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TOWN OF WINCHENDON



Planning Board

109 Front Street
Winchendon, Massachusetts 01475-1758

NOTICE FOR RECORDING Site Plan Approval

Petitioner: Asher Construction, LLC
Owner (s): Asher Construction, LLC
Deed Reference: **Book 63106 Page 305**
Date August 25, 2020
PB# 2021-0617

Notice is hereby given that the Winchendon Planning Board granted site plan approval to Asher Construction, LLC 77 Nashua Road, Sharon, NH 03458 in accordance with the requirements of Article 12 of the Winchendon Zoning Bylaw for the construction of a storm water management system and subsequent maintenance plan to facilitate the construction of three (3) single family homes on parcels identified as Winchendon Assessors Map 5C3, Parcels 223,224 and 225 also known as lots # 21,29,35 as recorded on plan Book 887, Page 110 with the Worcester County Registry of Deeds.
Approval was granted with **conditions**.

Procedural History

1. Site Plan Application was applied for on 6/17/21 for the construction of a storm water management system and subsequent maintenance plan. A Public Hearing was scheduled for 7/20/21.
2. Application stamped in on 6/17/21, notice was sent to abutters on 6/22/21. A Public Hearing was advertised in The Gardner News on 7/6/21 and 7/13/21.
3. Public Hearing commenced on 7/20/21 was continued to 8/17/21, 12/17/21, and 2/15/22.
4. Public Hearing was closed on 2/15/21. Approval was granted to facilitate the construction of three (3) single family homes on parcels identified as Winchendon Assessors Map 5C3, Parcels 223,224 and 225 also known as lots # 21,29,35 as recorded on plan Book 887, Page 110 with the Worcester County Registry of Deeds.

The plans and other submission material were reviewed by the Planning Agent, Respective Department Personnel, Planning Board, and its consulting engineer, Tighe & Bond. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

The following waivers are granted with this approval:

1. Exclusion of a sidewalk on High Street per Section 3.3.4(J) and 4.3 of the Site Plan Rules and Regulations
2. Waiver of an Impact Statement per Section 3.3.1(C)(4) of the Site Plan Rules and Regulations

Conditions of this approval are: (Standard conditions)

A. Approval of this site plan is granted to the named applicant only and only for the purpose(s) stated in the application or as it may have been amended. It is not transferable for any other use of the site by the applicant nor to any other person except with the approval of the Board. The Board reserves the right to review any work done on the site even after any proposed construction is completed and to determine that the actual use(s) of the site conform to those allowed by this approval

B. Any officer, agent or employee of the Planning Board, Conservation Commission, Zoning Board of Appeals or Board of Health may enter upon the site at reasonable times, with or without prior notice to the applicant, in pursuit of official duties, such as examinations and surveys, examination of construction undertaken, and the purposes for which the site is used (Massachusetts General Laws Chapter 41, Section 81CC; Chapter 131, Section 40; Chapter 111, Sections 31, 122 and 127A)

C. The time allowed for any inspection required under these conditions, the Planning Board's regulations, or the town bylaws will be extended by the time during which the site is covered with water, snow, or ice. Such time will be determined by the Board.

D. Refer to Special Condition #1

E. This site plan approval, together with this list of conditions and the performance guarantee, must be filed at the Worcester Registry of Deeds forthwith, but not later than sixty (60) days after the expiration of the appeals period plus such time as may be consumed in any appeals process. A copy of the receipt from the Registry must be filed with the Planning Board forthwith. No construction may be started until there has been such filing. If these required documents are not filed within the required time, this site plan approval shall be void.

E. Upon completion of the project, notice shall be given as provided for in section 6.5.1 of the regulations.

F. Construction shall be in full conformity with the "Rules and Regulations Governing Site Plan Review" as issued by the Planning Board, unless an exemption is granted by the Planning Board. Such exemption, if granted, is stated below as one of the conditions.

G. No sand, soil, loam, sod, gravel, or other natural or quarried earth product shall be removed from the site until the entire parcel has been graded and condition I. satisfied. Loam must

be stockpiled and covered so as to be protected from erosion.

H. The clearing, excavation or removal of vegetation or the excavation or removal of sand, soil, loam, sod, gravel, or other natural or quarried earth products is allowed only in accordance with section 10.6 of the Winchendon Zoning Bylaw and specific conditions for such removal or redistribution are included in the special conditions appended to these general conditions.

I. The project must be completed to the satisfaction of the Planning Board within two (2) years from the date of this site plan approval unless an extension of time is mutually agreed upon in writing by the applicant and the Planning Board. If this work is not completed within the required time including approved extensions, this site plan approval shall lapse and become void.

J. If the site contains pond, lake, brook, stream, river, standing water, or any indication of the presence of wetlands, the applicant must comply with all Wetlands Protection regulations, including those found in Sections 4.3 and 4.4 of the Town of Winchendon Zoning Bylaw.

K. The applicant must comply with all orders of the Winchendon Conservation Commission.

L. Work under this site plan shall be commenced within six months of the date of its approval increased by any time consumed by appeals of the approval and shall be diligently pursued thereafter until the completion of the work. The Planning Board may extend this period if so requested by the applicant. If the work is not so commenced and pursued, this site plan approval shall lapse and become void.

M. This approval and conditions are in addition to other permits and approvals. Nothing in this decision shall be deemed to relieve the applicant from its obligation to obtain other permits and approvals required by law or regulation.

N. Any substantive error in the application or any subsequent filing by the applicant or his successor shall be cause for revocation of the Board's approval. Due notice and hearing shall be required prior to any Board action.

O. The Board on its own motion or on the petition of any interested person reserves the power to modify, amend or rescind its approval of this plan or to require a change in the plan after due notice and opportunity for the applicant to be heard.

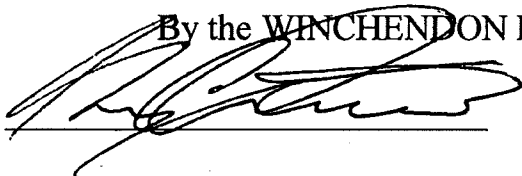
In addition, the following **Special Conditions** are imposed:

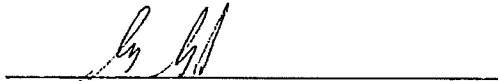
1. Performance Guarantee - The Winchendon Planning Board determines that a Performance Guarantee is needed for this project in the form of a Construction and a Performance Bonds.
 - a) Amount of Bonds are to be determined (TBD) between the Town and Tighe & Bond. Bonds must be received prior to any permitting or commencement of any construction.
 - b) Performance Bonds will be in place for year from the date of issuance of the last Certificate of Use and Occupancy issued to the homeowner of the last house sold.

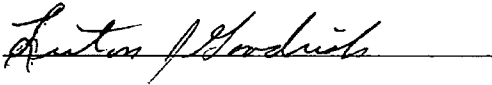
- c) During this one year period the DPW and the applicant will inspect the detention and drainage basins at agreed upon intervals.
- 2. The applicant is responsible for the fabrication of the detention basins located on the property, utilizing a 4" pipe.
- 3. Maintenance of the detention basins is the responsibility of the applicant/property owner in perpetuity. The homeowner will be provided with the maintenance plan for the detention basins. Applicant will provide the Planning and Development Office with the maintenance plan as well as accompany the same plan with the completed Building Permit application.
- 4. Building Permit application to include floor plans and elevations of the properties to be built.
- 5. Infiltration basin pipes will be installed under the driveways to ensure excess drainage onto grass areas. Driveways will be pitched towards grassy areas to ensure water will not flow directly onto street.
- 6. Trees needing to be removed at High and Weller will be marked for removal by our DPW director and removed by the applicant.
- 7. Copy of the Storm Water Pollution Prevention Plan (SWPPP) will be provided to the Planning and Development Office by the applicant.

The Planning Board hereby certifies that a copy of this decision and all plans referred to in the decision have been filed with the Planning Board and the Town Clerk on 2/28/22.

By the WINCHENDON PLANNING BOARD







I hereby certify that 20 days have elapsed since I was notified of this decision, and no appeal has been filed/an appeal was filed, but has been dismissed or denied.


_____ 3-22-22
Town Clerk

Weller-Site Plan 2021-0617

ATTEST: WORC. Kathryn A. Toomey, Register