



# CITY OF SALEM PLANNING BOARD

## **Decision to Extend Form C Definitive Subdivision, Cluster Residential Development Special Permit, and Wetlands District Special Permit 57 Marlborough Road/Osborne Hills**

June 20, 2018

Osborne Hills Realty Trust  
PO Box 780  
Lynnfield, MA 01940

2018 JUN 20 PM 2:54  
CITY CLERK  
SALEM, MASS

RE: 57 Marlborough Rd- Osborne Hills Subdivision  
Extension of Subdivision/Wetlands and Flood Hazard Special Permit

On Thursday, July 20, 2006 the Planning Board of the City of Salem voted in favor to approve the application of Osborne Hills Realty Trust for a Subdivision (Form C), Cluster Residential Development Special Permit and Wetlands and Flood Hazard District Special Permit. A Decision was filed with the City of Salem Clerk's Office on July 28, 2006 and endorsed by the Planning Board on November 2, 2006. The permit was automatically extended for four years, to November 2, 2017 per the permit extension act (Section 173 of Chapter 240 of the Acts of 2010).

On May 17, 2018, the Board voted to approve a request to extend the Decision for five years to November 2, 2022 by a vote of 6-1 (Ben Anderson, Matt Veno, Noah Koretz, Carole Hamilton, Dale Yale, and Helen Sides in favor and D.J. Napolitano opposed), with the following conditions:

1. All conditions set forth in the original decision for the 57 Marlborough Road/Osborne Hills Form C Definitive Subdivision, Cluster Residential Development Special Permit and Wetlands District Special Permit shall remain in full force and effect, except as modified by the conditions below, unless a different time to complete is specified below:
2. The developer shall complete final pavement of Amanda Way and Osborne Hill Drive within Phases 1, 2, and 3 and the following conditions shall be complete prior to November 15, 2018, unless a different time to complete is specified below.
  - a. All damaged manhole covers throughout the project shall be replaced prior to final paving.

- b. Rubberized crack sealer shall be applied in the existing binder and to sidewalks as needed.
  - c. Damaged areas of sidewalks throughout the project shall be repaired. Said repairs shall be driveway to driveway, as reasonably determined and/or required by the Clerk of the Works consultant provided by the City, to avoid a patch appearance.
  - d. All silt sacks from catch basins shall be completely removed within Phases 1, 2, and 3.
  - e. Silt fence shall be reestablished throughout the project as may be required by the City of Salem Conservation Commission.
  - f. National Grid shall be contacted to schedule repairs or replacement of street light poles, as needed.
  - g. Remediation recommendations identified in the Tree Health Analysis and Recommendation Report, dated May 14, 2018 and prepared by James M. MacArthur, shall be conducted.
  - h. The dumping that has occurred at the tree line near the entrance shall be cleared and dumping of any kind in this area shall be discontinued.
  - i. The loam placed in the open space at the intersection of Amanda Way and Osborne Hill Drive shall be removed and replaced with loam from an offsite facility to ensure the glass and construction debris are no longer present.
  - j. Prior to the opening of the open space, the stairs at the trail access at Amanda Way shall be reviewed and replaced if necessary, as determined by the City or its designee.
  - k. A thorough fencing inspection shall be performed and repairs shall be made as needed, including but not limited to:
    - i. Fence at 22 Amanda Way shall be replaced.
    - ii. Fence at 21 Amanda Way shall be replaced around the Kohler structure. The fence shall be properly secured with aluminum ties rather than plastic zip ties.
    - iii. Fencing shall be installed behind 331 Osborne Hill Drive to improve safety at the large culver crossing.
  - l. A minimum of two (2) inch mulch shall be applied at planter beds.
  - m. Overall site cleanup shall be conducted.
  - n. All hydrants shall be flushed.
3. A written statement from the owner addressing conditions 2(a-n) shall be submitted to the City Planner.
  4. A report from the City, or its designee concurring that all conditions outlined under 2(a-n)
  5. As-Built and Street Acceptance Plans for Amanda Way and Osborne Hill Drive, stamped by a Registered Professional Engineer, shall be submitted to the Department of Planning and Community Development and Department of Public Services prior to December 31, 2018. As built plans shall be in compliance with the plan endorsed by the Planning Board on November 2, 2006.
  6. Any damage to Amanda Way or Osborne Hills Drive as a result of construction vehicles during the five-year extension shall be restored by the developer.
  7. A Clerk of the Works consultant provided by the City, at the expense of the applicant, shall prepare an annual report to the City Planner that evaluates compliance with the

Planning Board Decision. Concerns identified by the neighborhood will be included in the report. The City Planner will report back to the Planning Board if there are unresolved issues.

8. After completing the final pavement of Amanda Way and Osborne Hill Drive within Phases 1, 2, and 3 the developer shall be responsible for any and all damage caused to Amanda Way and/or Osborne Hill Drive by developer's further construction activities. At the conclusion of Phase V the City Engineer and the developer will evaluate the condition of Amanda Way and Osborne Hill Drive. If it is determined that the developer's further construction activities has caused damage to Amanda Way and/or Osborne Hill Drive the developer shall repair said damage to Amanda Way and/or Osborne Hill Drive within Phases 1, 2, and 3 prior to accepting the remaining portion of Osborne Hills Drive.

This determination shall become part of the record for this project. I hereby certify that a copy of this Decision to Extend has been filed with the City Clerk and a copy is on file with the Planning Board. The Decision to Extend shall not take effect until a copy of this Decision to Extend bearing the certification of the City Clerk is recorded with the Essex South District Registry of Deeds and is indexed under the name of the owner of record or is registered on the owner's Certificate of Title. The owner of applicant, his successors or assigns, shall pay the fee for recording or registering.

A handwritten signature in black ink, appearing to read 'Ben J. Anderson', with a stylized flourish at the end.

Ben J. Anderson  
Chairman