivision shall be constructed in all respects as shown on the Subdivision Plan including all notations thereon provided that provisions for drainage shall be subject to the final approval of the Town's Department of Public Works ("DPW") and any changes thereafter required in the drainage provisions or design by the DPW shall be reflected on the pertinent sheet or sheets.

The Homeowners Association Trust

The Homeowners Trust shall be executed in final form by the owner, HP Homes, a Massachusetts limited liability company, or its successors and assigns, in which title to the property is vested at the time said Trust is executed and recorded; recording shall take place prior to sale of the first lot in the development. The lot owners shall have the rights and obligations set out in the Homeowners Association Trust. Enforcement shall be as provided therein.

#### The Construction Management Plan

A construction management plan, titled "Construction Management Plan for Pine Gardens Development 227 Pleasant Street" and dated October 8, 2020 (the "Construction Management Plan"), is attached to this decision as Attachment A and shall be recorded with the Registry of Deeds.

#### The Stormwater Operations and Management Plan

An engineering report, titled "Engineering Report for Pine Gardens Subdivision at 227 Pleasant Street in Milton, Massachusetts" and dated August 19, 2020 is on file with the Planning Board and is incorporated by reference in this Decision. The "Stormwater Operations & Site Maintenance Plan," pages 15-20 of this report, is to be recorded as Exhibit B to the Declaration of Trust.

#### Grant of Easements

A Grant of Easements, as revised on September 16, 2020, shall be recorded with the Registry of Deeds after final form is approved by Milton Town Counsel. This document grants perpetual easements to the Town for:

1. Maintenance and repair of the water line from Pleasant Street to the cul-de-sac at the end of the private way
2. Maintenance and repair of one fire hydrant in the right of way of the private way
3. Maintenance of one streetlight in the right of way of the private way
4. Use of the private way for emergency access

#### Waivers from the Rules and Regulations of the Planning Board

The Rules and Regulations offer the Planning Board the discretion to waive certain requirements when "such an action is in the public interest and not inconsistent with the Subdivision Control Law." The subdivision as shown on the Subdivision Plan is such that the Planning Board finds adequate cause to grant waivers from its rules and regulations as listed below. These waivers are granted subject to compliance with strict adherence to the Subdivision Plan and this approval.

**5.2.20:** Applicant has used the NAD83 and NGVD-88 datums rather than the Milton Base. This waiver is granted on the condition that the as-built utilities plan shall use the Milton Base.

**6.1.10:** Right of Way Widths: Applicant proposes a forty foot right of way

**6.1.14:** Longitudinal Grades: Applicant proposes grades of 3% to 10%

**7.4.1:** Cross Sections: Applicant proposes a 20-foot cross section

#### 7.4.5.1: Applicant proposes sidewalks on one side of the street

##### Trees and Landscaping

Landscaping including tree planting shall be completed in accordance with the conceptual landscaping plans referenced below. Larger trees to be removed from the site, which are shown in Exhibit 1 of the definitive subdivision application include:

- 4 Eastern White Pines
- 12 Norway Maples
- 12-15 Red Oaks (varying sizes)
- Various scrub brush trees within property lines of this site
- 3 Pine Trees on the western lot line.

Six of 20 trees along the Pleasant Street lot line will be removed: a small, three-trunked oak tree to the left of the driveway and two dead elm trees; one small oak, and two dying elm trees on the right of the driveway. Both the Milton Conservation Commission and the Planning Board's peer reviewer for the development's stormwater management system have recommended that no bushes or trees be allowed on the front edge of the development next to Pleasant Street, close to drainage structures. Therefore, no trees or bushes will be planted where these trees are removed, just ground cover. A letter describing the condition of trees on the site from Richard Hunt Landscaping Inc., dated October 1, 2020, is on file with the Planning Board.

The original perimeter lot landscaping plan shows a line of arborvitae along the western lot line, between the fence and the lot line. To create more variation, the Applicant has changed the plan to remove the adjacent three arborvitae in the middle of each of the lot lines for Lots 4 and 5, and will offer a choice of approved Milton trees to the abutters on the western side of the site, one to be planted in each location where arborvitae are to be removed. Prior to the issuance of a building permit for houses on Lots 4 and 5, the Town Planner shall be provided with written notice of the type of tree to be planted in each location where arborvitae are to be removed.

The proposed new trees with their expected mature size are shown on the Perimeter Landscaping Plan, referenced below. They consist of the following:

1 Sugar Maple (75')	upper left back Lot 3
1 River Birch (12-14')	turn around
1 Silver Bell (7-8')	upper left back Lot 3
2 American Linden (75')	back of Lot 2
6 Tulip Trees (75')	street trees, both sides of way
9 Eastern Red Cedar (7-8')	along back of Lots 2 and 3
8 Itea Sweetspire (7-8')	front Lots 1 and 5
28 Dark Green Arborvitae (7-8')	10 along back of Lot 1, part of Lot 2; others along back of Lot 4 and Lot 5
3 Shadblow Serviceberry (8-10')	back of Lot 2
2 White Fringe trees (20-35')	Lot 5 top back corner

Two additional larger trees  
along western lot line

species to be selected by the abutter, from Town's Tree List

The new trees have been selected based upon these criteria: native species, varied heights, varied blooming times, wildlife habitat value, and deer resistance.

Additional Terms and Conditions.

The subdivision shall also be subject to the following terms and conditions:

1. "Engineering Report for Pine Gardens Definitive Residential Subdivision at 227 Pleasant Street in Milton, Massachusetts," dated August 19, 2020, is on file with the Planning Board and the DPW. A letter from Jeff Kane of LAL Engineering, the Planning Board's peer reviewer of the engineering report and drainage plan, dated September 10, 2020, is also on file with the Planning Board.
2. The following shall be submitted to DPW and the Town Planner:
  - a. A copy of the National Pollutant Discharge Elimination System Stormwater Pollution Prevention Plan ("NPDES SWPPP") and proof of filing
  - b. Copies of all SWPPP required reports and inspections
  - c. As-built plan for the drainage system
  - d. Copies of scheduled inspections and unscheduled maintenance
3. The following documents are included in this decision by reference and are on file with the Planning Board:
  - a. Streetlight specifications from Spring City Electrical Mfg. Co., Stresscrete Group, and Osram Sylvania
  - b. A perimeter fence brochure from Illusions Vinyl Fence describing V300 tongue and groove solid privacy fence panels in hunter green
  - c. Conceptual Perimeter Landscaping Plan by Carin Gosselin dated April 8, 2020 and updated with a sketch plan dated October 2, 2020.
  - d. Conceptual Lot Landscaping Plan by Carin Gosselin dated January 1, 2020. This shall be the minimum landscaping on each new lot as built.
4. Granite Stones: All the granite stones from the existing house foundation have been saved on site and will be utilized in wall construction or house construction on this site. These stones may have come from the old quarry located on the conservation land to the rear of this site. The Historical Commission has requested, and the developer has agreed that these materials shall be preserved and used on site.

Recording:

This Subdivision Approval with Attachment A shall be recorded with the Norfolk County Registry of Deeds and shall be referenced by Book and Page in the Definitive Subdivision Plan

when that plan is recorded, which shall be within 30 days after the Planning Board signs the plan.

IN WITNESS WHEREOF, the Town of Milton Planning Board by a vote on October 8, 2020 of the undersigned members hereby gives subdivision approval to the Subdivision Plan of which the Subdivision Approval and the Homeowners Association Trust are deemed to be a part.

DATE: 10/30/2020

Attest:

Planning Board of Milton

April A. Anderson, Chair



Denise R. Swenson, Secretary



Cheryl F. Tougias, Member



Kathleen M. O'Donnell, Member





# **Construction Management Plan**

**for**

**Pine Gardens Development  
227 Pleasant Street**

**Prepared for:  
Milton Planning Board**

**Date: October 8, 2020**

## **General**

This Construction Management Plan ("CMP") has been prepared for the construction of a new road ("Pine Gardens Way") and the creation of five new residential lots in a subdivision off Pleasant Street in Milton. New dwellings will be constructed on each of the five lots by the Applicant. The plan is divided into two phases: 1) grading, installation of utilities and road and sidewalk construction and 2) lot development.

The site contains 68,968 sf of land and is located in a Residence C District. It abuts residential lots on Dean Road and Pleasant Street; there is conservation land to the rear of the property deeded to the Town in 1972, and recorded at Book 4879, Page 168, Norfolk Registry of Deeds. There are no wetlands within 100 feet of the proposed area of work. Demolition of the existing structures, one house and accessory sheds, has been approved by the Milton Historical Commission.

Phase 1 consists of grading and the construction of retaining walls and a new private way, Pine Gardens Way, from Pleasant Street to a cul de sac, and the installation of drainage facilities and utilities in the roadway. The road will have a 20' wide paved surface, and a sidewalk on one side. Utilities will be installed in the right of way for the roadway. Some of this work is on individual lots.

Phase 2 will begin with the construction of the first home. All design and construction will be under the control of the HP Homes LLC or their successors and assigns.

The Applicant and any successors in interest, the site contractor and individual building contractor(s) for each new lot shall be required to adhere to the following requirements as they pertain to all aspects of construction activities to be performed at the site. These requirements shall be implemented for the duration of site construction and building.

Construction of this project shall be managed so as to minimize as much as reasonably possible impacts to the community, abutting property owners and local resource areas. The project will be subject to and adhere to the requirements of the Subdivision Approval Plan and Decision and the approved Stormwater Management Plan.

This construction management plan is part of the terms of the subdivision approval decision.

### **1. Responsible Person**

While construction on Phase 1 and Phase 2 is underway the applicant shall designate an agent or employee with authority to issue any necessary directives to construction workers regarding construction activities. The Town's Building Commissioner shall have contact information with respect to that responsible person. That representative shall be generally responsible for all construction activities, whether underway, or contemplated and shall be Applicant's liaison to



the Town and to abutting property owners. The name and contact information of the representative shall be made available to the Building Commissioner, to the Town Planner, the Town's DPW director the Town Engineer and the Police Department. The representative shall deal promptly with any complaints with respect to these construction activities. Applicant's representative shall notify the Town Planner of the expected start date for work and the expected start date for construction of houses.

The developers are Kyle Harnish and Brian Pasquantonio, both of whom are Milton residents. Brian Pasquantonio will principally manage site preparation work and Kyle Harnish will principally manage building construction. Each person or their appointed manager will be readily available by phone and this contact information will be provided on the Planning Board website and to the Town Departments listed above.

## **2. Start Work Notice**

48 hours prior to the commencement of construction, the contractor shall provide notice of the approximate start date to the Town's Building Department, Engineering and Public Works Departments and Town Planner. The developer will provide monthly reports on construction progress and next steps in the clearing and construction process. These updates will be sent via e-mail to abutters and to the Town Planner.

## **3. Construction Hours**

Hours of construction shall be Monday – Friday, 7:00 am – 6:00 pm and Saturday 8:00 am – 5:00 pm. Work at the beginning of the project generating high noise levels, any rock required rock removal, will be confined to the hours of 9 a.m. to 4 p.m. Work will not take place on Sundays and legal holidays excepting holidays on which the stock market is open. Work is prohibited within the Pleasant Street right of way during weekends and legal holidays. There shall be no idling of construction vehicles before 7 a.m. Any exception to these hours of work shall be made only for emergency, or only if the Building Commissioner has approved the reasons for out of hours work in advance.

Construction truck traffic during peak traffic times shall be minimized. In addition to morning and evening peak traffic hours, peak traffic times include weekdays between 2:45 p.m. and 3:30 p.m., when the regular school day ends at the nearby Cunningham and Collicot elementary schools. Queuing and idling trucks shall not occur on-site unless unavoidable, and any on-site queuing or idling shall be only for good cause.

There shall be no construction truck traffic before 7 a.m. Reasonable effective steps shall be taken to concentrate construction truck traffic during late morning/early afternoon hours on weekdays.

#### **4. Parking**

Construction parking during Phase 1 shall be on site under the control of Applicant. No workers, contractors or other subcontractors shall be permitted to park on public roadways surrounding the development or other than on-site once site access has been established. Satellite parking at a private parking facility shall be permissible. Effective measures shall be taken to maintain employee parking areas and the parking access route in as dust-free a condition as reasonably possible during dry conditions and in conveniently passable condition in wet and snow conditions. Parking areas shall be remote from dwellings of abutters. Any exceptions to these parking rules shall be only for good cause with the approval of the Building Commissioner. Prior to construction of the roadway into the site so as to provide on-site parking, construction vehicles and employee vehicles may park on Pleasant Street in a reasonably quiet and orderly manner. Overnight parking shall not be allowed without permission from the Town given in accordance with usual procedures. Construction vehicles not in use shall be turned off. Workers shall not congregate or loiter on Pleasant Street.

#### **5. Controllable Noise and Pollution**

The Applicant shall institute effective measures to control unnecessary noise and pollution during construction activities. Workers, contractors and subcontractors shall be prohibited from playing music or third party talk at levels not reasonably necessary for individual use. Noisy construction equipment used on-site shall be turned off when not in use or about to be used. Loudspeakers shall not be used on site. Traffic controls shall be established to eliminate unnecessary backing movements and use of back-up horns. Priority shall be given to respecting residents' rights to the quiet enjoyment of their properties.

Although construction will unavoidably increase noise levels in the area, the contractors shall use all reasonable efforts to minimize the impact of noise during construction, including the following.

- a. When feasible, equipment that is not in use shall be turned off.
- b. Noise-creating equipment shall be located as far as possible from occupied residences.
- c. Engine housing panels on all equipment shall be kept closed.
- d. Electricity shall be obtained from the electric grid as soon as feasible to reduce the use portable generators.
- e. Construction vehicles and equipment shall not be turned on for the purpose of being warmed up until their use is imminent.

#### **6. Rock Removal**

No blasting shall be used in this project.

When rock must be broken up other methods will be used. There is a very limited area in which this will be required, in the front of the project, where there are two drainage structures, approximate four linear feet of rock removal.

Because this work is noisy, when rock does have to be broken up, this rock work will be scheduled and the Planning Director, Building Commissioner and immediate neighbors will be notified at least three days in advance and sooner if possible. The work will be carried out as efficiently as possible to minimize the length of time neighbors will experience these heightened noise levels.

The hours of such work will be limited to 9 a.m. to 4 p.m.

#### **7. Street Closings/Construction within Public Right of Way**

Pleasant Street shall remain open and operational at all times during construction. If temporary closures are required, the contractor shall obtain prior approval from the Town in accordance with usual procedures and shall comply with all conditions imposed by the Town with respect to the closing, including the use of police details/flagmen, as appropriate. Trench excavations associated with tie-ins to water lines shall be patched with bituminous pavement. Roadway plates shall be used when trenches must remain open either overnight or over a weekend before trenches are able to be filled.

#### **8. Site Safety/Access**

Prior to the start of construction activities, the contractor shall install and maintain construction fencing for roadway access points. Access to the site shall be through the new roadway. At the end of each day, access gates in the fences around these areas shall be closed and secured with lock and chain.

The project will comply with state law on trench excavation articulated in 520 CMR 14: Excavation and Trench Safety.

#### **9. Erosion and Sediment Control Measures**

The project shall comply with the erosion and sediment control measures in the Town's Stormwater Bylaw and the requirements of the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System Construction General Permit.

#### **10. Dust and Wind Controls**

Dust control shall be implemented on site as necessary. Repetitive treatment shall be applied when needed to accomplish control when dust conditions exist. If field observations by the Applicant or the Building Commissioner indicate that additional protection from wind erosion

(in addition to, or in place of watering) is necessary, additional dust suppressant measures shall be implemented forthwith. The following list of control measures may be implemented on site to limit the generation of dust as needed:

- Watering
- Establishment of Vegetative Cover
- Mulch or Spray-On Soil Treatments
- Tillage – Stone

Street cleaning shall also be used as necessary to control dust. Paved areas that have soil or dust on them from the construction site shall be cleaned as needed.

#### **11. Materials Storage and earth stockpiling to block noise**

The project shall comply with the stockpiling requirements in the Town's Stormwater Bylaw.

When earth can be stockpiled on the lots so as to block construction noise, such stockpiling shall be permitted so long as Best Management Practice methods are used to control runoff and dust and there is compliance with the Town's Stormwater Bylaw. The project shall stockpile earth on Lot 1 and leave clearing of Lot 1 until later in the project, to mitigate construction noise at that location.

No earth stockpiling, material and equipment storage or parking shall be allowed within the drip line of existing trees to remain on the site.

#### **12. Clearing of Site; Clearing of Lots**

Site clearing will follow this schedule to the extent reasonably possible. Beginning prior to Phase 1 below, the developer will provide monthly reports on construction progress and next steps in the clearing and construction process. These updates will be sent via e-mail to abutters and to the Town Planner.

- a) Phase 1: (1 week)
  - establish construction entrance (widen entrance)
  - install hay bales and silt fence to contain water and silt runoff around perimeter of development as shown on Site Plan
- b) Phase 2: (1-2 weeks)
  - clear scrub brush and trees for roadway install

An aerial view of the site outlining this area has been provided. Trees on the left and right perimeter of the site will be kept in place during this period. These are the trees along the Clasby and Foster properties.
- c) Phase 3: (3-4 weeks)

Cut existing vegetation as necessary for roadway and drainage

d) Phase 4: (2 days) rock

Utility tie-in from Pleasant Street to site

e) Phase 5: (3-6 weeks)

Begin installation of stormwater drainage system per plan. This will begin with Lot #5, the first proposed construction lot. There is a possibility of rock that will have to be removed to provide the area for each of the drainage structures. The area on Lot 5 will be completed first. The time frame for this rock removal is 1-2 weeks.

The three drainage structures are located as follows: one in front of Lot 5; one in front of Lot 1; on partially on Lot 2 and partially on Lot 3, under the driveways.

The drainage structure on Lot # 5 will be completed first (1-2 week process). The drainage structures under lot #1 and between Lots #2 & 3 will be phased to late winter/early spring 2021.

f) Phase 6 (3-6 weeks)

- underground utility work for roadway
- establish gravel roadway for construction
- Start excavation for foundation on Lot 5

g) Phase 7

- Begin to clear and grade lots beginning with Lots 4 and 5, requiring the perimeter trees gradually be removed. As each lot area is graded, a row of haybales/silt fence will be installed downgradient of each lot to prevent any direct runoff of silt in wet conditions. The drainage system will have been installed and will receive most of the stormwater drainage by the time a lot is cleared.

### **13. Grading of Lots**

The grading of lots shall be as shown on the Approved Definitive Plan.

All grading shall comply with the Town's Stormwater Bylaw and the requirements of the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System Construction General Permit.

### **15. Tree Protection Area for Trees Remaining on the Site during Construction**

- a) Temporary fencing shall be installed along the drip line (outer perimeter of branches) of trees or groups of trees that are going to remaining on the site after construction, to the greatest extent possible; if separation by fencing is not possible protection on the surface over roots shall be provided by protective matting or a double layer of plywood.

- b) Areas within the protective fencing shall be protected from damage by burning, pumping water, cutting of live branches or roots.
- c) Construction materials and trucks shall not be stored in the tree protection areas.
- d) All temporary fencing shall be maintained continuously throughout construction.
- e) Burning is not permitted on the site.
- f) Trees and stumps that are not going to be re-used shall be removed from the site.

## **16. Construction Period Solid Waste and Recycling**

Any demolition activity shall comply with local, state and federal permit requirements. To the extent that excavated materials such as trees and roots require disposal off site, these materials shall be segregated on site for disposal. Materials that can be recycled will be placed in dumpsters and removed to a recycling facility for processing. Other materials shall be placed in dumpsters and transported and disposed of at an approved solid waste facility.

The stones from any existing stone walls that must be removed will be relocated and re-used on site. Wherever practical, earth materials will be re-utilized on site. Excess material that cannot be used will be transported off-site. Such removal shall be scheduled during non-commuter times wherever possible.

## **17. Utilities**

Site utilities, including any temporary service connections, shall be constructed in a coordinated fashion so as not to impede or interrupt services, including storm drainage, to residents. Applicant's representative shall coordinate the efficient installation of all water installations as well as all private utility services (gas, telephone, cable, electric, etc.).

## **18. Schedule**

The following is a tentative schedule, which is subject to change based on weather and other conditions:

Mobilization: Fall 2020

Set up erosion control and temporary fencing: Fall 2020

Site Clearing and Grading: Fall 2020

Construct roadway and install utilities: Fall 2020 – Spring

Install roadway binder: Early spring 2021

Roadway work if it proceeds without interruptions for weather is expected to take about Two-Three months total time

Construct single family houses: As lots are sold, once site is prepared, Spring 2021 to completion

Expected completion: 2021 – 2022