

HEARINGS, MEETINGS, LICENSES

9/19/16



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, **September 19, 2016 at 7:15 PM**, for the purpose of discussing

ARTICLE 17. To see if the Town will vote to amend the handicapped and disabled veterans parking by law adopted under Article 4 of the October 22, 1984 Special Town meeting by deleting Section (d) the penalty clause of the by-law, and replacing it with the following:

Section (d):

(1) The penalty for violation of this by-law shall be Three Hundred Dollars (\$300.00) for each offense

(2) Any unauthorized vehicle parked or standing in violation of this by-law shall be removed in accordance with Section 22D of General Laws Chapter 40, or act anything thereon.

ARTICLE 18. To see if the Town will vote to adopt the following by-law:

HANDICAPPED PARKING FINES

Section 1. All funds received by the Town from fines assessed for violations of handicapped parking laws, by-laws, rules or regulations in the Town shall be allocated to the Town's Commission on Disability.

Section 2. Funds received and allocated under Section 1 shall be deposited in a separate account and shall be used solely for the benefit of persons with disabilities and shall otherwise be subject to the provisions of Section 22G of Chapter 40 of the General Laws.

Anyone desiring to be heard on this matter should appear at the time and place designated.

Diane C. Stewart
Allin Frawley
Leilani Dalpe
John M. Knowlton
Stephen J. McKinnon
BOARD OF SELECTMEN
September 15, 2016
The Middleboro Gazette Newspaper



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, **September 19, 2016 at 7:25 PM**, for the purpose of discussing

ARTICLE 20. To see if the Town will vote to adopt the Massachusetts Stretch Energy Code (on file with the Town Clerk) by adopting the following by-law:

MASSACHUSETTS
STRETCH ENERGY CODE

Section 1. The Massachusetts Stretch Energy Code (the "code") is hereby adopted and incorporated in this by-law. The code shall be in effect in the Town, and the Building Commissioner shall administer and enforce the code.

Section 2. The purpose of the code is to regulate the design and construction of buildings for the effective use of energy.

Section 3. The code is found in Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code.

Section 4. The code version which is hereby adopted shall be the code version which is in effect on the date this by-law is adopted.

Anyone desiring to be heard on this matter should appear at the time and place designated.

Diane C. Stewart
Allin Frawley
Leilani Dalpe
John M. Knowlton
Stephen J. McKinnon
BOARD OF SELECTMEN
September 15, 2016

The Middleboro Gazette Newspaper



Special Town Meeting Warrant

Middleborough Massachusetts

To Joseph Perkins, Police Chief or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School**, on **Monday, October 3, 2016, at 7:00 P.M.**, to act on the following articles:

ARTICLE 1. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source, to supplement and/or adjust departmental budgets for Fiscal Year 2017, or act anything thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon.

ARTICLE 3. To see if the Town will vote to raise and appropriate and/or transfer \$105,703.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund the Police Department collective bargaining agreements, or act anything thereon.

ARTICLE 4. To see if the Town will vote to raise and appropriate and/or transfer \$21,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund a contract settlement in the Office of the Board of Selectmen, or act anything thereon.

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer \$33,680.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund the purchase of a Public Records Request Management Application and an Online Permitting Application for the Information Technology Department and other town departments, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer \$4,735.33 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund vacation and personal time buyback for the Office of Economic and Community Development, or act anything thereon

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$30,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available

source, to remove asbestos from a town owned structure located on Cambridge Street, Map ID 50I, Parcel 3472, or act anything thereon.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer \$32,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available source, to install air conditioning on the first floor of the Town Hall Annex Building, or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$2,609.75 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the lease of an electric vehicle for the Building Department, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$6,382.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for an archaeological study related to the new septic system and handicap accessible ramp and bathrooms at the Oliver House estate property located on Plymouth Street, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer \$200,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to be placed into the Other Post-Employment Benefits Liability Trust Fund, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for all relevant and necessary expenses associated with the design and construction of a water treatment plant and associated improvements for the East Main Street wells for the Water Department, said sum to be in addition to the sum appropriated under Article 13 of the warrant for the 2015 Annual Town Meeting, and to meet this appropriation, if by borrowing, to authorize the Treasurer with the approval of the Board of Selectmen, to borrow said sum under Chapter 44 of the General Laws, or act anything thereon.

ARTICLE 13. To see if the Town will vote to appropriate \$53,020.00 from the Open Space / Recreation Resources Reserve of the Community Preservation Fund for the purpose of repair/replace Bridge #3 at Oliver Mill Park; including up to \$5,000 for in-house project management and oversight; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 14. To see if the Town will vote to appropriate \$34,100.00 from the Historic Resources Reserve of the Community Preservation Fund for the purpose of conducting an Historic Stonework Assessment & Prioritization Plan at Oliver Mill Park; including up to \$5,100 for in-house project management and oversight; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 15. To see if the Town will vote to raise, borrow and/or appropriate a sum of money for the acquisition by gift, negotiated purchase or eminent domain of a certain parcel of land together with buildings thereon of approximately 81.09 +/- acres known as "Lion's Head", owned or formerly owned by Sarah Jigerjian and Mary Jigerjian, as described on Assessors Map 21, Parcel 1411, and Map 12, Parcel 4585, and any costs incidental and related thereto, for the purpose of conservation and passive recreation purposes, to be managed and controlled by the Conservation Commission of the Town in accordance with M.G.L Chapter 40, Section 8C, as amended, and any other relevant state statutes relating to conservation; that to meet said appropriation, to see if

the Town will authorize the Treasurer with the approval of the Board of Selectmen to issue bonds or notes for such purpose, pursuant to the recommendation of the Community Preservation Committee, in accordance with M.G.L. Chapter 44B, the Community Preservation Act, or any other enabling authority; that the Town Manager, Board of Selectmen and the Conservation Commission be authorized to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition; and the Town Manager, the Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments, including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B, as may be necessary on behalf of the Town to effect said acquisition; that said conservation restriction may be granted to the Wildlands Trust or any other organization qualified and willing to hold such a restriction; provided that, the purchase and borrowing authorized hereunder shall be contingent upon the Town receiving a grant award from the Commonwealth of Massachusetts of \$400,000.00 or more; and provided further, that the amount of any bonds or notes issued hereunder shall be reduced by the amount of any grant funds received prior to the issuance of such bonds or notes; or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 16. To see if the Town will vote to transfer \$9,000 from Account # 26-930-573-264 - Woloski Park project in the Open Space Resources Reserve of the Community Preservation Fund to Account # 26-931-573-262- Oliver Estate Rehab project in the Historic Resources Reserve; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 17. To see if the Town will vote to amend the handicapped and disabled veterans parking by law adopted under Article 4 of the October 22, 1984 Special Town meeting by deleting Section (d) the penalty clause of the by-law, and replacing it with the following:

Section (d):

- (1) The penalty for violation of this by-law shall be Three Hundred Dollars (\$300.00) for each offense
- (2) Any unauthorized vehicle parked or standing in violation of this by-law shall be removed in accordance with Section 22D of General Laws Chapter 40, or act anything thereon.

ARTICLE 18. To see if the Town will vote to adopt the following by-law:

HANDICAPPED PARKING FINES

Section 1. All funds received by the Town from fines assessed for violations of handicapped parking laws, by-laws, rules or regulations in the Town shall be allocated to the Town's Commission on Disability.

Section 2. Funds received and allocated under Section 1 shall be deposited in a separate account and shall be used solely for the benefit of persons with disabilities and shall otherwise be subject to the provisions of Section 22G of Chapter 40 of the General Laws.

ARTICLE 19. To see if the Town will vote to transfer the care, custody, management and control of 157 Wood Street Map 59 Lot 5999 .23 acres of land (10,019 sq. ft. of land +/-), 159 Wood Street Map 59 Lot 6074 .12 acres of land (5,227 sq. ft. of land +/-), 161 Wood Street Map 59 Lot 6073 .23 acres of land (9,934 sq. ft. of land +/-), 163 Wood Street Map 59 Lot 6057 .23 acres of land (10,019 sq. ft. of land +/-), 0 Wood Street Map 65 Lot

414 2.84 acres of land (123,560 sq. ft. of land +/-), from the Board of Selectmen to the Park Commission for recreational use, or act anything thereon.

ARTICLE 20. To see if the Town will vote to adopt the Massachusetts Stretch Energy Code (on file with the Town Clerk) by adopting the following by-law:

MASSACHUSETTS STRETCH ENERGY CODE

Section 1. The Massachusetts Stretch Energy Code (the “code”) is hereby adopted and incorporated in this by-law. The code shall be in effect in the Town, and the Building Commissioner shall administer and enforce the code.

Section 2. The purpose of the code is to regulate the design and construction of buildings for the effective use of energy.

Section 3. The code is found in Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code.

Section 4. The code version which is hereby adopted shall be the code version which is in effect on the date this by-law is adopted.

ARTICLE 21. To see if the Town will vote to accept Brookside Drive and Fidelity Lane as Town ways as laid out by the Board of Selectmen, to authorize the Selectmen to acquire by eminent domain or by gift the fee in said ways as shown on the road layout plan on file with the Town Clerk entitled “Road Layout Plan of Brookside Drive and Fidelity Lane – Middleborough, Massachusetts 02346” consisting of three sheets, dated August 9th, 2016, and prepared by Outback Engineering, Inc., and any related easements as shown on said plan, to authorize the Board to complete construction of the ways and related easements, to raise and appropriate a sum of money by borrowing for the cost of construction, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money under General Laws, Chapter 44 and to authorize the Board of Selectmen to assess betterments for the cost of construction under General Laws, Chapter 80, or act anything thereon.

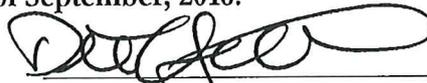
ARTICLE 22. To see if the Town will vote to appropriate the following surety sums for the following purposes in connection with a subdivision known as “Brookside Estates” as follows:

<u>AMOUNTS</u>	<u>PURPOSES</u>
1. \$400,000.00 (plus accrued interest)	Construction of roads and related infrastructure including without limitation drainage facilities.
2. \$30,000.00 (plus accrued interest)	Work within the Colarusso Drive layout and in Colarusso Woods subdivision related to construction Brookside Estates subdivision.
3. \$2,000.00 (plus accrued interest)	Patch and repair of utility trench cut across Brookside Drive in connection with house construction on Lot 14, Brookside Estates subdivision.

,and to authorize the Board of Selectmen to use the respective appropriations for the respective specified purposes, or act anything thereon.

ARTICLE 23. To see if the Town would vote to accept Captain Hall Road, Augustus Way, Hayden Way and Leland Way as Town ways as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift, the fee in the ways as shown on the road layout plans, on file with the Town Clerk entitled Roadway Acceptance Plan, Captain Hall Road, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc.”, which plan is dated February 4, 2016, and being page 1 of 4 pages; Roadway Acceptance Plan, Augustus Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc. which plan is dated February 4, 2016, and being page 2 of 4 pages; Roadway Acceptance Plan, Hayden Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc., which plan is dated February 4, 2016, and being page 3 of 4 pages; and Roadway Acceptance Plan, Leland Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc., which plan is dated February 4, 2016, and being page 4 of 4 pages; and also the related easements as shown on the above referenced plans and subdivision plan on file with the Town Clerk entitled “Subdivision ‘Eastwood Estates’ in Middleborough, Massachusetts, Prepared For Greystone Realty, Inc. Date: March 20, 2006”, consisting of 20 pages, which plan is recorded at the Plymouth County Registry of Deeds in Plan Book 51, Page 1080; and as shown on a plan of land entitled “Plan of Modification of Definitive Subdivision “Eastwood Estates” in Middleborough, Massachusetts, Prepared For Greystone Realty, Inc. Date: February 13, 2008” , consisting of 2 pages, which plan is recorded at the Plymouth County Registry of Deeds in Plan Book 54, Page 229; or act anything thereon.

Given, under our hands at Middleborough, this 12th day of September, 2016.



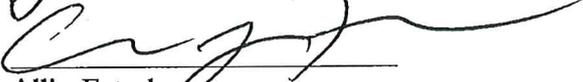
Diane Stewart, Chairman



Leilani Dalpe, Vice Chairman



John M. Knowlton



Allin Frawley



Stephen J. McKinnon

BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all inhabitants of said Town of Middleborough, qualified to vote as expressed in said warrant, to meet at the time and place for the purpose specified by causing an attested copy of the same to be published in the Middleboro Gazette on the 15th day of September, 2016, that date being more than fourteen days before the time specified for said meeting.



JOSEPH PERKINS
Police Chief

Roadway Acceptance – Brookside Estates

HEARINGS, MEETINGS, LICENSES

9/19/16



The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA, on **Monday, August 29, 2016 at 7:30 PM to accept the layout of Brookside Drive and Fidelity Lane in Middleborough, MA**, on such terms as the Selectmen shall determine for the purposes of a Town way, such property being shown on two sheets entitled "Roadway Acceptance Plan of Land - Brookside Estates, prepared by Outback Engineering, dated August 9, 2016, plans are on file with the Town Clerk's Office. Anyone desiring to be heard on this matter should attend.

Diane Stewart, Chairman
Leilani Dalpe
Allin Frawley
John M. Knowlton
Stephen J. McKinnon
BOARD OF SELECTMEN

August 18, 2016
The Middleboro Gazette Newspaper

Continued from 8/29/16

MIDDLEBOROUGH PLANNING DEPARTMENT

TRANSMITTAL SHEET

TO: Atty. Diane Stewart,
Chairwoman, Board of Selectmen

DATE: 9/1/16

ADDRESS:
Board of Selectmen
10 Nickerson Avenue
Middleborough, MA 02346

PROJECT:
Brookside Estates
Report of Planning Board on Public
Layout

FROM:
Lori Rutherford
Senior Clerk

ATTACHED:
Letter to Atty. Diane Stewart and the
Board of Selectmen, dated 8/30/16,
with attached supporting documents

NOTES/COMMENTS:

By





Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

August 30, 2016

Atty. Diane Stewart, Chairwoman
Middleborough Board of Selectmen
Town Hall
10 Nickerson Ave.
Middleborough, MA 02346

Re: Brookside Estates – Report of Planning Board on Public Layout

Dear Chairwoman Stewart and Honorable Board:

The Planning Board is in receipt of your request dated July 26, 2016, that the Planning Board provide a recommendation on the layout and acceptance of Brookside Drive and Fidelity Lane submitted by petition of the Brookside Estates residents. As you are aware, neither Brookside Drive nor Fidelity Lane have been constructed nor completed in accordance with the Approved Definitive Subdivision Plan, Certificate of Approval, Form H Covenant and Town of Middleborough Subdivision Rules and Regulations (Project Documents); and, the Planning Board has not certified the project complete. Additionally, there are significant road problems related to the contractor's use of compromised drain pipe materials and improper drainage pipe installation methods requiring extensive remediation and reconstruction of Brookside Drive and Fidelity Lane, prior to the subdivision being completed.

There are approximately 4 boxes of Planning Board record documents relating to Brookside Estates, which have been available for review by any member of the Board of Selectmen. As requested by the Board of Selectmen, we have attached some background documentation for the Board of Selectmen's use in determining the cost to repair and complete Brookside Estates prior public layout and acceptance. Also included are some documents relating to Covenants, Restrictive Covenants, Reserved Easements, and other easements necessary for developing road layout plans for Brookside Drive and Fidelity Lane. See page 3 of this letter for a list of the documents provided herewith. Please be advised that the Color TV Video Pipe Report and CD, dated June 28, 2011, has already been provided to Christopher Peck, DPW Director, and will not be provided in this document.

It has been made clear by Board of Selectmen that it proposes to accept these incomplete subdivision roads and related infrastructure as public ways, in their current state, and to utilize the Planning Board's subdivision surety to repair and complete them. It should be noted that the Planning Board, with the assistance of Planning Department staff and the Board's consultant CDM-Smith, has estimated the cost

Atty. Diane Stewart, Chairwoman
August 30, 2016
Page 2

to repair and complete the roads and related infrastructure in accordance with the Project Documents to be approximately \$850,000, based on MADOT Weighted Bid Averages and Prevailing Wage. It is our understanding that the DPW Director has developed an estimate dated May 31, 2016, of \$640,000, using an alternative drainage pipe repair methodology and unknown cost basis.

Inasmuch as the Board of Selectmen has made clear its unwavering intent to take over this project and its completion through its DPW, the Planning Board has voted that due to recent events, to refrain from making any recommendation other than this report and the information referenced herein.

Should you have any questions regarding this, please do not hesitate to contact Adam M. Bond, Esq., Middleborough Planning Board Chairman.



Adam M. Bond

Gregory Marzulli

William B. Haccare

Middleborough Planning Board

Attachments

cc: Christopher Peck, Director of Public Works
Robert G. Nunes, Town Manager
Daniel F. Murray, Esq., Town Counsel

Brookside Estates List of Documents

1. **Brookside Estates** – P. Department Summary Estimate on Subdiv. Completion Cost 3/2/16
 2. **Brookside Estates** – P. Department's Subdivision Completion Cost Estimate dated 3/2/16
 3. **Brookside Estates** – Planning Board Minutes, dated 5/10/16
 4. **Brookside Estates** – Planning Board Minutes, dated 4/12/16
 5. **Brookside Estates** – Planning Board Meeting with Board of Selectmen, Executive Session Planning Board Agenda, dated 3/2/16
 6. **Brookside Estates** – Memorandum From Ruth McCawley Geoffroy, dated 8/21/15
 7. **Brookside Estates** - Memorandum From Ruth McCawley Geoffroy, dated 7/15/15
 8. **Brookside Estates** – Planning Board Minutes, dated 12/6/11
 9. **Brookside Estates** – CDM Storm Drain CCTV/Design Review, dated 11/28/2011
 10. **Brookside Estates** – Planning Board Minutes, dated 11/15/11
 11. **Brookside Estates** – Planning Board Minutes, dated 10/25/11
 12. **Brookside Estates** – Letter to Jack Manoog, President of Fidelity Financial, dated 3/25/11
 13. **Brookside Estates** – Letter from GPI to Paul Fellini, dated 3/7/11
 14. **Brookside Estates** – Memorandum from Paul A. Fellini to Planning Board, dated 6/25/10
 15. **Brookside Estates** – Memorandum from Paul Fellini to the Planning Board, dated 3/24/10
 16. **Brookside Estates** – Letter from GPI to Denise Cahill, dated 6/5/08
 17. **Brookside Estates** – Certificate of Approval, dated 7/8/03
-
18. **Brookside Estates** – Form H Covenant, dated 8/5/03
 19. **Brookside Estates** – Restrictive Covenants, recorded 8/8/03
 20. **Brookside Estates** – Form K-1 Declaration of Reserved Easements, recorded 8/8/03
 21. **Brookside Estates** – Supplemental Form K-1 Declaration of Reserved Easements, 2/1/05
 22. **Brookside Estates** – Easements w/ Right to Construct and Maintain, recorded 7/8/03
 23. **Brookside Estates** – Lot 9 Deed Fidelity Financial to E&S Construction, recorded 2/28/05
 24. **Brookside Estates** – Drainage Easement Lots 7, 8 & 9, recorded 3/15/16
 25. **Brookside Estates** – Proof of recording Lot # 7 Easement Plan
 26. **Brookside Estates** – Proof of recording Lot # 9 Easement Plan
 27. **Brookside Estates** – Drainage Easement Lot #11 Recorded 12/15/05
 28. **Brookside Estates** – Form G Performance Bond – Secured by Deposit, in amount of \$400,000, dated 10/27/09, from Fidelity Financial, Inc., for construction of subdivision road and infrastructure.
 29. **Brookside Estates** – Form G Performance Bond – Secured by Deposit, in the amount of \$30,000, dated 9/30/03, from Fidelity Financial, Inc., for work within Colarusso Drive Layout
 30. **Brookside Estates** – Form G Performance Bond – Secured by Deposit, in the amount of \$2,000, dated 7/26/11, from Paul Colarusso, to repair pavement cut for Lot #14

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BROOKSIDE ESTATES
Planning Department SUMMARY Estimate on Subdivision Completion Cost
(If Remedial Repairs Completion Done By Town)

DESCRIPTION:

	<u>SUBTOTAL:</u>	<u>TOTALS:</u>
1. Planning Board's Consultant Engineer's Construction Observations: (a. - c.)		\$ 54,800
a. GPI's: Standard Site Observation/Testing Services:	\$ 14,800	
b. CDM-Smith: Pipe Sleeve Exploration/Installation & Lateral Observation:	\$ 40,000	
2. Town's Design Engineer/Surveyor & Supervisor: (a. - e.)		\$ 25,275
a. Site Exploration:	\$ 0	
b. Mitigation Plan & Drainage Calc.:	\$ 10,000	
c. Con. Com. NOI w/ Filing Fees:	\$ 8,275	
d. Survey - Construction Layout:	\$ 7,000	
e. Construction Supervisor: (See Sect. 1.a & b)	\$ 0	
3. Site Explorations:		\$ 25,060
a. Pipe Exploration: (Water Jet & CCTV Blocked Pipes)	\$ 11,000	
b. Pipe Backfill Exploration:	\$ 7,460	
c. Roof Drain Infiltration System Exploration:	\$ 6,600	
4. Construction:		
b. Drainage Repairs (Excludes Pavement repairs):		\$381,480
• Pipe Main Repair - CIPP: (2,509 lf)	\$190,770	
• Pipe Main Repair - CIPP: (4 lf. Short Sleeves – total 28 lf.)	\$ 44,000	
• Unexplored Deep Pipe Repairs – CIPP: (80% Damage Assumed):	\$ 13,200	
• Unexplored Shallow Pipe Repairs – R&R: (100% Damage Assumed):	\$ 46,565	
• Pipe Main Repairs – R&R: (BS: Sta. 15+90 & 17+80, FL: 2+32 & 3+14)	\$ 12,500	
• Pipe Lateral Repairs – R&R: (28 Laterals, 462 lf of Pipe)	\$ 32,000	
• Drainage Structure Repairs: (28 DMH's & 28 CB's)	\$ 27,445	
• Drainage basins: Reconstruct for Missing Roof Drain Capacity	\$UNKNOWN	
• Pipe Backfill Material Repairs:	\$UNKNOWN (Critical)	
• Colarusso Swale Repair:	\$ 5,000	
• Optional: Relocate 2,000 Gal. Grit Chamber into R.O.W.:	\$ 10,000	
c. Pavement Repairs:		\$198,860
• Roadway: Saw Cut 1,389 lf., Remove 540 lf x 23 ft. x 3.5" Thick w/ berm, CDS Grav. Base 140 cy, Fine Grading 1,257 sy, Cold Plane 2,960 lf., Sealing, Top Course 3,500 lf & Police Detail 2 days	\$180,357	
• Driveway Apron/Sidewalk Repairs: R&R 4,660 sf.	\$ 18,503	
• Pipe Backfill Exploration/Repairs: (Will affect Pavement Repairs)	\$UNKNOWN	
a., d., e., f. & g. Misc.: Remaining Construction Items		\$ 49,375
5. Layout & Acceptance:		\$ 22,997
a. & b. Survey: Monument Installation, As-Built & Layout Plan Prep. & Filing Fees		
SUBTOTAL:		\$757,847
10% Contingency:		>\$ 75,785
2% Bid Doc. & Specification Prep.: (Eng. Constr. Insp. & Testing Services covered under Item #1)		>\$ 15,157
FINAL TOTAL:		>\$848,789

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BROOKSIDE ESTATES

Planning Department's Subdivision Completion Cost Estimate (If Remedial Repairs Completion Done By Town)

	<u>Subtotals:</u>	<u>Totals:</u>
1. Planning Board's Consultant Engineer's Construction Observations: (a. – e.).....		\$ 54,800
a. Std. Site Observations/Testing Services – Based on GPI's Work Auth. 6/28/10: (Excluding Pipe Repairs & Pipe Backfill Exploration/Installation/Repair – see 1.b., c. & d.)	\$ 14,800	
b. CDM-Smith Est.: Pipe Sleeve & Lateral Exploration/Installation Observations (CDM-Smith 2/8/12 Email):	\$ 40,000	
c. CDM – Drainage Modification Plan & Drain. Calc. Review: PD Est.:	\$ 0	
 2. Town's Design Engineer/Surveyor & Supervisor Expenses: (a. – g.).....		\$ 25,275
a. Site Exploration (See Sect. 3) Supervisor:		
• Piping: (Covered in 1.c. above)	PD Est.: \$ 0	
• Unconsolidated Backfill: (Covered in 1.c. above)	PD Est.: \$ 0	
b. Mitigation Plan Submittal:	PD Est.: \$ 8,000	
• Plan Preparation:		
▪ Pipe Repairs: Sleeve, Remove & Replace per CDM Review dated: 11/28/11		
▪ Drainage Structure Misc. Repairs: Hoods, Grouting, etc.		
▪ Pipe Backfill Material Repairs		
▪ Pavement Repairs @ Cul-de-Sac, Miller St. & Colarusso Dr. Entrances, Pipe Main & Laterals, CB & DMH Castings, Driveway & Sidewalk		
▪ Landscaping: Loam/Seed & Remove 33 & Replace 36 Street Trees		
▪ Drainage Basin Modifications: Berm Height & Slopes, Adjust CLF		
▪ Swale from Colarusso Property: Evaluate 100 yr. capacity & Redesign		
• Missing Roof Drain Mitigation Plan:		
▪ Drainage Basin Recalculations		
▪ Drainage Basin Redesigns		
• Response Letter to:		
▪ Planning Dept. Memos: "Paving Issues" 3/24/10; "Non-Paving Issues" 6/25/10; & "Pipe Backfill" 2/3/12		
▪ Planning Dept. letter to Jack Manoog dated: 3/25/11		
▪ GPI Report dated: 3/7/11 Revised: 1/30/12		
▪ Street Tree Observations by Planning Dept. dated: 8/18 & 19/2011		
▪ CDM Report dated: 11/28/11		
• Design & Construction Specifications:		
• Subdivision Modification Submittal Fees: (To Be Waived) \$1000 + \$250/Lot x 11 Lots = \$ 3,750.00	\$ 0	
c. Drainage: 2000 Gal. Grit Chamber on Lot #7.....	PD Est.:	\$ 1,000
• Easement Plan to Relocate Structure within R.O.W.		
• Legal and Misc. Fees		

BROOKSIDE ESTATES
Planning Department's Subdivision Completion Cost Estimate
(If Remedial Repairs Completion Done By Town)

		<u>Subtotals:</u>	<u>Totals:</u>
d. Conservation Commission Full N.O.I:	PD Est.:	\$ 5,000	
• N.O.I. Preparation & Presentation:			
• Wetland Resource Re-delineation:			
• Full Notice of Intent (NOI):			
• Erosion Control			
• Filing Fees:			
▪ N.O.I: Cat. 3.C:		\$ 1,050	
▪ Each Storm Drain Discharge: Colarusso Swale: Cat. 2.g.:		\$ 500	
▪ Drainage Basin Reconfigurations: Cat. 2.j.:		\$ 1,500	
▪ Certified Mailing: Abutter Notification Approx. 13		\$ 71	
▪ Advertisement:		\$ 78	
▪ Recording Fees: Order of Condition		\$ 75	
Subtotal:		\$ 3,275	
e. Plan & Report Copies:	PD Est.:	\$ 2,000	
f. Survey: Construction Layout			
• Construction Layout (Lines & Grades):	PD Est.:	\$ 4,000	
▪ Erosion Control			
▪ Pavement Saw-Cut Limits			
▪ CB Casting Alignments:			
▪ Pavement Alignments: CDS, (Rdwy Entrances: Miller St./ Brookside Dr. & Colarusso Dr./Fidelity Ln), Gutter-lines/Radii, Sidewalks, WCR & Driveways			
▪ Drainage: Repaired Pipes: Laterals & Main, 3 Basins Colarusso Swale,			
• As-Built 3 Basins & Colarusso swale prior to Contractor being Paid:	PD Est.:	\$ 2,000	
g. Construction (See Sect. 5) Supervisor: (See Sect. 1)	Design Eng.:	\$ 0	

BROOKSIDE ESTATES
Planning Department's Subdivision Completion Cost Estimate
(If Remedial Repairs Completion Done By Town)

Subtotals: Totals:

4. Construction:

- a. Erosion Control per Conservation Commission: PD Est.: **\$ 3,000.00**
 - Brookside Dr. CDS, 3 Drain. Basins incl. Colarusso Swale:

- b. Drainage Repairs: (Excludes Pavement Repairs)
 - Pipe Repairs:
 - Main Pipe Repair:
 - Cured In Place Pipe (CIPP) per CDM Smith Est. 11/28/11 letter (Table 3):
 Includes: Pre & Post CCTV Inspections
 May or May Not be Included: Removal of DMH Structure Tops & Reconstruction
 (To be Determined):

Dia. (in.)	Cost/lf	Linear (lt.)	
24	\$160	24	\$ 3,840.00
18	\$80	1,782	\$ 142,560.00
15	\$70	219	\$ 15,330.00
12	\$60	484	\$ 29,040.00
Total:		2,509	\$190,770.00

- Cured In Place Pipe (CIPP) 4 lf. Short Sleeves per CDM Smith 11/28/11 letter (Table 3):

Dia.	Cost/lf,	# of Sleeves	(lf.)	
24"	\$7,000±	1	4	\$ 7,000.00
18"	\$6,500±	4	16	\$ 26,000.00
15"	\$5,500±	2	8	\$ 11,000.00
12"	\$4,500±	0	0	\$ 0.00
Total:		7	28	\$ 44,000.00

- Cured In Place Pipe (CIPP): Pipes Previously Not Inspected (Assume 80% Damage):
 (See Sect. 3.a. for list of pipes not inspected)

Dia.	Cost/lf	Length	80±% Damage	Depth	Cover	
18"	\$80	206 lf.	165 lf.	11 ft.	Pavement	\$ 13,200.00

- Remove and Replace RCP (Assume 100% R&R):
 (Pipe Depth between 1 and 5 ft.) Costs based on MassDOT

Dia.	Cost/lf	(lf.)	
30"	\$87	31	\$ 2,697.00
24"	\$65	249	\$ 16,185.00
18"	\$48	486	\$ 23,328.00
15"	\$50	75	\$ 3,750.00
12"	\$55	11	\$ 605.00
Subtotal:		821	\$ 46,565.00

BROOKSIDE ESTATES
Planning Department's Subdivision Completion Cost Estimate
(If Remedial Repairs Completion Done By Town)

	<u>Subtotals:</u>	<u>Totals:</u>
○ Remove & Replace RCP: (<i>Doesn't Incl. Pavement Work</i>)	\$ 12,500.00	
@ Sta. 15+90± & 17+80± Brookside Dr. (Assume 16 lf. Each)		
Sta. 2+32± & 3+14± Fidelity Lane (Assume 16 lf. Each)		
Excavate and uncover pipe,		
MassDOT 140.80 Class B Trench Excavation		
Inspect & determine replacement method and repair/replace pipe,		
16 lf x 4 locations = 64 lf (Assumed)		
Backfill & Compact		
Provide Temporary Steel Plates & Traffic Control Devices		
▪ Catch Basin Laterals RCP Repair: (28 laterals, 462 lf. of pipe)		
	PD Est.: \$ 32,000.00	
○ Remove & Replace: (<i>Does not Include Pavement Work</i>)		
Excavate and uncover pipe		
Inspect & determine replacement method and repair/replace pipe		
Backfill & Compact		
Provide Temporary Steel Plates		
● Catch Basin and DMH:	PD Est.: \$ 27,445.00	
▪ Castings: 28 DMH's, 28 CB's Including 1 Beehive & 5 Dbl. Grates		
○ Remove, Replace, Raise, Reset, Reconstruct, Realign and Bolt Down		
▪ Misc.: Provide or Repair- Hoods, Grout Openings & Clean		
● Drainage basins: Work due to missing Roof Drain Infiltration Systems		
	PD Est.: \$UNDETERMINED	
▪ Survey Layout (see Sect. 2.d)		
▪ Raise CLF's (Determined to be Not Necessary)		
▪ Berm Height & Slope Adjustment		
▪ Slope Stabilization: Loam/seed		
▪ Survey As-Built		
▪ Hay-bales and Silt Fence (see Sect. 2.d)		
● Unconsolidated Backfill Material Repairs:	PD Est.: \$UNDETERMINED	
Gravel Replacement: (Assume 10% Settlement)		
● Colarusso Swale:	PD Est.: \$ 5,000.00	
▪ Survey Layout (see Sect. 2.d)		
▪ Berm Height, Width & Slope Adjustment		
▪ Slope Stabilization: Loam/seed & Rip-Rap		
▪ Survey As-Built		
▪ Hay-bales and Silt Fence (see Sect. 5.a)		
● Optional: In Lieu of Easement, Relocate 2,000 Gal. Grit Chamber into R.O.W.		
	PD Est.: \$ 10,000.00	

BROOKSIDE ESTATES
Planning Department's Subdivision Completion Cost Estimate
(If Remedial Repairs Completion Done By Town)

	<u>Subtotals:</u>	<u>Totals:</u>
d. Signage:	PD Est.:	\$ 1,000.00
e. Landscaping:.....		\$ 39,875.00
• Loam/Seed Stabilize:	PD Est.:	\$ 10,000.00
○ Roadway Shoulder & Grass Strip Adjustments		
○ Brookside Drive Cul-De-Sac Slope Adjustment		
○ Colarusso Swale: Reconfiguration		
○ Drainage Basins: Reconfigurations (Not Included in Estimate)		
○ Drainage Basins: Access Drive Stabilization		
• Street Trees:		
○ Remove/Replace: 33 Trees x \$700 +33 x \$75 =	\$	25,575.00
○ Replace: 3 Trees x \$700 =	\$	2,100.00
• The Line of Sight Clearing @ Miller Street:	PD Est.: \$	200.00
• Mow Grass in Roadway R.O.W. & Drainage Ease.:	PD Est.: \$	2,000.00
f. Utilities:	PD Est.:	\$ 500.00±
• Adjust hand holes, transformers and junction pedestals	PD Est.: \$	500.00
• Driveway Lanterns	PD Est.: \$	0.00
• MG&E Outstanding Invoices	\$	Unknown
g. Clean-up & Misc. Repairs:.....	PD Est.:	\$ 5,000.00
5. Layout and Acceptance:.....		\$ 22,997.00
a. Survey Work:		
• Monument Installation: 52 Unknown @ \$230/ea.	MassDOT:	\$ 11,960.00
• As-Built & Layout Plan Preparation:	Design Eng.:	\$ 10,000.00
b. Filing Fees to Complete Subdivision for Town Acceptance:		
• Abutter List Fees for P.Board & BOS Hearings:	\$	50.00
• Hearing Abutter Notification Fees: P.Board & BOS - Approx. 34	\$	187.00
• Advertising Fees: P.Board & BOS:	PD Est.: \$	350.00
• Municipal Lien Fees:	\$	67.00
• Plan Recording Fees: 4 sheets @ \$77	\$	308.00
• <u>Recording Fees: Certificate of Compliance</u>	<u>\$</u>	<u>75.00</u>
Subtotal:	\$	1,037.00

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want grasses or flowers. Mr. Labonte asked about insect issues. Mr. Bissonnette said there will be some. Mr. Labonte said it could draw termites. Is there landscape fabric underneath? Mr. Bissonnette said if the Board requires it. Louisa Brown asked Mr. Bissonnette if this will have bugs. Mr. Bissonnette said the grindings rot, so it can have bugs. There will have bugs that thrive in it. Mr. Labonte said he would be concerned that there may be destructive bugs. Ms. Marzelli asked if the Association needed to reconsider this. Ms. McGann said we feel this is the best option. Mr. Carbone said he was concerned that aesthetics are the driving factor, rather than the long term lack of maintenance. Mr. Carbone said grass and plants form stronger root systems that have a tighter hold on the earth. The grindings may look fabulous, but people usually mulch every two (2) years to keep it fresh. This is going to rot. Mr. Bissonnette said the area in question has sandy fill. He is not sure what kind of plant life will be there. Mr. Labonte said sandy fill could promote more erosion. Ms. McGann said the Association spent money putting the sand down there. We can't afford to keep doing this. Mr. Garceau said the reason why you put out so much material was because the previous owner dug the embankment away. Mr. Carbone said to alleviate that erosion and run off. You are choosing the short term fix that will have capital expense over time. Once the grass is there, it's done. Ms. Marzelli said it is your park; she wouldn't want to vote on something that costs more. She asked that the Association reconsider the concerns of the residents to allay their fears. Ms. McGann said the majority will go along with this. Betty Clark said they had built a house on Rocky Meadow Street with no mulch and we had termites. It had nothing to do with mulch. Dave Robinson said when he bought his house in Edgeway; there was mulch against the garage. Mulch does attract termites. Mr. Labonte asked if there is a way to treat the mulch. Mr. Bissonnette said he would look into it.

Mr. Labonte said this is your development, but we want to make sure that you consider all the information. Mr. Carbone said from Planning Department perspective, does this meet the needs of being able to retain the slope. Ms. McCawley-Geoffroy said we are not saying we are opposed, but we don't recommend it. The angularity on a 3/1 slope with 4" of material would hold better if not on fabric. It will be effective in the short term. Ms. Marzelli asked if the residents voted on this. Ms. McGann said some the Board voted on this.

Upon a motion made by Mr. Carbone and seconded by Ms. Marzelli, it was:

VOTED: To approve or allow the residents to stabilize their slope with the stump grindings as presented.
Three in favor, one opposed (Mr. Garceau).

Harvestwood Estates Endorsement of Plans; Recording of Mylars

No action was taken on this item.

VHB & ATC Contracts

Chairman Bond asked to place this on the next meeting.

Brookside Estates Update

Chairman Bond asked to have this item removed unless required. Ms. McCawley-Geoffroy said we are losing the window regarding using Planning Board funds for engineering. A

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contractor has to be under contract by June 30, 2016. Chairman Bond asked if Mr. Peck had given his latest numbers. Ms. McCawley-Geoffroy said no. Chairman Bond said he is at \$530,000.

Woloski Park Status Update

Ms. McCawley-Geoffroy said she is the project manager for this. This is very complicated, and will take a lot of her time. Chairman Bond said we need a shorter agenda. Ms. McCawley-Geoffroy said we need to move some of these conversations more quickly.

Planning Board/Department Clarification of Responsibilities; Formalize Board Policies – Discussion

Chairman Bond asked if everyone had received the job description. In the description it says that you will identify issues and problems and solutions. We need the solutions. Mr. Fellini said sometime it puts liability on the Planning Staff and Board. Ms. McCawley-Geoffroy said we have to offer solutions judiciously. We have been involved in a lawsuit when we recommended something that was being used. Chairman Bond said to preface it with “a possibility for a solution will be”.

Adjournment

Upon a motion made by Mr. Labonte and seconded by Ms. Marzelli, it was:

VOTED: To adjourn at 10:57 PM.
Unanimous in favor.

Respectfully Submitted by,

Michael Labonte, Clerk

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more money it will cost. The whole point is to do it in a timely fashion. Chairman Bond said the difficulty is to see where that 46% comes from, and to see if the Board changes that or a sliding scale, maybe a mix of money and bond. Chairman Bond asked Mr. Fellini to find out from surrounding Towns if they take covenants or lots as surety. Ms. Marzelli said this needs to be looked at as a Board. Chairman Bond said we need to find a way of getting this to a position that we are well protected and projects are moving along and coming in.

Elliot Schneider said he has finished six (6) or seven (7) roads in the Town and has no incomplete projects. Is this your policy to use DOT numbers? Mr. Fellini said they have been using those for the past 20 years. Chairman Bond asked if there other alternatives that other Towns use. Mr. Fellini said it is standard practice for roadways, using union rates and prevailing wages. Mr. Schneider said he bonding process was a much more reasonable number. In speaking with Mr. Hinko, the total cost of his road was \$700,000. \$500,000 on a \$700,000 road doesn't make sense. Mr. Labonte said the \$500,000 was created when the road was not completed. The real number is now \$286,000. Mr. Schneider said there are other standards in other Towns. He now has a bond in Lakeville, Franklin and Lancaster. They hire an engineer to develop the amounts. Mr. Labonte said that surety has to be set for instances that the Town is taking over the road at prevailing wage. Chairman Bond said if you have information like that, please provide it. At a minimum we can look at the methodology.

Eastwood Estates Discussion – Cancelled

Chairman Bond said this item was cancelled at the applicant's request.

Brookside Discussion

Chairman Bond said read a memo from Ms. McCawley-Geoffroy said dated April 8, 2016 regarding the surety into the record. Town Meeting must authorize the Planning Board to use the surety monies. Ms. McCawley-Geoffroy said it is against the Town Treasurer's policy to transfer surety monies into a money market account. The current interest rate is .65% but a CD is .85%, but is locked in for a year. We could hold out some money. Chairman Bond said is that the up to date news. Mr. Labonte said this information was the result of a meeting. There was some confusion whether the Planning Board was holding the surety money. We have not called it in. It is in the Town's account. Richard Farmer said there was notification from the Planning Department that the letter of credit will expire with a recommendation to the Board to call the bond. Ms. McCawley-Geoffroy said we do this routinely. When a letter of credit has an expiration date, in one (1) day it goes from \$400,000 to \$0. We need a replacement letter. If we don't get it, then we call it in and convert to a cash bond. The developer signed a Form G Performance Bond secured by cash. The letter of credit was called in by necessity; not to take the project over. Mr. Farmer said lot release was in 2004; 2006 was the deadline. This occurred in 2009 and the Town was in its legal right to call the bond. All the documentation we see is that the bond was called. Ms. McCawley-Geoffroy said we gave you this information. The bond was called in 2009 and was turned into cash. Mr. Labonte said it was a Form G Performance Bond. The money is still there. Ms. McCawley-Geoffroy said the letter of credit was called in; \$30,000 was cash to begin with.

Chairman Bond said there was discussion whether Mr. Peck did the numbers. Mr. Carbone asked where the other set of numbers coming from? Mr. Farmer said Mr. Peck. Mr. Robitaille said Mr. Peck looked at an alternate system of lining the pipe instead of excavating. Mr. Peck had

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a concern regarding the depth of the trenches. We could work with him to give him more road and we would come up with alternative entrances for residents affected. He was going to back to re-estimate the job. Chairman Bond said he will give us the number. Mr. Robitaille offered to bring in an estimator from his company as well. Chairman Bond said the number was \$1,000,039. Mr. Robitaille said this is the first time this approach has been presented; it is not cost effective. Mr. Carbone said we had one set of numbers for slip lining; now for injection; Outback's number for sleeving (which peer review said it was not constructible); and then another number. Eileen Farmer said you had Outback saying this could be done, but CDM said it could not be done. Mr. McCawley-Geoffroy decided that CDM was right. Wouldn't you get a third opinion? Mr. Carbone said it was the developer that was making a presentation about what could be done. It was peer reviewed and they did not agree. So we told the developer if you can do this, get an estimate from a contractor to do it. Mrs. Farmer said at the meeting with the Board of Selectmen and the Planning Board, that question was asked about getting another opinion. Steve McKinnon asked about a third opinion and she said no. Mr. McKinnon asked if it was reviewed. He asked when it was done and she said in 2012. Mr. Carbone asked which meeting she was referring to. In the original meeting in 2012, that was how it was handled. Mrs. Farmer this was at the joint meeting. Ms. McCawley-Geoffroy answered that only two (2) opinions had been received. She could not answer why a third opinion was not gotten. Mr. Carbone said to Mr. Farmer, you have reviewed all the minutes, most especially in 2011 and when it went back and forth. What was the Board's direction to Outback to do at that time? Mr. Farmer said the sleeve plan was deemed not constructible. Mr. Carbone asked what his recollection was when the Board was submitted that plan and received the review from CDM as to what the developer should do. Ms. Marzelli asked Mr. Carbone is he knew the answer. Mr. Carbone said he was asking the question. Mr. Labonte said that Outback agreed that the sleeve approach was not cost effective and that the 2' section was not the way to do it. In the end, they came to the same conclusion.

Mr. Labonte said we looked at the full sleeve solution twice on Friday and there were a few other wild ideas out there. We had a proactive conversation about do we abandon the current piping system or what will it cost to dig up the pipes and replace. We also discussed the logistics. Eventually we need an engineered solution and cost. We discussed putting together a Request for Proposals (RFP) for an engineer. CDM is one of them and BETA. Mr. Farmer said Mr. Peck suggested Celco and we suggested Outback. Mr. Labonte said he sent an email to the Town Manager that Mr. Peck's numbers only reflect the piping. There are other things that need to be done out there. Mr. Robitaille said he addressed the drainage basins and sidewalks. Mr. Labonte said the sidewalks are a big scope of work that originally was not included. ADA issues require sidewalks. We are getting ready to prepare the RFP. Ms. McCawley-Geoffroy said Mr. Peck is not ready for us to put out the RFP. He is still investigating other concepts and we need to sit down with him on other issues. Mr. Labonte asked if he addressed the Miller Street connection. Ms. McCawley-Geoffroy said Outback has a design to reconnect to Miller and Colarusso. There is a drainage structure that needs to be moved and a swale on Colarusso that is flooding. It is things like that that need to be added in. Mr. Labonte said we will identify the costs associated and the Town will determine the need and the residents will comment on the cost.

Mr. Carbone said we had talked about using money from the Planning Board revolving fund to do some of this engineering; what is our deadline. Ms. McCawley-Geoffroy said the engineer must be under contract by June 30th. Ms. Marzelli asked what these numbers are for. Ms. McCawley-Geoffroy said to sleeve it. Ms. Marzelli asked what the contingency is for. Mr. Labonte said general contractors put those numbers in for work. Ms. McCawley-Geoffroy said it is customary for whenever you do a job. Ms. Marzelli said are there unknowns. Mr. Labonte said

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yes. Ms. McCawley-Geoffroy said Mr. Peck's numbers came out lower initially. When we talked about engineering, plans and specifications to bid for the work, he decided to raise his numbers to accommodate the engineering. Mr. Robitaille said Mr. Peck was uneasy about that. Mr. Carbone said that section of pipe that is unknown, if we go down the route of digging it up and abandoning the system and replacing it, does that get taken care of or has to still be done. Mr. Farmer said that portion has to be dealt with no matter what you do. Mr. Labonte said the camera won't go down it, so it is unknown. Ms. McCawley-Geoffroy said if pipes are displaced or have holes, they will keep having the material above them erode. You will need to do something to seal the pipe off if you do something else. Ms. McCawley-Geoffroy said if you put in something next to this system, you can't abandon the pipes. Mr. Farmer said it was talked about filling the system with flowable fill. Ms. McCawley-Geoffroy said because the pipe is 13' down to get the gravity, the swale would have to be 13'. Mr. Farmer said no one was passionate about the swales.

Mr. Labonte said we touched on everything. The next step is to run the numbers, excavate and replace. A letter was sent to the developer regarding the default. We did touch on litigation at the meeting on Friday. The Planning Board will need Special Counsel. We have to request it from the Board of Selectmen. Mr. Carbone asked who the Board used before. Ms. McCawley-Geoffroy said Kopelman and Paige. Mr. Labonte said no one wants to address the big elephant in the room that this will probably end up in litigation. We have to face that fact. Mrs. Farmer asked what that means for the residents. Mr. Labonte said he did not know the answer. Someone will end up in litigation. Chairman Bond said if one side sues the other, the Town will get sued. Mr. Farmer said given the time frame of a year, under 81Y last paragraph it states that. That covers everything from inactions to actions that Boards may take. Ms. McCawley-Geoffroy said that the one (1) year is the reason why the Board tries to chase developers so that their projects don't expire. Chairman Bond said you don't want to lose the time frame. Mrs. Farmer asked if extending the deadline was legal. Chairman Bond said that is a legal opinion. Ms. McCawley-Geoffroy said 81Y is the reason the extension happened. Otherwise it was in default, and there would be no standing. The Treasure will move the money; it is her call. Mr. Robitaille said if you have not called the bond, is this the Town's money to invest; it should be in an escrow account. Ms. McCawley-Geoffroy said it is in an escrow account right now. Mr. Robitaille said it is at the Town's discretion to move it. Ms. McCawley-Geoffroy said yes. This is out of the ordinary and we don't typically ask this, but we are trying to get more money because it looks like we will be using this. Mr. Labonte said any account that holds the money for a certain time; he doesn't want it to be held for a specific time. Ms. McCawley-Geoffroy said the Treasurer will move the money into a money market account and hold it. Because it is over \$100,000, Town Meeting has to approve expenditures; it won't happen before the fall.

Mr. Carbone said we are talking about certain deadlines. What time frame does it put us for a Fall Town Meeting? Ms. McCawley-Geoffroy said by the end of August. Mr. Carbone said the Board needs to have a better understanding by mid July. Chairman Bond said do we communicate with Town Counsel regarding litigation. Mr. Labonte said we have. Chairman Bond asked if Town Counsel has indicated who to use for Special Town Counsel. Mr. Labonte said no, because no one has wanted to consider litigation. Ms. McCawley-Geoffroy said we tried to have Executive Session to have this discussion. Any Board can use counsel at will for defense, but to be a plaintiff, the Selectmen are in control of that. We need Special Counsel to determine if we will go down that path. Chairman Bond asked for Town Counsel at the next meeting. Mr. Carbone requested that to be the next meeting, as he will not be present at the April 26th meeting. Chairman Bond asked for Executive Session to be scheduled for May 10th to discuss potential litigation. Ms. McCawley-Geoffroy asked if the Selectmen should be involved. Chairman Bond

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asked if it was time to get together with the Selectmen. Mr. Labonte responded yes. Chairman Bond asked to have the Selectmen attend the May 10th meeting. He wants to have the discussion and talk about a game plan. We are working on a one year time period. We can meet with the Selectmen and tell them what we want to do and if they don't agree, find our alternative. Ms. Marzelli asked Mr. Farmer and Mr. Robitaille if the meetings were going well. Mr. Farmer and Mr. Robitaille said they were. Mr. Labonte suggested having Chairman Bond join in the discussions.

Upon a motion made by Mr. Labonte and seconded by Mr. Carbone, it was:

VOTED: To approve a recommendation from the Planning Department to send a letter to the Treasurer, Judy McDonald, dated April 12, 2016, requesting that the surety for Brookside Estates be separated and put into a higher interest bearing account, such as a money market account.
Unanimous in favor.

Construction Engineer/Laboratory Consultant Review

Ms. McCawley-Geoffroy said Greg Maroney is coming in on the next meeting. She just received VHB's letter today. We have two (2) out of four (4) companies that we spoke to. Mr. Carbone asked if Amory had responded. Ms. McCawley-Geoffroy said they don't have time to do the work. Mr. Fellini said BSC also stepped out. Mr. Labonte said as we move to the construction inspections, there are pros and cons to using Mr. Fellini or an independent engineer. If our Department is not shadowing the engineering, we all know about the CYA letter from Tibbetts. We need a process so that we do not have a third party engineer that misses items. Chairman Bond said it seems the issue is the experience in personnel being sent. Mr. Labonte said Board Members need to think about this. Whatever you do for one, you are probably going to do for all. If we use a consultant engineer and do not report or inspect something ourselves, we as a Board will be responsible for that. When Mr. Fellini does that, those inspections have been done very well. On the con side, we are rubbing the developers and engineers the wrong way because of someone doing their job well. Mr. Carbone asked if the proposals include having a representative of this oversight engineer sending reports directly to the Board, like we had with Nitsch on Oak Point. When we had GPI in here and we had questions, we could address those directly with the engineers, like with Fernway when they did not do what we expected. Is that what this proposal includes or just reports like with Atlantic? Ms. McCawley-Geoffroy said you can have Atlantic come in also. We haven't had the situation where they needed to. The only time you would have Nitsch come in is a large disagreement between Allen and Majors and Nitsch. We have them come in when we feel that staff representing them is not adequate based on the level of disagreement.

Mr. Labonte said it strikes me funny that the developer asks the Planning Board to have another engineer inspect the project. Ms. McCawley-Geoffroy said it will cost \$30,000 or more. Mr. Labonte said he is spending his funds for a third party inspector when he could have the consecution administrator do it at no cost. Mr. Fellini has rubbed developers and some engineers the wrong way, but it is as a result of doing his job well. Ms. Marzelli said if he wants to spend the money, then let him. Putting roads in is not rocket science. We don't have a special circumstance in Middleborough. Chairman Bond said they may not agree on the quality of work from Mr. Fellini's work. If they want to pay, it's fine. As long as the people inspecting are competent and know what we are looking for and the questions to ask. Mr. Labonte said on each individual

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Brookside Meeting with Board of Selectmen
Executive Session Planning Board Agenda
3/2/16

History:

2003

1. Construction started in September 2003 with Jeff Fisk Construction as the developer's contractor.
2. Tibbetts Engineering Consultants (TEC) performed construction observation for Planning Board.
3. Drainage system was installed October to early November 2003. (It now appears that over a 2 week period in October 2003, no required drainage inspections were done and the Planning Board/Dept or developer were not notified so drainage system could be dug up and inspected as was customary)
4. Gravel was installed but needed to be reblended and pavement was installed in November 2003.
5. Pavement failed the lab tests for required gradation and bitumen content.
6. Roadway proceeded to settle, crack and fail by end of December 2003.

2004

7. Planning Board worked with TEC between January and March 23, 2004 to develop a "remedial investigation plan" to determine the cause and extent of road failure. The Planning Board and TEC were concerned that the drainage trenches and road excavation had been backfilled with unsuitable material from blasting of ledge on site, as unsuitable material was found along the road shoulders.
8. The "remedial investigation" was then conducted through May 2004 and the Planning Board voted to approve the Brookside Estates "remedial repair plan" on July 13, 2004.
9. The pavement on the subdivision roads was removed in July 2004, a broken drainage pipe was repaired and the gravel was reblended in August 2004.
10. The roadway was repaved on September 2, 2004, however it was noted that pavement was of insufficient thickness and was cracking between Sta. 24+50 and 27+50 and required a levelling course to be installed.
11. On September 14, 2004 the Planning Department issued a letter to the developer identifying a large number of items that were required to be corrected prior to Form J Lot release.
12. TEC developed a surety estimate in early October 2004 and the developer posted \$400,000 in mid-October which added to existing surety brought the total to \$430,000.
13. Christopher and Cynthia Bradstreet sent a letter to the Planning Board on October 14, 2004 requesting that their single lot be released prior to all required work being done and the Planning Board voted 3-1-0 on October 19 to release their Lot, against the recommendation of the Planning Department who stated that this was not the Board's regular way of releasing lots; member Garceau was the sole Planning Board member to vote against release.
14. The developer, his new contractor Bill Logan and his engineer Frank Gallagher met with Planning Department staff on November 4, 2004 and reviewed his time frame for completing all required work which was to be by December 10, 2004. The Planning Board again voted 3-1-0 to release 6 more lots on November 9, 2004. All pavement repairs were made by November 24, 2004, however lots were released in groups over the next 2 years but all remaining work for Form J lot release was not completed until 2006 when the final lot was released. It should be noted that all required remedial repairs for the roadways themselves and the 2003 settlement/failure were completed prior to the 3rd set of lot releases on February 8, 2005.

2010/2011

15. In 2010 a sinkhole began to form near #61 Brookside Drive; developer notified by Planning Dept.
16. Developer hired Outback Engineering in spring 2011 and videography of drainage system was done revealing significantly compromised drainage pipes including but not limited to broken, cracked and displaced pipes in main drain line and improperly installed pipes in catch basin (CB) to drain manhole (DMH) runs resulting in vertical displacement separation at joints.
17. Outback submitted a report to the Planning Board dated September 12, 2011 proposing remedial repairs to the drainage system on behalf of developer. Plan proposed to remove and reconstruct all CB to DMH runs (total of 28 runs); install Cure In-Place Plastic Pipe (CIPP) sleeves inside and throughout main drain line in sections as small as 2' each, water jet out main drain line sections that are still clogged or blocked and then video camera to determine repairs necessary; and, patch cut road, sidewalk and berms where repairs had taken place. Cost estimate approximately \$360,000.
18. Planning Board requested that Greenman Pedersen (GPI) review Outback proposal and then decides to send it to CDM, for more in-depth review of the problems and appropriate mitigation. CDM worked with Planning Department evaluating the Outback proposed repair plan and consulted with pipe lining contractors, Green Mountain Piping. CDM Reviewed pipe backfill issue, several methods were investigated, none were satisfactory. A final report dated November 28, 2011 was submitted to the Planning Board with CDM's recommendations.
19. The Planning Board met with Outback Engineering on October 25, 2011 and discussed remedial repair issues at length; the Board also met with Outback and developer Jack Manoog on November 15, 2011. The Board informed Outback and Mr. Manoog that CDM had questioned the constructability, effectiveness and cost of the Outback remedial repair plan, specifically the proposed use of numerous, short, as small as 2' CIPP sleeve sections. The Board asked them to provide a specific proposal reflecting the Outback design from an actual pipe repair company. No additional information was ever submitted.
20. Planning Department staff met with Town Manager and Town Counsel through 2012 and Town Counsel advised that if inadequate surety Town does not want to take road. Completion of Road is responsibility of Developer, Town not required to call-in surety. Planning Department and Planning Board have no idea of full problem and therefore don't know full cost. Recommendation was as long as developer owns road and is maintaining, Town should leave as is.
21. June 19, 2015, Developer Jack Manoog sends letter to Brookside residents saying that he would no longer plow road and to go to the Planning Board for remedy, they can use surety for plowing and road repair/completion.
22. Planning Board has placed the Brookside Estates matter on every meeting agenda between September 2015 and the present time with the exception of January 19, 2016. At each of these meetings the minutes indicate that there was discussion held between the Planning Board and the Brookside residents.
23. After meeting with Town Counsel on October 23 and November 2, 2015, the Planning Board chair and Planning Director recommended to the Planning Board that a MGL Ch. 41 s. 81W modification to extend the subdivision's completion date to March was a step that should be taken to keep the project alive and out of default and the Board held a public hearing on December 15, 2015 to extend the Completion date to March 15, 2016.

Major Subdivision Problems:

1. **Main Drain Line:** 2500 l.f. of significantly compromised drainage pipes that are broken, cracked, separated and vertically dropped at some joints. Appears that 2nd or rejected pipes from other jobs were used at Brookside Estates. Drainage pipe installed 13' deep in some areas where ledge was blasted to construct trench. Four areas of main drain pipe, 206 l.f. in length, were not able to be videoed in 2011 due to sediment blockage or separated pipes with O-rings blocking video camera. Prior to repair these areas must be water jetted to clean and the O-rings robotically removed, and the sections to then be videographically explored. **Solution:** Install structural CIPP pipe sleeve from DMH to DMH to reline most of the drainage system.
2. **Catch basin (CB) to drain manhole (DMH) runs** with improperly installed pipes, with at least one bell end of each run apparently cutoff and butted to adjacent pipe, resulting in vertical displacement separation at joints. Total length of pipe involved 462 l.f., over 28 runs. **Solution:** excavate and reinstall drain lines between CBs and DMHs.
3. **Sink hole in front of #61 Brookside Drive** revealed significant loss of backfill material overlying main drain line that could be indicative of inadequate compaction due to backfilling with blasted ledge. It is unknown whether this is the problem and how pervasive it may be throughout the project. CDM reported that ground penetrating radar, density testing, probing and jetting and pressure grouting were not options that could be effectively used to further identify and locate the extent of problem. CDM recommended that the Planning Board either wait and let time reveal whether more of the road collapses or run a very large vibratory roller over the main drain line to cause any unconsolidated material to settle.
4. **Full width overlay** after drainage system repair; cold plane top course of pavement. Repair of sidewalks and berms.
5. **Roof Drain infiltration systems** were not installed, existing detention basins may not be large enough to make up for them.

Town Legal/Litigation Options and Issues:

1. **Developer** – Cost to the Town (financial/staff hours)
 - Special Counsel
 - Cause of Action
 - Piercing Developer's financial protections against claims
 - Adequacy of possible damages
 - Specific claim and remedy
 - Statute of limitations
 - Chance of success
 - Residents join with the Town
 - Board of Selectmen makes final decision to proceed
2. **Contractor (Jeff Fisk Construction)** -According to Developer:
 - Filed for Bankruptcy
 - Opened succeeding business under another name
 - Developer not Town has cause of action

3. Tibbetts Engineering (Planning Board Consultant)

- **Possible Claims:**
 - o **Failure to perform contractual duties; Negligence; Fraud**
- **Types of Suits**
- **Statutes of Limitation**
- **Damages**
- **Liability and Errors & Omissions Insurance**
- Board of Selectmen makes final decision to proceed

4. Residents – Town Defense against Resident lawsuit

-ADA Violations, Civil Rights Violations, Mandamus, interference with residents' rights, denial of US and MA Constitutional Rights

-Failure to perform statutory duties, nefarious attempt to avoid use of bond funds and application of funds for other purpose, refusing to take action against the developer.

Moving Forward:

1. Planning Board is responding to Residents' 1/14/16 Lawyer's letter; letter saying will respond sent.
2. Planning Board sent a letter to the developer dated February 2, 2016 requesting to meet before 3/15/16 to discuss repair and completion of subdivision roads. Board should wait until then to take any action contrary to this.
3. Planning Department has redone "Cost Estimate" to repair and complete Brookside using tasks and costs if work is to be done by the Town. Costs still in 2012 values but includes most outstanding items. Pipe sleeving values were provided by CDM.
4. Planning Board/Department, DPW Director, Board of Selectmen and others may evaluate each of these tasks and costs and determine which are vital to be completed.
5. Town of Middleborough may not wish to decide on course of action, including calling in any surety, until cost estimate and scope of work confirmed/developed by outside Engineering consultant such as CDM.
6. Planning Board could use Revolving Fund to retain CDM or other engineering firm to confirm/develop cost estimate and scope of work, similar to what Planning Department has done.
7. Once costs are understood and agreed to by all involved, Town then decide to:
 - a. Do nothing and let developer remain responsible.
 - b. Call-in surety, bid and perform as much of the work as possible (may not result in road being completed or accepted by the Town).
 - c. Call-in surety and the outstanding costs over and above the \$430,000 surety held by the Town would be paid by betterments (would result in completed road)
 - d. File litigation against the developer to compel him to complete the project (the surety could be used as part of this once the amount work done reaches the level of surety being held)
 - e. File litigation against the developer to receive monetary damages to bridge gap between surety and anticipated cost of completion.
 - f. Residents could sue developer to compel to complete road.
 - g. Call-in surety and file litigation against Tibbetts to receive monetary damages to bridge gap between surety and anticipated cost of completion.

6



Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

MEMORANDUM

To: Middleborough Planning Board
From: Ruth McCawley Geoffroy, Planning Director
Date: August 21, 2015
Re: Brookside Estates Drainage Failure – Scope of Work, Outstanding Issues

Remedial Investigation of the failing roadway in June/July 2011 by Outback Engineering on behalf of Fidelity Financial, revealed through videography of the drainage system the following problems. Additionally, Outback Engineering submitted a proposed remedial action plan in September of 2011, which the Planning Board had reviewed by an outside consultant, Camp Dresser and McKee (CDM):

- 1. All 14 sets of catch basins (CB's) within Brookside Estates have pipe connections to the drain manholes (DMH's) that were improperly constructed and require replacement. The pipes were cut prior to entering the CB's and butted together without bell and spigot joints. As a result the pipes have separated and dropped creating large voids undermining the roadways. All 14 sets, or 29 CB to DMH pipe runs must be excavated and replaced. (*Outback Engineering, representing Fidelity, proposed this approach and Planning Board concurs.*)**
- 2. The videography of the main drain line as well as some CB to DMH runs reveals broken, cracked, separated and blocked pipes in a significant number of locations. Much of the pipe is 11'-13'+ deep and some areas were built in ledge. Because of the sheer number of areas of failure, the Planning Board's consulting engineer, CDM, recommended Cured in Place Pipe (CPP) to sleeve the entire main drain line and that the sleeving provide structural support. One section of the main drain line near house #61, must be excavated and repaired prior to pipe sleeving as the pipe is blocked by the displaced pipe preventing sleeving equipment from entering and a large sinkhole has formed. (*Outback Engineering, representing Fidelity, proposed that pipe sleeving be done at each break or failure in as small as 2' lengths and did not agree with CDM's approach.*)**
- 3. The area of Brookside Drive near House #61 and other areas show evidence of inadequate, unconsolidated backfilling of the drain line and large voids underlay the roadway, causing in some places road depression, collapse or failure. It is unclear what the extent of this problem is and the cause. As a result, a plan to remedy this problem has not been developed nor the cost to repair been estimated. The Planning Board's consultation with CDM involved evaluation of alternatives that could be used to explore this issue of unconsolidated backfill. Ground penetrating radar, water jetting and excavation were discussed; however CDM felt that none of these alternatives were adequately feasible or effective. CDM actually recommended a wait and see approach to allow the road to fail after the pipe sleeving and CB-DMH repairs had been made. CDM recommended that a vibratory roller be used to expedite the settlement of the unconsolidated soils throughout Brookside Drive and Fidelity Lane so that these areas can be identified sooner. The Planning Board found that neither of these alternatives was acceptable; also, they are methods**

of exploration only and an actual remedy has not been proposed. (*Outback Engineering, representing Fidelity, concurred.*)

During Planning Board meetings with Jeff Youngquist of Outback Engineering on October 25, 2011 and November 15, 2011 (Jack Manoog also in attendance), the Board requested that Fidelity Financial (through Outback Engineering) provide: 1.) additional information regarding Outback's proposed mitigation plan for the Town's consultant, CDM to review and 2) a proposed plan to properly address the sink hole in front of #61 Brookside Drive. The requested information included:

A. Submit Revised Subdivision Mitigation Plan proposal:

1. Provide a drainage pipe solution for the main drain line, through a proposal from a specific pipe repair contractor to show that individual sleeving, down to lengths as small as 2', will effectively repair the main Brookside Estates Drain line and be cost effective.
2. Unconsolidated Material: Propose method for exploration of the unconsolidated material used to backfill the drainage pipes. Present Mitigation of the unconsolidated pipe backfill material Plan.
3. Additional pipe exploration will be necessary to determine the condition of the sections of drainage pipes that were unable to be explored due to some type of blockage; and methodology to then be proposed to repair or replace.
4. Identify the pavement repairs for roadways, sidewalks and driveway aprons to be done after pipe repair work is completed. Propose plan for where and how the pavement will be repaired, after drainage and other mitigation, i.e. complete removal, patching, cold planning or a combination of methods and provide the estimated tonnage of each method in each location.
5. Provide a plan for managing the pipe repair work including miscellaneous work for maintaining public access, signage, ongoing site maintenance, landscaping, utility repairs, installation of monuments and including outstanding incomplete work, etc.

B. Repair of Sink Holes at #61 Brookside Drive (Station 15+50), Depression at Sta. 4+00, etc.:

1. The lateral pipes at this location need immediate repair. The proposed method for repairing the pipe as well as the construction schedule to repair the sink holes to be provided for the Planning Board's review and approval.
2. Any additional areas of roadway pavement that may pose risk of collapse and a problem for vehicular and pedestrian traffic to be identified including proposed extent of investigation, repair methods and construction schedule.
3. Access to these areas prior to and during repair to be restricted by traffic control devices in accordance with the Manual on Uniform Traffic Control Devices (MUTCD); the current cones and barriers do not meet these criteria.

C. Developer to submit Construction Schedule and Town to refine cost estimate for total road repair with milestones. On a prior project, Planning Board worked with developer when road work significantly exceeded surety being held. The Board allowed surety drawdown at satisfactorily completed milestones once the outstanding cost of remedial road repairs reached the amount of surety that the Planning Board was holding. The Planning Board could explore a similar strategy with the Fidelity Financial.

D. Other Outstanding Items, in addition to Drainage System Failure, that may be required prior to Certification of Completion:

1. Brookside/Miller St reconstruction, regrade to correct drainage sheet flow to catch basins;
 2. Cul-de-sac regrade to correct drainage sheet flow to catch basins
 3. Fidelity/Colarusso Dr. reconstruction- repair pavement, remove Collaruso Drive berm.
 4. Correct construction of swale from Colarusso Drive per approved subdivision plan.
 5. Landscaping: Loam/seed remove 33 street trees, replace 36 trees.
 6. Drainage Basin changes to mitigate missing roof drains; calculations, berm reconstruction plan.
 7. Repair/adjust drainage basin chain link fences.
 8. Relocate grit chamber, Lot #7, or expand easement.
 9. Repair driveway aprons/sidewalk in miscellaneous locations.
 10. Monuments and bounds (52) to be installed; prepare/revise as-built/layout plan
-

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Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

MEMORANDUM

To: Middleborough Planning Board
From: Ruth McCawley Geoffroy, Planning Director
Date: July 15, 2015
Re: Brookside Estates Drainage Failure - Outstanding Plan Submission Items

Planning Board met with Jeff Youngquist of Outback Engineering at their October 25, 2011 and November 15, 2011 Meetings. Outback presented a proposed mitigation plan for the drainage system at Brookside Estates and the Board requested that Fidelity Financial (through Outback Engineering) provide: 1.) additional information for the Town's consultant, Camp Dresser & McKee (CDM) to review and 2) a proposed plan to properly address the sink hole in front of #61 Brookside Drive. The following requested information is still outstanding:

A. Revised Subdivision Mitigation Plan:

1. Drainage Pipe Solution with additional information:
 - a. Revise the current Drainage Pipe Repair plan dated March 5, 2010 revised through September 12, 2011, to incorporate the specifications submitted by your pipe contractor.
 - b. Provide the name of the pipe contractor that will be performing the work, Clog Busters was mentioned during the meetings; provide documentation that the pipe contractor retained is certified to install the proposed technology.
 - c. Provide specifications from the pipe contractor on the proposed pipe repair technology and what methods of installation will be implemented:
 - Type of technology being proposed; Cured in Place Pipe (CIPP) or other?
 - Type of pipe sleeves (short liners) being proposed? Are they structural or nonstructural? (*Due to the amount of damage to the pipes and the depth below grade, CDM's opinion is that most of the entire pipe lengths should be structurally lined.*)
 - The minimum length of pipe sleeve that is physically possible to address the condition of the pipes? (*CDM's opinion is that the 2 ft. sleeves proposed cannot be placed accurately enough to cover the damaged areas and are not cost effective.*)
 - The type of material being proposed, polyester, PVC or some other innovative material?
 - Identify the lengths of CIPP being proposed to line the 1) entire pipe runs, 2) short sections and 3) the number of lengths of each method and associated costs?

- Provide a comparative cost analysis between the use of multiple short sleeves and having the entire pipe lined. *(CDM's opinion is that having the entire pipe lined, is more economical than having 4 short sleeves per pipe length.)*
- d. Unconsolidated Material: Propose mitigation for the unconsolidated material used to backfill the drainage pipes which appears to be settling causing failure of road surface. During Outback Engineering's exploration of the sink hole in front of #61 Brookside Drive on

-2-

- e. January 31, 2012, it was confirmed that the pipe backfill material is not consolidated. *(CDM recommended that a vibratory roller be used to expedite the settlement of the unconsolidated soils throughout Brookside Drive and Fidelity Lane so that these areas can be identified sooner.)* However, this is not a solution to the problem only a method to expedite discovery of voids within the pipe backfill material. A solution to the unconsolidated pipe backfill material must be presented.
- f. Additional pipe exploration will be necessary to determine the condition of the sections drainage pipes that were unable to be explored due to some type of blockage; and methodology to be proposed to repair to repair or replace.
- g. Pavement repairs for Roadways, Sidewalks and Driveway Aprons:
 - Propose plan for where and how the pavement will be repaired, i.e. complete removal, patching, cold planning or a combination of methods.
 - Provide the estimated tonnage of each method in each location.
- h. Miscellaneous work for signage, ongoing site maintenance, landscaping, utility repairs, installation of monuments and including outstanding incomplete work, etc.
- B. Repair of the Sink Holes in front of #61 Brookside Drive (Station 15+50):
1. The lateral pipes at this location need immediate repair, however this work has not been done. Provide a construction schedule to repair the sink holes and a method on how the repairs is to be done, for the Planning Board's review.
 - a. Any additional areas of pavement that may pose a problem for vehicular and pedestrian traffic to be identified.
 - b. The areas identified to be investigated further to determine the depth and extent of the problem.
 - c. Access to these areas to be restricted by traffic control devices in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), currently the cones and barriers do not meet these criteria.
- C. Construction Schedule with Surety Release Milestones

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December 6, 2011

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Applicant:

Lawrence W. Pink
87 Old Cordwood Park
Duxbury, MA 02332

There is a review of the presented plan. D. Maddigan states it appears that a lot is being cut out of a large piece of land. P. Fellini stated that the signatures on the application are not complete and there are discrepancies on the plan. Lawrence Pink is the applicant and Rosada Ltd. Partnership is the owner, however the application only has Lawrence Pink's signature with no reference to Rosada Limited Partnership.

After discussion it was agreed to continue the Form A approval and resolve this issue prior to the next meeting of December 13, 2011 meeting.

CAMPANELLI BUSINESS PARK, SPECIAL PERMIT TO AMEND THE 3RD AMENDED & RESTATED MASTER SPECIAL PERMIT AND THE FORM C MODIFICATION OF SUBDIVISION PLANS– Hearing (see attached)

HARVESTWOOD ESTATES, FORM C DEFINITIVE SUBDIVISION & CLUSTER SPECIAL PERMIT – Hearing (see attached)

BROOKSIDE ESTATES DEFINITIVE SUBDIVISION – Discussion

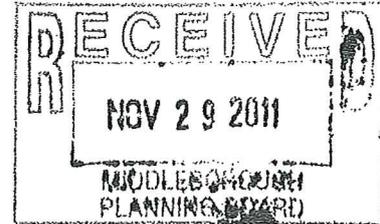
D. Swarce mentioned a possible conflict with an engineer that worked for the design engineer who currently works with him. D. Swarce will recuse himself and send a notification to the Clerk's office. There was a discussion if this would be a conflict.

There is a discussion regarding Camp, Dresser and McKee's review letter. P. Fellini explained that Camp, Dresser and McKee cleaned up the review letter and provided a thorough spreadsheet which indicates their recommendation on the individual lengths of pipe. Camp, Dresser and McKee clarified the cost estimate. It is based on polyester resin not PVC resin. Apparently, the increased cost of using polyester is minimal. It was also determined that based on the review of the pipe, the pipes meet the ASTM standards which require structural mitigation. Therefore, polyester resin must be used. Polyester resin is much stronger than PVC resin.

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November 28, 2011

Ms. Ruth M. Geoffroy
Planning Director
Middleborough Planning Department
20 Center Street, 2nd Floor
Middleborough, Massachusetts 02346

Subject: Brookside Estates Storm Drain CCTV and Design Review

Dear Ms. Geoffroy:

As proposed under the letter agreement dated October 24, 2011, Camp Dresser & McKee (CDM) has reviewed the CCTV (closed circuit television) inspection videos, logs, and reports of the Brookside Estates Storm Drain. The following is a description of the material reviewed:

- Approximately 3,700 feet of drain CCTV investigation and its accompanying log report was reviewed as part of this project. Six (6) original VHS tapes were provided to CDM by New England Drain Service and reformatted to DVD format. These videos are provided herein.
- Eleven (11) sheets of design plans developed by Outback Engineering Inc. and dated September 12, 2011.
- Brookside Estates Roadway Repairs letter written by Outback Engineering Inc. and dated September 12, 2011.
- Four (4) sheets of plans titled: *Drainage Pipe Analysis Worksheet*, prepared by the Town of Middleborough Planning Department and dated October 14, 2011.
- Paul Fellini Email titled Brookside Estates: Drain Pipe Mitigation Plan Review dated September 14, 2011.
- Paul Fellini Email commenting on Draft Letter submitted by CDM to Middleborough on November 14, 2011.





Ms. Ruth M. Geoffroy
November 28, 2011
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The goal of this analysis was to review the current structural deficiencies, infiltration conditions, sink holes, and conveyance issues found through the CCTV inspection. Based on these findings CDM recommended appropriate methods of rehabilitation and compared these recommendations with those made by Outlook Engineering. The following is a listed summary of this evaluation:

1. Plans available do not show details of the recommended "2' Sleeve Repair". It is uncertain what method of rehabilitation it is suggested here. CDM assumes that this means a 2' short liner, and in our experience in the industry, short liners are recommended at minimum pre-fabricated lengths of 4' to 6'.
2. An accompanying specification should be produced to establish acceptable liner manufactures methods of installation, materials, preparatory cleaning and post CCTV as recommended.
3. Depths of manholes should be provided in the plans.
4. There are slight variations between station numberings presented in the Drainage Pipe Analysis Worksheet and Outback Engineering Plans. Also, some of the section numbers are incorrect labeled in arrows located in the Outback Engineering's plans. Those instances are noted in the comment column of Table 1.
5. Table 1, was created highlighting the Outback Engineering Recommendation and CDM Recommendations. The following are items regarding the understanding of the Table:
 - a. For the purpose of Table 1, section START and END Stations were based on the DMH Stations provided by the Drainage Pipe Analysis Worksheet. Stations are presented by ascending order and not by the direction of CCTV work.
 - b. Length of CCTV, shown in Table 1, is based on CCTV footage from New England Drain Service Inc.
 - c. Plan # refers to where the Section is located in the Outback Engineering Plan. Tape # refers to which CCTV original tape the section was recorded in – these numbering also match DVDs included herein. Section # refers to the ones provided by the CCTV company.
6. Design assumptions:
 - a. CIPP (cured in place pipe) lining is one of several pipe rehabilitation methods referred to as Trenchless Technologies. It is an approved method (ATSM Standards) and preferred method to rehabilitating cracked, broken and failed sanitary or storm sewer pipes. Lining is less





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Page 3

expensive and more efficient than traditional open cut replacement methods, normally installed with little or no surface disruption.

- i. As shown in Table 1, short liners (at lengths no shorter than 4') were recommended at some sections, while in others, entire sections of pipe were recommended for CIPP lining as opposed to several smaller short liners throughout the section of pipeline. CIPP installed in an entire section assures less infiltration and improves the structural integrity of the drains. It is also more cost effective to line a segment of pipe than to implement several short liners at smaller distances.
- b. CIPP lining is not an option under the following (this does not appear to be the case at any of the main drain line locations):
 - i. When existing pipe has severe pipe deflection (loss of ovality), or where offsets are greater than 20% the diameter of the pipe;
 1. With that being said, during the review of the tapes for the catch basin laterals, most presented joint offsets greater 20% of the diameter of the pipe (for the 12" laterals, this means an offset greater than 2.4"). In addition, many the offsets were not visible (due to sediments) or they weren't CCTVed in the first place – as establish during the performance of the work.
 2. Note that although spot repairs are an acceptable method of rehabilitation for the offset at STA 2+32 within the drain section: DMH 10 to DMH 9; this entire section could otherwise be lined. The Developer should verify with liner manufacturers such as InSituForm that this section can be lined.
 - ii. Where there is a collapse or blockage;
 1. Note that although spot repairs are an acceptable method of rehabilitation for the two blocked locations within the drain section: DMH 6 to DMH 5; this entire section could otherwise be lined. The Developer should verify with liner manufacturers such as InSituForm that this section can be lined. Prior to finalizing the methodology of rehabilitation, the entire section needs to be re-inspected.
 - iii. Where the requirement is to increase existing pipe capacity; and
 - iv. Where chemicals can erode or dissolve CIPP liner material.





Ms. Ruth M. Geoffroy
 November 28, 2011
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7. The estimated construction costs are considered, presented in Table 3 are planning level costs that were developed from completed projects in similar communities.

Table 3
Planning Level Costs

<i>Pipe Size</i>	<i>Unit</i>	<i>Unit Cost</i>
<i>Cured In Place Pipe Lining</i>		
10"	FT	\$45
12"	FT	\$60
15"	FT	\$70
16"	FT	\$75
18"	FT	\$80
24"	FT	\$160
30"	FT	\$200
36"	FT	\$220
<i>4' Short Liner</i>		
12" to 21"	each	\$4,500 - \$7,000

8. As noted in Table 2, below, the following were manholes recommended for cleaning and appropriate grouting. Depths of these manholes should be provided.

Table 2
Manhole Rehabilitation

<i>DRAIN MANHOLE #</i>	<i>Comment</i>
DMH 9	Cleaned and Grouted
DMH 1	Cleaned and Grouted
DMH 1B	Cleaned and Grouted
DMH 1C	Cleaned and Grouted
DMH A2B - 3	Cleaned and Grouted
DMH A2B-2	Cleaned and Grouted





Ms. Ruth M. Geoffroy
November 28, 2011
Page 5

9. VHS tape was missing for the following sections: DMH 13 to DMH 14, DMH A2B-4 to DMH A2B-3, and DMH A2B-3 to DMH A2B-2. CDM did not view these tapes. Although a report was submitted by New England Drain Service Inc. for those sections.
10. As noted in Table 1, section DMH 2 to DMH 3, is recommended for cleaning and debris removal, even though no repairs are needed.
11. CCTV in the following sections were abandoned and therefore should be reinspected after appropriate measures are taken to re-establish survey: DMH 6 to DMH 5, and DMH 16 to DMH15.

We trust that this information will prove satisfactory. Please call me if you have any questions or if you need further information. You can reach me at 617-452-6531 or by email at dohertyjt@cdm.com.

Very truly yours,



John T. Doherty, P.E., BCEE
Camp Dresser & McKee Inc.

Enclosure: Table 1 – Brookside Estates Storm Drain CCTV and Design Review

cc: Paul Fellini, Town of Middleborough
Marina Pereira, CDM



TABLE 1
Brookside Estates Storm Drain CCTV and Design Review
Middleborough, Massachusetts

Row No.	Outback Engineering Plan #	Video Section Tapes #	Video Section #	Street Name	From DMH	To DMH	Section START STA	Section END STA	Length (ft) of CCTV	OUTBACK ENGINEERING RECOMMENDATION	CDM RECOMMENDATION	COMMENTS
1	1	4	23	Brookside Drive	DMH 16	DMH 15	0+80	2+22	111.8	Short Liner at STA 1+88 and 1+97	CIPP entire section as per REINSPECTION	survey abandoned due to mud
2	1, 2	4	26		DMH 15	DMH 16			7.9			
3	1, 2	4	27	Brookside Drive	DMH 15	DMH 14	2+22	4+50	226.4	Short Liner at STAs 2+48, 3+44, and 4+28	CIPP entire section	
4	1, 2	4	51		DMH 14	DMH 15			30.2			
5	2	5	30	Brookside Drive	DMH 13	DMH 14	4+50	6+55	206	Short Liner at STA 4+79, 4+84, 5+12, 5+36, 5+52, 6+08	CIPP entire section	survey abandoned at 9' - missing TAPE 7
6	3, 4	1	1	Brookside Drive	DMH 13	DMH 12	6+55	9+55	302.5	No Repairs	CIPP entire section	
7	3, 4	5	31		DMH 13	DMH 12			301.9			
8	4	1	2	Brookside Drive	DMH 12	DMH 8	9+55	10+70	94	No Repairs	CIPP entire section	
9	4, 5	2	7	Brookside Drive	DMH 7	DMH 8	10+70	12+55	188.4	No Repairs	CIPP entire section	need to correct number in Outback Drawings
10	5, 6	2	8	Brookside Drive	DMH 7	DMH 6	12+55	15+55	296.8	Short Liners at STAs 13+38.7, 13+96.4, 14+64.6, 15+47.4	CIPP entire section	
11	7, 8	2	11	Brookside Drive	DMH 6	DMH 5	15+55	18+83	47.2	Spot Repair at 16+08.9 and 17+94.8	CIPP entire section as per CCTV inspection, cut exposed gaskets. REINSPECT	VERIFY THAT THIS CAN BE LINED RATHER THAN SPOT REPAIRED. CCTV of this section was abandoned verify method applies as per new CCTV
12	7, 8	2	12	Brookside Drive	DMH 5	DMH 6	18+83	15+55	22.2			
13	7	2 and 3	13	Brookside Drive	DMH 5	DMH 4B	18+83	19+10	88.3	Short Liner at STA 18+93.2	Short Liner (12') start at STA 18+91	
14	7	3	14	Brookside Drive	DMH 4B	DMH 4	19+10	19+89	75.2	Short Liner at STA 19+18.1, STA 19+26, 19+66, STA 19+82	CIPP entire section	
15	7, 8	3	15	Brookside Drive	DMH 4	DMH 3	19+89	20+69	72	No Repairs	No Repairs	
16	8	3	16	Brookside Drive	DMH 2	DMH 3	22+81	20+69	189.1	No Repairs	Clean/Remove Debris	survey abandoned 10' prior to manhole
17	8	3	17	Brookside Drive - Cross-country	DMH 1C	DMH 2	N/A	22+81	28.2	No Repairs	Short Liner (4)' at Joint 4' from DMH 1C	No stations available for this run
18	8	3	18	Brookside Drive - Cross-country	DMH 1C	DMH 1B	N/A	N/A	19.3	Short liner at 15' from DMH 1 C	CIPP entire section	No stations available for this run
19	-	3	19	Brookside Drive - Cross-country	DMH 1	DMH 1B	N/A	N/A	99.6	No Repairs	No Repairs	

TABLE 1
Brookside Estates Storm Drain CCTV and Design Review
Middleborough, Massachusetts

Row No.	Outback Engineering Plan #	Video Tapes #	Video Section #	Street Name	From DMH	To DMH	Section START STA	Section END STA	Length (ft) of CCTV	OUTBACK ENGINEERING RECOMMENDATION	CDM RECOMMENDATION	COMMENTS
20	-	3	20	Brookside Drive - Cross-country	DMH 1	HW	N/A	N/A	34.6	No Repairs	No Repairs	
21	8, 9	6	41	Brookside Drive	DMH A2A-7	DMH A2A-6	23+09	24+59	149.3	Short Liner at STAs 23+30, 23+61, 23+98, 24+24	CIPP entire section	
22	9	6	44	Brookside Drive	DMH A2A-6	DMH A2A-5	24+59	24+87	21.5	No Repairs	No Repairs	need to correct number in Outback Drawings
23	9	6	45	Brookside Drive	DMH A2A-4	DMH A2A-5	24+87	25+57	68.8	Short Liner at STAs 24+92, 25+48	CIPP entire section	
24	9	6	46	Brookside Drive	DMH A2A-4	DMH A2A-3	25+57	27+07	151	No Repairs	No Repairs	
25	10	-	49	Brookside Drive	DMH A2B-4	DMH A2B-3	N/A	N/A	116.4	Short Liner at STA 27+51, 27+60 and 28+32	CIPP entire section	MISSING TAPE
26	10	-	50	Brookside Drive	DMH A2B-3	DMH A2B-2	N/A	N/A	11.1	Short Liner 3' from DMH A2B-3	Short Liner 4' from DMH A2B-3	MISSING TAPE
27	11	5	37	Fidelity Lane	DMH 11	DMH 10	0+27	2+25	197	Short Liner at STA 0+52, 1+66	CIPP entire section	
28	11	5	38	Fidelity Lane	DMH 10	DMH 9	2+25	3+69	141.2	Short Liner at STA 2+71 and 2+91, Replace Section at 2+92 and 3+14	CIPP entire section	unknown sizes of replaced section. CHECK THAT IT IS LINEABLE AT 82.4'
29	4, 11	2	6	Fidelity Lane	DMH 9	DMH 10	3+69	2+25	43.7			
30	4	1	3	Fidelity Lane	DMH 9	DMH 8	3+69	4+96	111	No Repairs	Short Liner STA 4+00 and 4+16	

a. Section Start Station and End Station based on DMH Station provided by Drainage Pipe Analysis Worksheet

b. Length of CCTV based on CCTV footage from New England Drain Service Inc.

TABLE 1
Brookside Estates Storm Drain CCTV and Design Review
Middleborough, Massachusetts

Row No.	Outback Engineering Plan #	Video Tape #	Video Section #	Street Name	From DMH	To DMH	Section START STA	Section END STA	Length (ft) of CCTV	OUTBACK ENGINEERING RECOMMENDATION	CDM RECOMMENDATION	COMMENTS
32	7	2	9	Brookside Drive	CB 6-1	DMH 6	N/A	N/A	6.4	Replace	same	
33	7	2	10	Brookside Drive	DMH 6	CB 6-2	N/A	N/A	10.2	Replace	same	
34	1	4	21	Brookside Drive	DMH 16	CB 16-2	N/A	N/A	18.9	Replace	same	
35	1	4	22	Brookside Drive	DMH 16	CB 16-1	N/A	N/A	13.6	Replace	same	
36	1	4	24	Brookside Drive	DHM 15	CB 15-2	N/A	N/A	20.3	Replace	same	
37	1	4	25	Brookside Drive	DMH 15	CB 15-1	N/A	N/A	14	Replace	same	
38	3	4	28	Brookside Drive	DMH 13	CB 13-2	N/A	N/A	16.1	Replace	same	
39	3	5	29	Brookside Drive	DMH 13	CB 13-1	N/A	N/A	6	Replace	same	
40	4	5	32	Brookside Drive	DMH 12	CB 12-2	N/A	N/A	3.6	Replace	same	
41	4	5	33	Brookside Drive	DMH 12	CB 12-1	N/A	N/A	5.1	Replace	same	
42	4	5	34	Brookside Drive	DMH 8	CB 12-3	N/A	N/A	5.1	Replace	same	
43	8	6	39	Brookside Drive	DMH A2A-7	CB A2A-7-2	N/A	N/A	14.5	Replace	same	Incorrectly labeled CB-8-1 in cctv LOG
44	8	6	40	Brookside Drive	DMH A2A-7	CB A2A-7-1	N/A	N/A	5.9	Replace	same	
45	9	6	42	Brookside Drive	DMH A2A-5	CB A2A-6-2	N/A	N/A	12.6	Replace	same	
46	9	6	43	Brookside Drive	DMH A2A-5	CB A2A-6-1	N/A	N/A	3	Replace	same	
47	10	6	47	Brookside Drive	DMH A2B-4	CB A2B-4-1	N/A	N/A	6.7	Replace	same	need to correct number in Outback Drawings
48	10	-	48	Brookside Drive	DMH A2B-4	CB A2B-4-2	N/A	N/A	12	Replace	same	need to correct number in Outback Drawings
49	4	1	4	Fidelity Lane	DMH 9	CB 9 - 2	N/A	N/A	4.1	Replace	same	
50	4	1	5	Fidelity Lane	DMH 9	CB 9 - 1	N/A	N/A	4.7	Replace	same	
51	11	5	35	Fidelity Lane	DMH 11	CB 11-1	N/A	N/A	20.2	Replace	same	
52	11	5	36	Fidelity Lane	DMH 11	CB 11-2	N/A	N/A	21.5	Replace	same	
53	5	-	-	Brookside Drive	DMH 7	CB 7-1	N/A	N/A		Replace	same	NO CCTV
54	5	-	-	Brookside Drive	DMH 7	CB 7-2	N/A	N/A		Replace	same	NO CCTV
55	7	-	-	Brookside Drive	DMH 5	CB 5-1	N/A	N/A		Replace	same	NO CCTV
56	7	-	-	Brookside Drive	DMH 5	CB 5-2	N/A	N/A		Replace	same	NO CCTV
57	7	-	-	Brookside Drive	DMH 4	CB 4-1	N/A	N/A		Replace	same	NO CCTV
58	7	-	-	Brookside Drive	DMH 4	CB 4-2	N/A	N/A		Replace	same	NO CCTV

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trees that the surety was being held for were in good health. The street has been accepted and approved by the Town.

UPON MOTION: D. Maddigan made the motion to release \$2,500.00 for the street trees at Lewis Gordon Circle and was seconded by D. Swarce, the Board

VOTED: To release surety in the amount of \$2,500.00 to Eliot Schneider, Developer of Lewis Gordon Circle.
Unanimous vote.

WILDFLOWER ESTATES – Release of Surety

Paul Fellini started the discussion regarding releasing the two performance bonds (1) for \$8,200.00 for grass planting and (2) for \$9,100.00 for grass growth longevity totaling \$17,300.00. P. Fellini reported that the grass was in good health and in compliance with the Sub-division Rules and Regulations and MASS DOT Standards throughout. There is still one performance bond being held for street trees. Paul stated that he is waiting for a response from Spillane Nurseries regarding some honey locust trees which are not doing well. T. Spillane wants to maintain them over the winter and wait and see how they are doing in the spring. If they are not doing well in the spring, he is going to remove and replace them. Therefore, Paul Fellini recommends that we hold onto the remaining performance bond for trees until at least late spring, early summer.

UPON MOTION: D. Maddigan made the motion to release \$8,200.00 in surety for grass planting and \$9,100.00 in surety for grass growth longevity and was seconded by D. Swarce, the Board.

VOTED: To release surety in the amount of \$17,300.00 for both performance bonds for Wildflower Estates.
Unanimous vote.

BROOKSIDE ESTATES – Meeting:

This meeting was continued from October 25, 2011. Jeff Youngquist from Outback Engineering, Inc. was the first to speak stating that he was representing Jack Manoog on the Brookside Estates and also stated that he was expecting a review letter from Camp, Dresser and McKee (CDM). P. Fellini said that he received the letter late today (6:00 PM) and had about an hour to review it but stated that it looked satisfactory to him; however some minor revisions will need to be made, including typos, etc. P. Fellini stated that he had a draft copy for Jeff and we can discuss it further. M. Labonte stated that the Board hadn't seen it either but would give him a copy. They reviewed the drainage pipes throughout the subdivision. In regards to the letter from CDM, P. Fellini stated that he didn't think it's worth going through CDM's report item by item. He stated that he could give everyone a general account of what was in the letter. He said they pretty much went with what Jeff recommended and supplemented different areas with entire

pipe replacement especially in areas that were drastically damaged such as areas where Jeff proposed multiple sleeves. P. Fellini pretty much agreed with CDM's report. The only issue is that in CDM's spreadsheet, they have pipes that were analyzed by Clog Busters (the company that performed the video inspection) in both directions, but only showed analysis in one direction. The pipe analysis should be combined and only one recommendation given by CDM. The end result is that the report will be much easier to read. CDM recommends that certain sections of pipe be sleeved in their entirety and in regards to the lateral pipes from the catch basins, they agreed with Jeff's proposal to remove and replace the entire pipe runs. We are just about there. We just have to comment on CDM's draft report and I think we will have our final recommendations. D. Swarce stated that the recommendation from Outback and CDM differ and asked why is this? P. Fellini states that CDM is recommending certain pipes to be entirely sleeved because it will completely solve the problems throughout the pipe system and be more economical. CDM based the economics on the following: for pipes with an average length of 300 ft. that have four (4) or more proposed sleeves, each sleeve being 4 to 6 ft. long at a cost of \$4,000 to \$6,000 (approximately \$1,000 per foot), it is more economical to sleeve the entire pipe length than to do sections. You get more for your money. D. Swarce said then the method they are recommending appears to be cured in place pipe (CIPP). P. Fellini said yes that is a standard generic name. There are multiple trade names like Insituform and other companies that actually do the work and they have their own trademark product and their own specifications which have to meet or exceed ASTM standards. So they are all pretty much apples to apples. Jeff Youngquist states cured in place pipe is essentially a trademark product. Every state has a cured in place pipe unit. The closest one that does it is from Vermont. P. Fellini states that CDM's is different from Jeff's proposal in that they do not think that two (2) foot sleeves would be feasible to install, so they recommended a minimum of 4 to 6 foot sleeves. Jeff Youngquist stated that the firm that will be installing the sleeves these are the guys that do the work recommended 2 ft sleeves and that a 2 ft. sleeve will give you a foot on either side of it which should be sufficient. D. Swarce says according to the Camp, Dresser and McKee letter that the proposed plans that they reviewed do not show details of the recommended 2 foot sleeve repair and is uncertain what method of rehabilitation is suggested here. CDM assumes that this means a two foot short liner and our experience in the industry shows short liners are recommended at a minimum prefabricated length of 4 ft. to 6 ft., so I think there just needs to be some resolution. Jeff stated that he will go back and see about the price because pipe sleeving is not cheap. It is very expensive. For instance, if we sleeve every pipe it could cost \$150,000. P. Fellini asks what the cost per linear foot is and Jeff Youngquist stated that it's about \$50 per linear foot. Jeff Youngquist also stated you could burn up a lot of money. D. Swarce says that what we are looking for is a solution for the problems we have now and come to an agreement. Jeff Youngquist stated that he will check with Clog Busters and see what they recommend and will get the Board a letter stating exactly what length they can put in. P. Fellini stated that Camp, Dresser and McKee was looking for specifications for their review so that they can determine if Clog Busters is certified to the work. Jeff Youngquist suggested websites to visit that are named CIPP and handed P. Fellini some reading material. Jeff continued and stated that the websites show the standard procedures and they explain exactly how they do it. Paul said that he found what Jeff was referring to and he found ASTM standards for CIPP installation on Insituform's website; however CDM will need the specific name of the company you're going to use, they should reference ASTM standards, what methodology they are going to use and how they are going to do it. Right now it is just floating in the air as to what company is going to be used.

M. Labonte states that from his recollection that CIPP is best done in the cold weather. P. Fellini states that if we can get this all organized for the wintertime, the developer could get started and work on this throughout the winter. M. Labonte said that once we get to a solution, then we can figure out cost and then you can review that with the Planning Department and come up with an action plan on cost and come back to us with this information. There is some brief discussion of the difficulty in watching the video of the pipes. Jeff Youngquist stated that he would get everyone a working set of CD's.

Jeff Youngquist states that assuming I get everything worked out, it will come down to the cost of everything. And at this point Jeff Youngquist's client, Jack Manoog would like to speak. M. Labonte says that he can say a few things but states that this is a very closely worked resolution; first he would have to resolve it with the Planning Department and then he can come before the Planning Board. The last time we went through this with another project it literally took a year to figure it all out. Paul Fellini stated yes most of it was that we were waiting for the final report. M. Labonte states that he is not saying yes or no to the possible financial solution.

Jack Manoog, President of Financial Fidelity comes to the podium and introduces himself. He started by saying he has no money. He said he just borrowed \$35,000 to \$40,000 because he was led to believe that if he did all this investigation and brought it to the Board and show what was wrong, he would be able to take money out of his surety. He said he has worked with his attorney and the Board has probably talked with theirs but if you go back to 2005 hearing comments about not having any review of the drains, it is not true. Right here there is a letter from the Town in 2005 in which you were billed for investigation and approval of the drains and that's here on your Town's letterhead. Secondly, we tried to do whatever the Town wanted us to do and unfortunately the job just kept going. He said to himself something has got to be wrong. When we got these tapes back we saw what was done on this drainage; we all wanted to faint. We couldn't believe it. At the time he was told that Tibbetts was his engineer and he said that Tibbetts was not his engineer and that this Town does not allow us to pick an engineer. At the time he asked if he could have Outback and he was told that Tibbetts was the engineer for the Town. Due to financial problems he said they are barely breathing and to go into litigation is not going to cost him (Mr. Manoog) anything because he has a firm on retainer. The binder was gone completely. We've torn up the pavement because we were told that we did not properly test the binder fill. We tore it up and came out with 3 weak places. We tore the whole thing up. Jack Manoog asked the Board for help or then we would have to go into Litigation. He stated that the engineer allowed them to continue and tear up the pavement. He stated that Ruth M. Geoffroy told him Tibbetts was his engineer. Jack Manoog states that he is here because he wants the job to be completed. Don Swarce stated that he had one question for him. Who was it that said the Town or the Planning Board was not responsible for the drainage. Jack Manoog stated that it was good that it happened now because down the road there would have been a problem. We have always been told that Tibbetts was our engineer. D. Swarce asks who told him that Tibbetts was his engineer and Jack Manoog stated it was R.M. Geoffroy. Tibbetts stopped coming out to the job per Jack Manoog. He also stated that the Town fired him and JM was waiting for a new engineer to be hired by the Town. Jack Manoog directs his conversation to PF and states that he got the report back from the consultant and Paul Fellini was not happy with it and is doing the review himself. Jack Manoog states he doesn't know what to do. D. Swarce states that in

accordance with the Certificate of Approval, the plans were prepared by Koska Engineering; the drainage was designed by Pilling Engineering. Jack Manoog's engineer was Gallagher. After Gallagher went out of business Jack Manoog went to Outback Engineering, Inc. The General Contractor was Jeff Fisk out of Fall River who appears to be the real party responsible. M. Labonte states there are ways to go forward and correct the problems as seen with another project before. We, meaning everyone, need the solution, cost and a method to discharge surety. M. Labonte states that the Planning Board has not been given any kind of solution to fix the problem. Jeff Youngquist gave us parts of the solution. Pau Fellini mapped out the problems which is very detailed. The Town has sent out the information to CDM, who will take all this information and give us back a recommendation and they have done that in draft format. There still needs to be some work done on that. We are heading in the right path. We know what the problem is and we are trying to get everybody to meet in the middle and satisfy the Planning Department. It is up to Outback and CDM to come up with a detailed solution and a cost effective solution. Safety issues need to be addressed at the site especially the sink hole.

UPON MOTION: Made by M. Labonte and seconded by D. Swarce, the Board

VOTED: To continue the Brookside Estates meeting to December 13, 2011 at 8:00 PM
Unanimous vote.

SILO LANE- Discussion

With respect to the review of this 40B subdivision road, P. Fellini reported that he sent the October 26, 2011 letter to Jason Youngquist in regards to construction deviations. Some of the deviations on site pertain to the basin berms width, heights and how they configured them. A certification of work performed in the field in compliance with the intent of the approved design plan should be provided to the Planning Department.

TALL OAKS ESTATES – Discussion

No comments on Charles Cristello November 3, 2011 letter to F. Souza, just an FYI for the Board.

GREENMAN-PEDERSEN, INC. – Contract

PF is currently working with Jim Noyes of GPI to update his inspection spreadsheets and he would like to add additional steps for inspecting the pipes. ML asks if the costs are increasing and PF replies yes. However, this will give us a great deal of information in the field.

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VOTED: To approve a Form A Plan of Land on River Street, for Paul E. Turner Realty Trust, prepared by Outback Engineering and dated October 18, 2011.
Unanimous vote.

FORM A – Marathon Realty Trust, Peirce Street, 2 lots

Owner/Applicant:
Steven M. Kahian, Trustee
136 Peirce Street
Middleborough, MA 02346

Lots: 2 lots
Fees: \$300.00
Assessors Map: 50J, 4493,
50K, 4542, 4546, 4574, & 4577

M. Labonte asked P. Fellini for a review of the plan. P. Fellini stated that he reviewed the plan with R. Geoffroy and it is recommended that the Board sign the plan.

UPON MOTION: Made by D. Swarce and seconded by B. Garceau, the Board

VOTED: To approve a Form A Plan of Land on Peirce Street, for Marathon Realty Trust, prepared by Outback Engineering and dated April 29
Unanimous vote.

BROOKSIDE ESTATES DEFINITIVE SUBDIVISION – Meeting

Jeff Youngquist wanted to know if they will be able to do something this year and is waiting for the Board to make a decision. There are many problems with drainage pipes. B. Garceau has a problem with hearing that this project has now become the Board’s problem. M. Labonte stated we have worked with other developers to devise a method/solution to complete the subdivision by setting up a construction schedule milestone tied to a surety release milestone. Jeff Youngquist explains how the contractors built the drainage pipe laterals between the DMH’s and CB’s. He stated that the contractor put the spigot ends together and did not cement them. The pipes were supposed to be inspected at the time of backfilling. M. Labonte states that the responsibility belongs to the developer and the contractor to monitor their own work and that it is not up to the Town’s consultant. Jeff Youngquist states that everybody involved is gone except for the Town. M. Labonte states that we are not going to discuss liability but concentrate on finding a solution. He also asked Jeff Youngquist as to why he was here and if he had a solution. Jeff Youngquist stated that his submittal (mitigation plan) is his solution. P. Fellini states that Jeff’s plan indicates the entire pipe identified in dashed colored lines are to be repaired, however the pipe table provided at the bottom of the plan indicates only 2 ft. sleeves are proposed. Jeff Youngquist states that all the laterals will need to be completely replaced and that it is true that he is proposing only 2 ft. sleeves along the length of the main drainage line. P. Reynolds stated,

what you're saying is that the entire pipe (lateral pipe) will need to be removed and replaced. D. Swarce asked if some of the pipes are crushed. Jeff Youngquist said they are not crushed but they have cracks. When you get a pipe from the manufacturer and it is broken it is typically returned, however I believe these pipes were all defective.

Paul Fellini states that there are several ways as to how the pipes could have been damaged:

1. Defective pipes from the manufacturer which were not identified or returned,
2. Defective pipes from the contractor's yard such as leftover pipe from other jobs,
3. Poor bedding which typically would causes 360° circumferential cracks,
4. Poor installation with the bucket of excavator which can cause 360° circumferential cracks, longitudinal cracks, breaks or a combination of all.

Jeff Youngquist acknowledged that the list of possible causes of damage was complete. Jeff continued and stated that you can tell which pipes are from different manufacturers by the color of the concrete or change of surface texture. The contractor may have had problems fitting the pipes from different manufacturers together.

M. Labonte asked Jeff Youngquist what technology will be implemented. Jeff Youngquist stated that they will be using pipe sleeve technology. Paul Fellini asked if the pipe sleeve technology is structural and if the technology is similar to Insituform technology. Jeff Youngquist stated that he did not know if the technology was the same and has no specification on the pipe sleeve process. Paul Fellini discussed the Insituform technology and how the pipes are cured – that the Insituform product needs to be refrigerated. The Insituform contractor would like to work during the winter time because the pipes will cure too quickly during the summer time. Jeff Youngquist discusses his mitigation plan and the fact that all the laterals need to be removed and replaced. M. Labonte asks Jeff what he is proposing for the rest of the pipes. Jeff states that he is proposing to sleeve the pipes in certain areas as identified on his plan. Bill Garceau asks if they might have done a lot of blasting of ledge and that these areas were not compacted correctly because they used blasted material which does not compact well. Jeff Youngquist asked what makes you think that the contractor compacted those areas at all. He discussed depression above pipes in the road in different areas that are starting to become visible. B, Garceau discussed methods of puddling the backfill used in the pipe trenches. If you put a lot of rocks, you cannot fill the voids and puddling (jetting) the backfill material is the only way to fill the voids. There is going to be access problems, how will you get by during the repairs if the main pipe has to be completely removed. D. Swarce discussed methods of compacting.

M. Labonte does not see a solution in the mitigation plan. What other solutions are there? D. Swarce states that there are other alternatives such as:

1. Open excavation
2. Slip lining
 - a. Pipe bursting
 - b. Pushing the sleeve thru

The last thing we want to do is open excavate. D. Swarce states that there are two (2) parts to the solution:

1. Fix the pipe
2. Fix the voids in the soil above/around the pipes

The contractor will need to plug the holes in the pipe as well. D. Swarce stated that his point is that there are multiple solutions; however we only see one on the mitigation plan.

M. Labonte asks Paul Fellini to present his plan. P. Fellini presents the Drainage Pipe Analysis worksheet prepared by the Planning Department keyed to the Video Camera Report prepared by Clog Busters (New England Drain Service). P. Fellini compares the differences between the Outback engineer's plan and the worksheet prepared by the Planning Department. M. Labonte asked P. Fellini what the arrows on the plan indicate. P. Fellini stated that the arrows represent every pipe defect, breaks, cracks, location of debris or differential settlement. The red lines indicate pipe that will need to be completely removed and replaced and the red arrows indicated some type of structural damage. M. Labonte states that the Planning Department worksheet plan shows how extensive the damage is to the drainage system.

M. Labonte discussed the proposal by Camp, Dresser, and McKee for \$2,500.00 and asked how will this be paid. P. Fellini states it will be paid by the Revolving Fund and that we cannot charge the developer twice for the same review work.

M. Labonte discusses the current issues with roadway deterioration and potential access problems. M. Labonte wants to make clear that this is of critical concern. He reads Paul Fellini's letter to Jack Manoog regarding the removal of the steel plates that were covering the existing sink hole. Jeff Youngquist states that the contractor, Redlon needed his steel plates back. M. Labonte also reads Jack Manoog's letter which states that he does not have the money to fix the roadway and that the Town is controlling the money to repair the road and that it is the Town's responsibility. D. Swarce states, I don't understand J. Manoog's comment that the Planning Board controls the money. It's bond money. M. Labonte told Jeff Youngquist to tell his client to fix the sink hole because it is a safety problem and that the developer, in his letter, did not address the situation properly. The repair work to make the site safe must be done. There were discussions on how to repair the roadway as follows. Jeff Youngquist said they could pour concrete into the pavement opening to stabilize the surface. Paul Fellini stated that the concrete will not solve the problem, only temporarily cover it up. Concrete will be difficult to remove when the permanent solution is implemented. The contractor has to temporarily repair the lateral pipes. D. Swarce recommends flowable fill. Flowable fill can be excavated and will provide support. Jeff Youngquist stated that the steel plates cannot remain in the roadway because the roadway cannot be plowed with steel plates in the way. The plates will have to be removed. He also stated that the work was inspected by the Town's consultant and they may have some culpability. Jeff Youngquist mentioned that he had concerns regarding the liability with the inspection by the Town's consultant. M. Labonte recommends that the Board not address Jeff Youngquist's comments due to liability.

M. Labonte discussed Camp, Dresser and McKee's proposal by reading the proposal from beginning to end. B. Garceau asked if we should do all the laterals before the winter time. Jeff Youngquist said we should before the asphalt plants close. M. Labonte recommends we meet again on November 15, 2011. Jeff Youngquist asks the Board if the developer Jack Manoog should be present at this next meeting. M. Labonte stated that he should come before the Board to discuss the repair of the drainage system and address the safety issue on site. D. Swarce recommends Camp, Dresser and McKee review the pipe repair plan by Outback Engineering,

Inc. and the pipe investigation report by Clog Busters. D. Swarce wants the Certificate of Approval for the November 15th meeting. M. Labonte asked how the meeting went with Jim Noyes of Greenman-Pedersen, Inc. regarding outstanding issues. Paul Fellini stated that Jim already knew why we called him and that he apologized for not being able to provide adequate services to our department. Jim will provide a letter for the November 15th meeting for the Board to review. It will address the outstanding issues identified in the Planning Department's outline. Once the Board reviews the letter, then we can have Jim come in to discuss his solutions and recommendations with the Board.

UPON MOTION: Made by M. Labonte and seconded by P. Reynolds, the Board

VOTED: To continue the meeting for Brookside Estates to November 15, 2011 at 8:00 PM.

ADJOURNMENT

UPON MOTION: Made by Michael Labonte, and seconded by Peter Reynolds, the Board

VOTED: To adjourn at 9:40 PM.
Unanimous vote.

Respectfully submitted by,

Peter Reynolds, Clerk

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FILE

Town of Middleborough

Massachusetts

TOWN PLANNER
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

March 25, 2011

Mr. Jack Manoog, President
Fidelity Financial
72 Pine Street
Hyannis, MA 02601

Re: Brookside Estates – Proof of Installation of Roof Drain Infiltration Systems on Individual Lots

Dear Mr. Manoog,

During the construction process on Lot #14 (#24 Brookside Drive), the Planning Department was made aware that the roof-drain-infiltration system was not installed on Lot #14 and it is unclear whether they are installed on Lots #1 through #13 throughout the Brookside Estates subdivision as required. This office is currently working with the owner of Lot #14, Steven Bradley to bring that lot into compliance and would like to work with you to bring the Brookside Estates subdivision lots into compliance as well. Please note that Mr. Bradley will need to coordinate with you on work necessary to repair the utility cut in the roadway pavement.

As you may know, the roof-drain-infiltration systems are an integral component of Brookside Estates subdivision drainage system and were originally proposed by your design engineer to reduce the size of the drainage basins in Brookside Estates. To determine if the roof-drain-infiltration systems were installed, this office reviewed the septic design and as-built plans at the Middleborough Health Department to verify compliance with the approved subdivision plan. This office found that the septic as-built plans for Lots #2 & 9 provided proof that the roof-drain-infiltration systems were installed, however only an approximate location of the infiltration system on Lot 2 was provided and the remaining lots did not have proof of installation. Lot #13 has not been developed and still will need the roof-drain-infiltration system installed when the dwelling is built. To facilitate compliance, this office provided the attachment presenting data acquired during this research and design engineer's contact information for your use.

The Planning Department requests that proof be provided to this office by your design engineer that the roof-drain-infiltration systems for Lots #1 through #12 were installed as required. Should the roof-drain-infiltration system not be installed, the design engineer will need to increase the size of the drainage basins and provide this office with a mitigation plan for review and approval by the Planning Board. Attached please find the roof drain infiltration detail on sheet 9 and proposed locations of the roof-drain-infiltration systems on sheets 10 & 11 of the

definitive subdivision plan, Part B.8 of the Certificate of Approval and the fourth paragraph of the Restrictive Covenant for Brookside Estates.

Should you have any questions regarding roof-drain-infiltration systems please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul A. Fellini', written over a horizontal line.

Paul A. Fellini
Construction Administrator

ATTACHMENT

Brookside Estates: Roof Drain Infiltration System Research @ the Health Department on 2/28/11

Lot #:	Address:	Roof Drain System on Septic Design Plan:	Design Engineer:	Roof Drain System on Septic As - built Plan:	Septic As-Built Plan Date:	Design Engineer:
Original Subdivision Lots #1 to #13:						
1	29 Brooksid	Yes	Outback	No	3/16/05	Outback
2	15 Fidelity	Yes	Koska	Yes (Approx.)	5/15/05	Koska
3	12 Fidelity	Yes	Koska	No	6/8/05	Koska
4	61 Brookside	Yes	Outback	No	12/6/05	Outback
5	85 Brookside	Yes	Outback	No	9/20/05	Pilling Eng.
6	91 Brookside	Yes	Outback	No	4/26/05	Outback
7	97 Brookside	Yes	Outback	No	10/19/05	Outback
8	105 Brookside	Yes	Outback	No	6/14/07	Outback
9	120 Brookside	Yes	Gallagher	Yes	1/3/06	Gallagher
10	116 Brookside	Yes	Gallagher	No	10/11/07	Gallagher
11	102 Brookside	Yes	Gallagher	No	3/27/06	Gallagher
12	88 Brookside	Yes	Gallagher	No	12/6/06	Gallagher
13	n/a	Not Designed	n/a	n/a	n/a	n/a
Lots Added to Brookside Drive by Others:						
1A	70 Brookside	n/a (Swale)	Outback	n/a	10/2/06	Outback
14*	24 Brookside	Yes	Gallagher	No	12/30/10	Outback

***Current Owner of Lot #14:**

Steven Bradley
 428 Bedford Street
 Lakeville, MA 02347
 Phone: (508) 732 3017

Design Engineers Contact Information:

Michael J. Koska & Associates, Inc.
 Civil Engineering & Land Surveyors
 98 Broad Street, P.O. Box 262
 Bridgewater, MA 02324
 Office: (508) 697 7400
 Fax: (508) 697 1650

Pilling Engineering Group, Inc.
 Civil Engineers & Land Surveyors
 1135 Pearl Street
 Brockton, MA 02301
 Office: (508) 580 1145

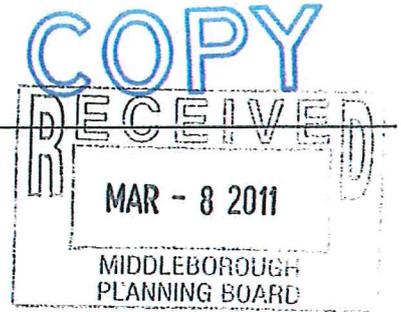
Gallagher Engineering
 Civil Engineering/Land Surveying
 4 Windsor Drive
 Foxboro, MA 02035
 Office: (508) 543 9894

Outback Engineering, Inc.
 106 West Grove Street
 Middleborough, MA 02346
 Office: (508) 946 9231
 Fax: (508) 947 8873

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GPI Greenman - Pedersen, Inc.

Engineering and Construction Services



Ref: NHX-2008539.01

March 7, 2011 *Mod. by P Dept 8/19/11 for Street Tree update*

Ms. Ruth McCawley Geoffroy, Town Planner
Middleboro Town Hall
20 Centre Street
Middleborough, MA 02346

Att: Mr. Paul Fellini, Construction Administrator

RE: Brookside Estates, Drainage Inventory/Street Trees

Dear Paul:

At the request of the Planning Department, Mr. James Noyes of Greenman-Pedersen, Inc. (GPI), consultant to the Planning Board, performed a field review with Mr. Paul Fellini of the Planning Department of the installed drainage systems of the Brookside Estates Subdivision on October 29, 2010. The purpose of the review was to inspect each drainage structure, and offer recommended corrective measures for compliance of the drainage systems with the Approved Definitive Subdivision Plans.

In addition, in accordance with Comment 5b of the Planning Department's Memorandum to the Planning Board dated June 9, 2011, an inspection of street trees was conducted by the Planning Department in the fall of 2010. The purpose of this inspection was to determine the overall health of the trees, and to determine if any required replacement and/or additional review prior to acceptance.

The inspections were compared to the Approved Definitive Subdivision Plan dated August 20, 2002 revised through June 23, 2003, the Certificate of Approval dated July 8, 2003, the Town of Middleborough Rules and Regulations, the Commonwealth of Massachusetts Department of Public Works (now Department of Transportation) "Standard Specifications for Highways and Bridges, 1988 Edition", as amended (hereinafter referred to as the "Standard Specifications"), and previous correspondence by this office and town officials..

Attached to this letter, please find a Drainage Inventory table listing all of the drainage structures installed in the subdivision. In addition to our Observations and Recommendations noted on the table, we respectfully offer the following observations with regards to the drainage system:

1. The oil hoods in the drainage structures are not the same as specified on the Catch Basin Detail on Sheet 7 of the Approved Definitive Subdivision Plans. The hoods installed in the basins are all ADS "T" type with open tops, closed tops are required. In addition, the hoods are loose and are tending to rotate and/or fall off in the structures. The Design Engineer should recommend a method to secure the "T" hoods inside all of the structures. The hoods will require inspection once tightened.
2. Inverts were not built at the bottoms of the drain manholes; however, the Approved Definitive Subdivision Plans did not call for inverts to be constructed. MassDOT requires brick or concrete inverts in their design standards. The hydraulic characteristics of the drainage system are lessened and may not have been accounted for in the design. In addition, sediment will build up on the bottom of the structure to the invert

C

level of the outlet pipe; however this seems to be keeping the pipes free of sediment. At this time it does not appear that the absence of inverts in the manholes has been a detriment and should probably remain consistent with the approved design plan.

3. The frame dimensions of the catch basins and drain manholes castings throughout the subdivision ranged in depth between 4 and 8 inches. No consistency or pattern of placement of these frames was used. As noted previously, all of the castings do not comply with town standards. The DPW Superintendent in 2008 accepted the castings but required that any castings that needed to be adjusted should be replaced with acceptable LeBaron frames and grates (or covers) or equal castings. In addition, all castings outside of the paved roadway should be replaced with LeBaron castings. This includes frames and covers for all drain manholes and grit chambers.

The frames and grates/covers recommended for replacement are shown in the Drainage Inventory. It should be noted that it may not be possible to install standard LeBaron 8-inch depth castings in all situations, particularly within the existing roadway. In some cases, the existing 4- and 6-inch depth frames are resting directly on top of the manhole, or have been adjusted to finish grade with only one or two bricks. Prior to ordering replacement frames and grates (or covers), the design engineer shall confirm that a standard 8-inch frame may be installed, allowing for a minimum of one (1) adjustment brick. Any locations that will not have a standard 8-inch replacement frame shall be noted to the Planning Department, along with the proposed depth of frame.

4. In the detention areas, the pipe openings in the headwalls need to be mortared. In addition, the lift holes for the headwalls need to be cemented with non shrink grout.
5. ~~There is considerable construction debris located in the forebay of Detention Basin A2B that should be removed.~~ In addition, the slope above the outfall pipe from the detention basin is eroding, and should be stabilized with rip-rap. The rip-rap should be placed in accordance with Federal Highway Administration standards. Finally, the area surrounding the grit chamber appears to be lower than shown on the Approved Definitive Subdivision Plans. This area should be filled, and the covers over the grit chamber should be raised.

With respect to the trees installed within the subdivision, the following observations are made:

6. ~~The following trees are missing and/or need to be replaced (all trees below are located on Brookside Drive unless otherwise noted):~~
 - Sta. 1+50 LT (replace maple tree)
 - Sta. 2+50 RT (replace locust tree)
 - Sta. 3+50 LT (replace pin oak tree)
 - Sta. 5+75 LT (replace locust tree)
 - Sta. 8+00 LT (replace maple tree)
 - Sta. 11+00 LT (replace red maple tree)
 - Sta. 12+40 LT (replace red maple tree)
 - Sta. 15+00 LT (replace maple tree)
 - Sta. 2+00 LT (missing tree)
 - Sta. 3+50 LT (replace littleleaf linden)
 - Sta. 5+50 RT (replace littleleaf linden)
 - Sta. 7+00 RT (replace locust tree)
 - Sta. 10+50 LT (replace locust tree)
 - Sta. 12+00 RT (missing tree)
 - Sta. 13+75 LT (replace locust tree)
 - Sta. 16+50 LT (replace locust tree)

Ms. Ruth McCawley Geoffroy

March 7, 2011

Page 3 of 3

- Sta. 20+50 LT (replace maple tree)
- Sta. 25+50 LT (replace dead maple tree)
- Sta. 28+50 RT (replace silver maple)
- Sta. 29+50 RT (replace pin oak tree)
- Sta. 30+00 LT (replace locust tree)
- Sta. 1+20 LT Fidelity (straighten or replace locust tree)
- Sta. 4+50 RT Fidelity (replace maple tree)
- Sta. 21+00 LT (replace unknown type)
- Sta. 28+00 LT (missing tree)
- Sta. 29+00 RT (replace maple)
- Sta. 29+50 LT (straighten or replace littleleaf linden)
- Sta. 0+50 LT Fidelity (replace locust tree)
- Sta. 3+50 RT Fidelity (replace dead tree)

Additionally, the following trees are marginal (either trunk damage, poor tree growth, or too small), and will be re-inspected this spring to determine if they require replacement:

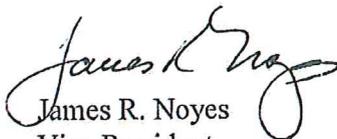
- Sta. 11+50 RT (locust tree)
- Sta. 14+50 (red maple tree)
- Sta. 17+75 (red maple tree)
- Sta. 23+00 LT (locust tree)
- Sta. 4+00 RT Fidelity (maple tree)
- Sta. 13+75 RT (locust tree)
- Sta. 16+00 LT (red maple tree)
- Sta. 19+10 LT (red maple tree)
- Sta. 4+00 LT Fidelity (locust tree)

*Waived by
P.B.*

~~Lastly, the group of 4-foot high white pines to be located on the north side of Detention Basin A1 has not been installed. We note that the 8-foot spacing suggested on the Approved Definitive Subdivision Plan is too close, and that the tree placement should be staggered.~~

Respectfully submitted,

GREENMAN-PEDERSEN, INC.


James R. Noyes
Vice President

Brookside Estates Subdivision
 Drainage Inventory - October 29, 2010
 Greenman-Pedersen, Inc.

Structure No.	Station	Observations	Recommendations
CB A1-16-1	0+69 Right Brookside	"T" hood loose. The frame adjustment bricks are loose and structurally unsound.	Secure hood. Remove and re-mortar bricks. Replace frame and grate with 8" deep LeBaron casting and adjust to finish grade.
CB A1-16-2	0+69 Left Brookside	"T" hood loose. The frame adjustment bricks are loose and structurally unsound.	Secure hood. Remove and re-mortar bricks. Replace frame and grate with 8" deep LeBaron casting and adjust to finish grade.
CB A1-16-3	0+50 Right Brookside (outside roadway)	"T" hood loose. Grate should be "beehive" Grate as shown on the Approved Definitive Subdivision Plans.	Replace frame & grate with LeBaron Model #LCG226-2 "beehive" grate. Secure hood.
DMH A1-16	0+80 Brookside	Frame is only 4" deep. A concrete collar has been poured around the frame.	Remove concrete collar, and place binder pavement prior to proposed corrective roadway work. Replace frame and cover with 8" deep LeBaron casting and adjust to finish grade.
CB A1-15-1	2+05 Right Brookside	"T" hood is in a horizontal position. Insufficient mortar between bricks.	Secure hood. Re-mortar bricks.
CB A1-15-2	2+05 Left Brookside	"T" hood loose.	Secure hood.
DMH A1-15	2+22 Brookside	Insufficient mortar between bricks.	Re-mortar bricks.
DMH A1-14	4+50 Brookside	Frame is only 4" deep. Frame is loose in pavement, and a portion of the flange is exposed. Only one leveling course of 1/2" brick was used.	Design engineer to provide detail to adequately secure 4" frame directly to structure.
CB A1-13-1	6+50 Right Brookside	"T" hood loose. Insufficient mortar between frame adjustment bricks.	Secure hood. Re-mortar bricks. Cut back berm.
CB A1-13-2	6+50 Left Brookside	"T" hood has fallen off. Insufficient mortar between frame adjustment bricks. Berm extends out over back of frame.	Secure hood. Re-mortar bricks. Cut back berm.
DMH A1-13	6+55 Brookside	Manhole is acceptable.	
CB A1-12-1	9+50 Right Brookside	"T" hood appears loose. Debris in bottom of basin.	Secure hood. Remove debris (hand-work).

Brookside Estates Subdivision
 Drainage Inventory - October 29, 2010
 Greenman-Pedersen, Inc.

Structure No.	Station	Observations	Recommendations
CB A1-12-2	9+50 Left Brookside	"T" hood is crooked. Insufficient mortar between frame adjustment bricks. Debris in bottom of basin.	Secure hood. Re-mortar bricks. Remove debris (hand-work).
DMH A1-12	9+55 Brookside	Manhole is acceptable.	
CB A1-8-1	10+55 Right	"T" hood appears loose.	Secure hood.
DMH A1-8	10+70 Brookside	First access rung is approximately 6 feet from top. Manhole appears to be approx. 2.5 feet deeper than shown on the Approved Definitive Subdivision and As-Built Plans.	Install additional rungs for accessibility. As-Built Plan will need to be revised by the design engineer.
CB A1-7-1	12+50 Right Brookside	Frame is placed directly on top of structure (no brick leveling courses used). No mortar used. Berm extends out over back of frame. "T" hood is loose.	Secure hood. Mortar frame to structure.
CB A1-7-2	12+50 Left Brookside	"T" hood has fallen off.	Secure hood.
DMH A1-7	12+55 Brookside	Access rungs begin approx. 3.5' down from top. MH appears to be 1.5' deeper than shown on the Approved Definitive Subdivision and As-Built Plans.	Clean manhole. Install additional rungs for accessibility. As-Built Plan will need to be revised by the design engineer.
CB A1-6-1	15+50 Right Brookside	"T" hood appears loose.	Secure hood.
CB A1-6-2	15+50 Left Brookside	"T" hood appears loose.	Secure hood.
DMH A1-6	15+55 Brookside	Manhole appears to be about 1.3 feet deeper than shown on the Approved Definitive Subdivision and As-Built Plans. Sediment at bottom of structure. Access rungs appear to be sufficient.	Clean manhole. As-Built Plan will need to be revised.
CB A1-5-1	18+14 Right Brookside	"T" hood appears loose. Frame is 6" in depth.	Secure hood.
CB A1-5-2	18+14 Left Brookside	"T" hood appears loose.	Secure hood.
DMH A1-5	18+19 Brookside	Access rungs are missing. Frame is 4" in depth.	Install sufficient access rungs.
DMH A1-4B	19+11 Brookside	Sediment at bottom of structure. Needs additional access rungs installed. Sediment in upstream pipe.	Clean manhole and approximately 10 feet of upstream pipe. Install 2 access rungs.

Brookside Estates Subdivision
 Drainage Inventory - October 29, 2010
 Greenman-Pedersen, Inc.

Structure No.	Station	Observations	Recommendations
CB A1-4-1	19+84 Right Brookside	"T" hood is loose. One of the two grates (double grate CB) is uneven and rocks in frame. Frame is only 4" in depth, and grates are held in place by 1.5" bar, and could break under sufficient weight.	Secure hood. Replace double frame and grates with LeBaron castings (frame depth to be determined by design engineer). Infrared patch.
CB A1-4-2	19+84 Left Brookside	"T" hood is loose. Insufficient mortar between frame adjustment bricks.	Secure hood. Re-mortar bricks.
DMH A1-4	19+89 Brookside	Frame/cover is too low in roadway by 1" (cross slope) and 1 3/4" (along road). Inadequate access into structure.	Install sufficient access rungs (one above and one below existing rung). Replace frame and cover with 8" deep LeBaron casting and adjust to grade. Infrared patch.
DMH A1-3	20+69 Brookside	Sediment and a concrete block at bottom of structure. Missing 2 access rungs. Pipes in/out are clean.	Clean manhole (also remove concrete block at bottom). Install 2 access rungs.
DMH A1-2	22+81 Brookside	Frame is only 4" in depth. Rungs are not accessible as they are offset from opening.	4" Frame to remain. No recommended solution to provide access - developer to recommend remediation.
DMH A1-1C	22+80 Left Brookside (first manhole outside roadway)	Sediment at bottom of structure. Areas around pipe have not been mortared. Frame is only 4" deep and is located directly on top of structure. Structure cracked above outlet pipe. 6" PVC pipe to grit chamber appears to be buried in sediment.	Clean manhole and jet 6" PVC pipe from manhole to grit chamber. Mortar around pipes. Replace frame and cover with 4" deep LeBaron casting. Design engineer shall provide detail to adequate secure 4" frame directly to structure.
DMH A1-1B	22+80 Left Brookside (second manhole outside roadway)	Areas around pipes have not been mortared. Frame is only 4" in depth.	Mortar around pipes. Jet 6" PVC pipe from grit chamber into this manhole. Replace frame and cover with 8" deep LeBaron casting.
DMH A1-1A	22+80 Left Brookside (last manhole prior to Detention Basin A1)	Areas around pipes have not been mortared (rocks chinked into openings). Frame is only 4" in depth.	Remove rocks and mortar around pipes. Replace frame and cover with 8" deep LeBaron casting.

Brookside Estates Subdivision
 Drainage Inventory - October 29, 2010
 Greenman-Pedersen, Inc.

Structure No.	Station	Observations	Recommendations
CB A2A-7-1	23+00 Right	"T" hood is loose.	Secure hood.
CB A2A-7-2	23+00 Left Brookside	"T" hood is loose. Insufficient mortar used in adjustment bricks.	Secure hood. Mortar bricks.
DMH A2A-7	23+09 Brookside	Sediment at bottom of structure	Clean manhole.
CB A2A-6-1	24+50 Right Brookside	Frame is only 4" in depth, and grates are held in place by 1.5" bar, and could break under sufficient weight. "T" hood appears loose. Debris (concrete block) in bottom of structure.	Secure hood. Replace double frame and grates with LeBaron castings (frame depth to be determined by design engineer). Remove block (hand-work).
CB A2A-6-2	24+50 Left Brookside	Frame is only 4" in depth, and grates are held in place by 1.5" bar, and could break under sufficient weight. "T" hood appears loose. Insufficient mortar in joints.	Secure hood. Re-mortar joints. Replace double frame and grates with LeBaron castings (frame depth to be determined by design engineer).
DMH A2A-6	24+62 Brookside	No access rungs installed, however, rungs would be unusable due to location of frame with respect to interior manhole walls. Manhole is only 4.5 feet deep, and could be accessed by ladder.	
DMH A2A-5	24+82 Brookside	Frame is only 4" in depth. Only one access rung installed.	4" Frame to remain. Install access rungs above and below existing rung.
DMH A2A-4	25+57 Brookside	Only one access rung installed.	Install rung above existing access rung.
DMH A2A-3	25+50 Right Brookside (1st MH outside roadway in drainage esmt).	Areas around pipes have not been mortared. Frame is only 4" deep. Sediment at bottom of structure.	Clean manhole. Mortar around pipes. Replace frame and cover with 8" deep LeBaron castings.
DMH A2A-2	25+50 Right Brookside (2nd MH outside roadway in drainage esmt).	Frame is only 4" deep. Frame is currently 6"± out of alignment.	Mortar frame to structure. Replace frame and cover with 8" deep LeBaron castings.

Brookside Estates Subdivision
 Drainage Inventory - October 29, 2010
 Greenman-Pedersen, Inc.

Structure No.	Station	Observations	Recommendations
CB A2B-4-1	27+09 Right Brookside	"T" hood is loose. Debris in bottom of structure.	Secure hood. Remove debris (hand-work).
CB A2B-4-2	27+09 Left Brookside	"T" hood is loose. A concrete block is broken in the structure. Debris in bottom of structure.	Secure hood. Mortar broken block. Remove debris (hand-work).
DMH A2B-4	27+24 Brookside	Frame is only 4" deep. Only one rung in structure, but structure is inaccessible due to location of opening with respect to inside walls. Manhole is less than 4 feet deep, and could be accessed by ladder.	
DMH A2B-3	Brookside cul-de-sac (first manhole off pavement)	Frame is only 4" deep. Bottom half of all pipes have not been mortared. Inside piece of concrete manhole rings are broken off.	Mortar all pipes completely. Mortar broken rings of manholes. Replace frame and cover LeBaron castings (frame depth to be determined by design engineer).
DMH A2B-2	Brookside cul-de-sac (manhole prior to Basin A2B forbay)	Pipes have not been mortared. Sediment and several access rungs are in bottom of structure. Outlet from grit chamber into manhole is under water by 1"±. Frame is only 4" deep.	Clean manhole. Remove rungs at bottom. Replace frame and cover with 8" deep LeBaron castings.
CB A1-9-1	3+65 Right Fidelity	Berm is failing in back of catch basin as brick used to adjust frame has collapsed. "T" hood appears loose.	Remove and replace frame and grate with 8" deep LeBaron castings, and rebuild brick courses. Repair berm. Secure hood.
CB A1-9-2	3+65 Left Fidelity	Frame is only 4" in depth, and grates are held in place by 1.5" bar, and could break under sufficient weight. "T" hood appears loose. Brick used for frame adjustment is loose. Grate is uneven in frame.	Secure hood. Re-mortar joints. Replace double frame and grates with LeBaron castings (frame depth to be determined by design engineer).
DMH A1-9	3+75 Fidelity	Adjustment bricks are loose. Pipes are not mortared. Access rungs have not been installed. Cover is approximately 3/4" below surface.	Re-mortar bricks. Mortar pipes. Install access rungs. Replace frame and cover with 8" deep LeBaron casting, and adjust to grade.

Brookside Estates Subdivision
 Drainage Inventory - October 29, 2010
 Greenman-Pedersen, Inc.

Structure No.	Station	Observations	Recommendations
DMH A1-10	2+31 Fidelity	Frame is only 6" deep. Pipes are not mortared. Access rungs have not been installed, but structure is inaccessible due to location of frame with respect to manhole walls. Manhole is only 4.5 feet deep, and could be accessed by ladder.	6" Frame to remain, Mortar pipes.
CB A1-11-1	0+27 Right Fidelity	Frame is only 4" deep. "T" hood is loose. Insufficient mortar between adjustment bricks.	Secure hood. Mortar bricks.
CB A1-11-2	0+27 Left Fidelity	Frame is only 4" deep. "T" hood is loose. Insufficient mortar between adjustment bricks.	Secure hood. Mortar bricks.
DMH A1-11	0+11 Fidelity	Insufficient mortar between adjustment bricks. Pipes are not mortared. Only 1 access rung installed. Frame is only 6" in depth. Frame is loose as there is no mortar between top brick and casting.	Mortar pipes. Replace frame and cover with LeBaron casting (frame depth to be determined by design engineer). Mortar all bricks (including top brick). Add one access rung.

Street Tree Observations

August 18 & 29, 2011

FILE

Station:	Tree Type:	Comments:
(Brookside Drive)		
0+50 RT	Maple	Replace (Guy Wire Damage)
1+10 RT	Maple	Replace (Guy Wire Damage)
1+50 RT	Red Maple	Replace (Guy Wire Damage)
1+50 LT	Maple	Replace
2+00 LT	n/a	Missing (To be provided)
2+50 RT	Locust	Replace
3+00 LT	Littleleaf Linden	Replace Retain (Good Condition)
3+50 LT	Pin Oak	Replace Retain (Good Condition)
4+00 RT	Maple	Replace (Guy Wire Damage)
5+50 RT	Little Leaf Linden	Replace Retain (Good Condition)
5+75 LT	Locust	Replace Retain (Marginal Condition)
6+00 RT	Locust	Retain (Marginal Condition)
7+00 RT	Locust	Replace
8+00 LT	Maple	Replace
9+50 LT	Locust	Replace
10+50 LT	Locust	Replace
11+00 RT	Maple	Replace due to Guy Wire Damage
11+00 LT	Maple	Replace Marginal Retain due to Guy Wire Damage
11+50 RT	Locust Green Ash	Marginal Retain (Good Condition)
12+00 RT	n/a	Missing (To be provided)
12+40 LT	Red Maple	Replace
12+50 RT	Locust	Replace (Guy Wire Damage)
13+35 RT	Maple	Replace (Guy Wire Damage)
13+75 RT	Locust	Marginal Replace
13+75 LT	Locust Green Ash	Replace
14+50 LT	Red Maple	Retain (Marginal Condition)
15+00 LT	Maple	Replace
16+00 LT	Red Maple	Marginal Replace
16+50 LT	Locust	Replace Retain (Good Condition)
17+75 LT	Red Maple	Retain (Marginal Condition)
19+00 RT	Red Maple	Retain Marginal
19+00 LT	Red Maple	Retain (Marginal Condition)
19+75 RT	Little Leaf Linden	Replace (Guy Wire Damage)
20+00 LT	Little Leaf Linden	Replace
20+50 LT	Maple	Replace
20+75 RT	Maple	Replace
21+00 LT	Pear?	Replace Retain (Good Condition)
21+50 RT	Locust	Retain (Marginal Condition)
22+00 RT	Little Leaf Linden	Replace
23+00 LT	Locust	Marginal Replace
23+75 LT	Little Leaf Linden	Replace
25+00 RT	Little Leaf Linden	Retain (Marginal Condition)
25+50 LT	Maple (Dead)	Replace
25+75 RT	Locust	Replace
28+00 LT	n/a	Missing (To be provided)
28+50 RT	Silver Maple	Replace (size and species)
29+00 RT	Maple	Replace
29+50 RT	Pin Oak	Replace
29+50 LT	Little Leaf Linden	Straighten or Replace
30+00 LT	Locust	Replace

Legend:
 56 Street Trees being evaluated:
 19 Street Trees Added to List Shown in *Italic*
 Green: Retain (Good Condition) 6
 Orange: Retain (Marginal Condition) 13
 Red: Replace (Poor Condition) 33
 Blue: Completely Missing 3
 Black: Straighten 1

(Fidelity Lane)		
0+30 LT	Locust	Replace Retain (Marginal Condition)
1+20 LT	Locust	Straighten or Replace
3+50 RT	Unknown Locust	Replace
4+00 RT	Maple	Retain (Marginal Condition)
4+00 LT	Green Ash	Retain (Marginal Condition)
4+50 RT	Maple Little Leaf Linden	Replace Retain (Marginal Condition)

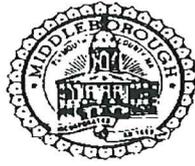
STREET TREES
 33 Remove/Replace
 3 Replace

 36 Trees Total

36 x \$700/tree = \$25,200
 33 x \$75/tree = \$2,475
 Remove

\$27,675

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Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
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MEMORANDUM

To: Middleborough Planning Board

From: Paul A. Fellini, Construction Administrator

Date: June 25, 2010

Re: Brookside Estates: Outstanding Subdivision "Non-Paving" Issues Exclusive of the March 24, 2010 Paving Issue Report

The Planning Department prepared a March 24, 2010 Planning Board Memorandum that addressed outstanding roadway and sidewalk pavement issues at Brookside Estates. However, there remain additional outstanding construction issues pertaining to the subdivision that were expressed in previous construction inspection documents or have been identified in recent inspections which also require addressing. In accordance with the Planning Board's request, this office prepared this report compiling these additional issues as identified in Greenman – Pedersen, Inc. (GPI) and Tibbetts Engineering, Corp. (TEC) inspection reports; Outback Engineering, Inc. comment letters; and, Planning Department observations. The issues presented in this report should be addressed and submitted for this office review and Planning Board approval.

Although the March 24, 2010 Memorandum and this report are by and large complete, there are areas/components of the site that could not be thoroughly inspected at the time of this writing because of excessive sedimentation including but not limited to the condition of roadway gutter-lines, cape-cod-berms, catch basins, manholes and piping. The Planning Department reserves the right to make additional comments once the roadways have been cleared of sediment and the Road As – Built Plan is completed.

Critical Concerns:

1. **Sink Holes:** Please refer to Comment #1.f. and 3.d. below for additional information.
 - a. A sink hole has formed in front of House #61 in the pavement along the gutter-line of Brookside Drive at station 15+35±. The sink hole is approximately 2 ft in diameter and about 6 inches deep and appears to be forming directly over the main storm drain line. The drainage pipe in this area should be inspected and the structural integrity verified.
 - b. A sink hole is starting to form beneath the cape-cod-berm behind the Double Grate Catch Basin #A1-9 on Fidelity Lane. The structural integrity of Catch Basin #A1-9 should be checked.
2. **A constant flow of water was entering into the Drainage Basin #A1** from the closed collection system however it did not rain for several days and the roadway surface was dry. This office has concerns that the groundwater is leaking through the pipe joints which could cause settlement of the

surrounding soils and road system. The design engineer should inspect the closed collection system, determine where the flows are coming from and prepare a letter addressing this issue.

3. The **2,000 gallon grit chamber** located along the right side of Brookside Drive at station 24+70 is **encroaching** upon Lot #7. The design engineer should either relocate the Grit Chamber or a drainage easement should be acquired from the owner of Lot #7.

Drainage System Issues:

1. Drainage Swale:

The drainage swale for Colarusso Drive located west of Detention Basin A2A does not appear to be built in accordance with the approved Subdivision Plan and the October 21, 2005 Memorandum from Denis Cahill to the Planning Board as defined under section entitled The following must be completed prior to the release of the remaining three lots comment #5. It was *“agreed that the swale must be stabilized to prevent erosion, dug deeper to prevent water from overflowing out of the swale, the berm that has been built up at the adjacent property-line must be removed to allow water to flow from the adjacent property to the swale. To do this the depth of the swale will be increased and dug approximately 18” wide keeping grades to allow flow. Rip-rap will then be installed for the length of the swale and at the right hand bend. The berm will be re-graded to allow the flow of water from the adjacent property to the swale.”* The design engineer should evaluate the above agreement and propose remedial repairs as necessary. The 90° bend in the swale appears to be overtopping and remedial configuration should be conducted.

2. Drainage Basins:

- a. The **fence** installation does not appear to be in accordance with the approved plans. Compliance with the approved Subdivision Plan will need to be verified. All fence gates should be adjusted and in good working order. Grading around the gates should be adjusted as required.
- b. **Access Roads:**
 - The **access roads** for the three (3) drainage basins will need to be stabilized. All unsuitable soil should be removed, proper gravel base placed and re-graded as required in the approved Subdivision Plan.
 - The design engineer should verify the location of drainage basin access roads. The **access road at station 25+40** on Brookside Drive to Detention Basin #A2A is not completely located within the Access/Drainage Easement as defined on a plan entitled Drainage Easement Plan Lot #7 – Brookside Estates, Middleborough, MA prepared by Gallagher Engineering dated October 26, 2004. The design engineer should reconfigure the access road so that it is located completely within the easements as required.
- c. The **Drainage Control Structures (DCS)** and associated inlet/outlet piping and headwalls shall be checked for compliance with the Approved Definitive Subdivision Plan. All discrepancies shall be listed and addressed. Inverts and other elevations to be shown on the final as-built plans.
- d. **Drainage Basin #A1:**
 - Approximately 250 ft of the northwest portion of the **berm is low** and should be raised in accordance in the approved Subdivision Plan.
 - The **24” diameter Flared End Section #1** was placed at elevation 68.52 and is 0.48 ft **lower** than what is specified in the approved Subdivision Plan. The design engineer should determine if the current elevation of the Flared End Section will impact the intent of the design.

4. The **piping between DMH A2B-3 and the grit chamber** located at the end of the cul-de-sac Pipe(s) flows backwards and may still need to be adjusted. This requires evaluation by the design engineer.

Standard Maintenance & Landscaping Requirements:

The subdivision shall be maintained in accordance with the General Notes found on Sheet 9 of 11 of the Approved Definitive Subdivision Plan. In accordance with the Inspection and Maintenance requirements the subdivision shall at a minimum be inspected weekly.

1. The **Roadway, drainage facility** and associated easements shall be **maintained** in accordance with the approved Subdivision Plan Maintenance Schedule for BMP's on sheet 9 of 11:
 - a. **Catch-basins and oil & grit chambers** shall be inspected monthly. The filter fabric used in some of the catch basins needs to be replaced with silt sacks (specifically designed for this particular use) as required on sheet 7 of 11 of the approved Subdivision Plan. This office in the March 24, 2010 memorandum requested that the developer clean out the drainage structures so that a thorough inspection of the drainage structures could be performed, this has not been done.
 - b. **Roadways shall be swept 4 times per year**, once during early spring after the snow has melted, once in the summer, once in the fall after the foliage has fallen and once during the winter thaw. This office in the March 24, 2010 memorandum requested that the developer sweep the roads so that a thorough inspection of the roadways could be performed; this has not been done.
 - c. **Drainage basins shall be inspected quarterly**. A professional engineer shall certify that the basins were constructed and are functioning in accordance with the approved Subdivision Plan and Town of Middleborough Rules and Regulations.
 - d. **Detention basins #A1, A2A, A2B and shallow swales 0+50 to 1+50 north and south sides of Brookside Drive** shall be mowed a minimum of twice per year.
 - e. **Drainage pipes fouled by sediment** shall be cleaned by water jetting and certified completely clear of sediment and debris by a certified professional or professional engineer.
 - f. **Drainage pipes that have signs of settlement or sink holes** forming above the pipes should be inspected and a report prepared by the design engineer to verify the structural integrity of the drainage system as referenced under "Critical Concerns" above. A representative should be present during the inspection.
2. Prior to remedial construction repairs, an **Order of Condition** will need to be acquired from the Town of Middleborough **Conservation Commission** for any work within their jurisdiction. Erosion control devices shall be installed up gradient to any resource areas in accordance with the approved Subdivision Plan Construction Schedule and the Town of Middleborough Conservation Commission requirements. Erosion control devices shall be maintained until slopes have been stabilized at which time the erosion control devices shall be removed.
3. The **Detention Basin fore-bays** should be cleaned of all sediment and the rip-rap inspected for fouling. The rip-rap may need to be completely removed, the sediment removed and the rip-rap replaced.
4. **Debris** including construction debris, trash, dead or dying trees, stock piles within the roadway layout or its easements shall be removed from site.

5. Landscaping:

- a. **The line of sight clearing at Miller Street** is incomplete and requires addressing. Exiting from Brookside Drive onto Miller Street, clearing may still be required on the right hand side of Miller Street to provide proper site distance.
- b. **Roadway grass** strips, roadway shoulders, slope easements and drainage easements shall be loamed and seeded in accordance with the approved Subdivision Plan Additional Requirements on sheet 9 of 11. The loam shall be brought to the elevation of the roadway berm, sidewalk elevation or adjacent grade. The loam shall be placed a minimum of 6 inches thick in accordance with the approved Subdivision Plan Site Construction Requirements on sheet 9 of 11. To prevent puddles from forming on the sidewalk, the elevation of the loam for the grass strip area shall not be placed higher than the sidewalk elevation.
- c. **Street tree** root flares should be exposed by a certified arborist and the area mulched to a depth of 2 to 4 inches for a distance of 2 ft around the trunks. The street trees should be pruned; wounds repaired, fertilized and sprayed for pest by a certified arborist. All trees that are determined to be unsatisfactory by the Planning Department should be removed and replaced under the supervision of this office with trees in accordance with the Town of Middleborough Street Tree Policy. It is recommended that the very best trees should be acquired to reduce the need to replace unsatisfactory or unhealthy specimens, therefore the replacement street trees should be of "Specimen" grade or a Quality Grade Designation Number 1. Trees acquired from other States and Hardiness Zones may have problems adapting to our climate and should not be used. Based on a cursory review of the street trees it appears that approximately 10 trees will need to be replaced, 5 to 10 trees will need straightening.
- d. **Vegetative screening** must be installed along the **DePaolo's property line** as shown on sheet 5 of 11 of the approved Subdivision Plan.
- e. **Additional loam and seed** will be required at a later date when finished roadway pavement cape-cod-berms are installed.

Miscellaneous Construction Items:

1. A **temporary tracking pad** is required on the Grey property which is currently under construction. It should be 12 ft wide to extend to the roadway layout and constructed of 6" of combined ¾" to 1 ½" crushed stone with a geotextile fabric below. A standard bituminous concrete driveway apron shall be provided as required by the approved Modification Subdivision Plan.
2. At the **back of Lot 5** there is still work to be completed as a result of razing the barn and house that were located there including but not limited to removal of concrete slabs, debris, etc.
3. The **roadway shoulders** should be inspected for proper grading and shall conform to the approved Subdivision Plan roadway cross-section. The slopes along the right side of Brookside Drive between station 16+50 & 18+00 and 19+00 & 20+50 are too steep and require re-grading, loaming and seeding.
4. The **utility handholes**, transformer boxes and junction pedestals are not plumb and require resetting.
5. The **driveway lanterns** need to be verified that they are in the approved location in the field. The Grey and DePaolo lots require driveway lanterns installed as part of the subdivision.
6. The **street and stop signs** are either missing or damaged. The stop sign at the intersection of Miller Street and Brookside Drive is only 24" across, 30" is required. All the street and stop sign are required to be installed.
7. As a reminder **bounds** should be added to the final As-Built for the walkway between Lots 10 & 11 and access/drainage easement between Lots 7 & 8. The number of bounds was increased due to existing conditions of utility installation.

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Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
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MEMORANDUM

To: Planning Board Members

From: Paul A. Fellini, Construction Administrator

Date: March 24, 2010

Re: Brookside Estates: Compilation of Roadway and Sidewalk Paving Issues

In accordance with the Planning Board's request the Planning Department prepared this report compiling comments on outstanding construction issues at Brookside Estates as identified in Greenman – Pedersen, Inc. (GPI), Tibbetts Engineering Corp. (TEC) inspection reports, Outback Engineering, Inc. comment letters and Planning Department observations all of which have accumulate over the past several years. Please refer to the list of reference documents attached. Although the report presented below is by and large complete there are areas/components of the site that could not be thoroughly inspected at the time of this writing, therefore the Planning Department reserves the right to include additional comments once the roadways have been cleared of sediment and the Road As – Built Plan is completed.

The paving issues are separated into major and minor categories as follows:

MAJOR REPAIRS:

1. Roadway Reconstruction:

A. Miller Street/Brookside Drive Intersection:

The pavement at the intersection of Miller Street and Brookside Drive is unacceptable, therefore approximately 155 lf of Brookside Drive should be reconstructed. The proposed Brookside Drive's right entrance radius at the intersection with Miller Street is less than the required 44 ft due to the placement of utility pole #109. Planning Board is to review the non-conforming radius.

The pavement should be addressed as follows:

- a. Pavement should be completely removed and replaced from Brookside Drive and Miller Street as follows:
 - Brookside Drive: Pavement should be removed and replaced between Station 00+5 & 1+55.
 - Miller Street: Pavement should be removed and replaced along the east side and to the centerline of Miller Street between 53 ft and 58 ft left and right of the center line of Brookside Drive.
- a. The work performed within the layout of Miller Street should be coordinated with the Department of Public Works. A police detail may be required.

- b. The pavement should be saw-cut in a straight line along the centerline of Miller Street and completely across Brookside Drive at Station 1+55.
- c. The pavement joint that was created from saw-cutting along the centerline of Miller Street should be sealed accordingly. Since Miller Street is an old macadam surface, infrared treatment of the joint can not be used. A professional engineer should specify the appropriate method to be used to seal the joint.
- d. The pavement joint that was created on Brookside Drive at station 1+55 should be infrared treated.
- e. The gutter line of Miller Street should be maintained in a straight line and should be placed by sighting down the gutter-line of Miller Street.
- f. The current entrance radii are irregular in shape, less than what were specified in the (ADSP) and are not tangent to the gutter line of Miller Street. The entrance radii shall be increased to 44 ft in accordance with (ADSP); however the 44 ft entrance radius along the right side can not be provided without relocating the existing Utility Pole #109. The utility pole is currently located directly adjacent to the berm of Brookside Drive approximately 2 ft from the gutter line of Miller Street. When the radius is corrected to 44 ft the utility pole will land approximately 2.5 ft within the new pavement limits. Due to the close proximity of the Utility Pole #109 to the pavement of Brookside Drive and the smaller entrance radius used along the right side of Brookside Drive in order to get by the utility pole, the Planning Department recommends that the utility pole be moved right (south southwest) along Miller Street approximately 2 ft from the new limits of the pavement.
- g. Surface runoff should flow south along the gutter line of Miller Street to the right side of Brookside Drive and should discharge to a bituminous concrete scupper which will direct the flow toward catch basin #A1-16-3. Care should be taken to maintain a true surface and slope along the gutter line on Miller Street. A laser level should be used to set gutter line grades.
- h. A grass line swale shall be installed between the bituminous concrete scupper and catch basin #A1-16-3 in accordance with the (ADSP).
- i. The low point of Brookside Drive shall be placed at Catch Basin #A1-16-1&2.
- j. All grading shall be in accordance with the (ADSP) Road Cross Section on sheet 7 of 11.

B. Brookside Drive/Fidelity Intersection:

The pavement at the intersection of Brookside Drive and Fidelity Lane should be addressed as follows:

- a. The pavement joint along the gutter-line of Brookside Drive at the intersection of Fidelity Lane should be infrared treated.
- b. There appears to be a low point or flat area on Fidelity Lane at Station 4+80± along the right entrance radius with Brookside Drive. This area will need to be investigated and a solution provided. Infrared treatment should be required.
- c. The berm on Brookside Drive just after the intersection of Fidelity Lane at the tangent point has been damaged from snow-plows and requires repairs.
- d. There is a high point on Fidelity Lane between Station 4+40± to 4+60± and requires lowering. Infrared treatment should be required.
- e. There is a high point along the right and left gutter-line of Fidelity Lane northeast side of catch basin #A1-9-1&2 which requires lowering. Infrared treatment should be required.
- f. All grading shall be in accordance with the (ADSP) Road Cross Section on sheet 7 of 11.

C. Fidelity Lane/Colarusso Drive:

The pavement at the intersection of Fidelity Lane and Colarusso Drive is unacceptable, therefore approximately 150 lf of Fidelity Lane will be reconstructed. Fidelity Lane's left

entrance radius at the intersection with Colarusso Drive is less than the required 44 ft due to the placement of catch basin #A1-11-2.

The pavement should be addressed as follows:

- a. Pavement should be completely removed and replaced from Fidelity Lane and Colarusso Drive as follows:
 - Fidelity Lane: Pavement should be removed and replaced between Station 00+0 & 1+57.
 - Colarusso Drive: The pavement and cape-cod berm should be removed along the gutter-line on the north side of Colarusso Drive between 59 ft and 64 ft left and right of the center line of Fidelity Lane.
- b. The work performed within the layout of Colarusso should be coordinated with the Department of Public Works. A police detail may be required.
- c. The pavement should be saw-cut in a straight line along the northeast gutter-line of Colarusso Drive and completely across Fidelity Lane at Station 1+57.
- d. The pavement joint that was created from saw-cutting along the gutter-line of Colarusso Drive and Fidelity Lane should be infrared treated.
- e. The current entrance radii are irregular in shape, less than what was specified in the (ADSP) and are not tangent to the gutter line of Colarusso Drive. The entrance radii shall be increased to 44 ft (left) and 40 ft (right) in accordance with (ADSP); however the 44 ft entrance radius along the left side can not be provided without relocating catch basin #A1-11-2. The catch basin concrete cover will need to be investigated to determine if the cover can be rotated to better fit the proper radius. Once the catch basin cover has been adjusted, the design engineer shall provide a best fit of the radius.
- f. The low point of Fidelity Lane shall be placed at Catch Basin #A1-11-1&2.
- g. All grading shall be in accordance with the (ADSP) Road Cross Section on sheet 7 of 11.

D. Brookside Drive Cul-De-Sac:

The pavement at the cul-de-sac of Brookside Drive is unacceptable and should be addressed as follows:

- a. Pavement should be completely removed from Brookside Drive cul-de-sac between Station 27+00 & 28+10+ and between Station 29+25- & 30+54.
- b. The pavement should be saw-cut in a straight line at Station 27+00 & 28+05 and between Station 29+20 & 30+54.
- c. The pavement joint that was created from saw-cutting across Brookside Drive at Station 27+00 should be infrared treated.
- d. The remaining pavement between Station 28+05 and 29+25 should be cold planed to scarify the surface to provide a better surface to bond to the leveling course. Tack coat should be used on the scarified surface in conformance with MHD standards.
- e. The low point of Brookside Drive cul-de-sac shall be placed at Catch Basin #A2B-4-1&2.
- f. The placement of the pavement and associated grading shall be in accordance with the (ADSP) Cul-De-Sac Detail on sheet 7 of 11. The existing pavement at Station 28+75± shall be raised approximately 4 inches to provide adequate slope along the gutter-line of the cul-de-sac.
- g. The grass slope along the end of the cul-de-sac shall conform to the (ADSP). The grass area along the outer edge of the sidewalk around the cul-de-sac shall rise up at a 2% slope for 1 ft before sloping down toward the wetland resource areas and the adjacent lots.

2. Sidewalks, Wheel Chair Ramps:

The construction and placement of all sidewalks, wheel chair ramps and associated stop sign and stop lines shall conform to AAB, ADA and MUTCD requirements and to the Town of Middleborough wheel chair ramp detail.

- A. The entire length of the sidewalks except for approximately 200 ft on Brookside Drive and all WCRs should be removed and replaced.
- B. It was voted that all WCRs shall be constructed in concrete.
- C. Although not shown on the subdivision plans, a reciprocating wheelchair ramp is required on Colarusso Drive opposite the wheelchair ramp on Fidelity Lane to conform to ADA standards.
- D. A reciprocating wheelchair ramp is required to be installed on the opposite side of the road at the end of Brookside Drive at approximate station 27+00 RT to conform to AAB, ADA and MUTCD requirements.
- E. 5 ft x 5 ft turn around areas shall be constructed every 200 ft o.c. along the side walk where driveway aprons are not available as a substitute.

3. Driveway Aprons:

All of the driveway transitions (aprons) need to be removed and replaced in accordance with the (ADSP) Driveway Ramp Detail on sheet 7 of 9.

- A. The driveway apron for Sotera Way (Formerly Gibb's Place) on both sides of Brookside Drive was not constructed in accordance with the (ADSP) and shall be corrected.
- B. The driveway apron for the DePaolo property does not extend to the limits of the roadway layout as required and therefore requires to be completely removed and then replaced to the limits of the roadway layout.
- C. The driveway apron for Detention Basin #A2A at station 25+40± does not appear to be aligned with the access easement. The location of the driveway apron and associated access path shall be verified and corrected as required.

4. Drain Manholes and Catch Basins Castings:

- A. The wrong drain manhole covers and catch basin grates were installed throughout the site:
 - a. The covers are required to be 26 inches in diameter however 24 inch covers were installed. The developer proposed to give the Town six (6) covers instead of changing the frame and covers to all the structures.
 - b. All of the manhole and catch-basin castings were made in India and are not considered equivalent to LeBaron products as required by the (ADSP) and the Town of Middleborough Subdivision Rules and Regulations.

Donald Boucher the DPW Superintendent at the time accepted the 24 inch covers reluctantly stating the following:

- i. That the repairs would probably do more harm than good and that he would accept the six (6) 24 inch covers for replacement stock. The Planning Department recommends that the Developer provide six (6) 26 inch covers instead of the 24 inch covers specified. This office has not received confirmation that the Developer provided the DPW with the replacement stock.
- ii. That he does not want to accept the castings because they are not LeBaron or an approved equal, but will except them because, again, it would do more damage to the road to replace them.

- iii. If there are any structures that must be cut out, the castings should be changed to LeBaron as specified in the Subdivision Rules and Regulations.

In accordance with Mr. Boucher's decision the following drain manhole and catch basin castings located within the roadway pavement should also be removed and replaced with LeBaron castings. In addition to Mr. Boucher's request the Planning Department requires that the pavement around the castings be saw cut and the joints infrared treated:

Brookside Drive:

<u>DMH:</u>	<u>Station:</u>	<u>CB:</u>	<u>Station:</u>
A1-16 Rt.	0+80	A1-16-1&2	0+69
A1-13 Rt.	6+55	A2B-4-1&2	27+09
A1-7 Rt.	12+55		
A1-4 Rt.	19+89		
A2A-7 Rt.	23+09		
A2A-4 Rt.	25+57		
A2B-4 Rt.	27+24		

Fidelity Lane:

<u>DMH:</u>	<u>Station:</u>	<u>CB:</u>	<u>Station:</u>
A1-11 Rt.	0+31	A1-11-1&2	0+11 Lt & 0+27 Rt
A1-9 Rt.	3+69		

It should be noted that the drain manhole castings not located within the roadway pavement should also be changed to LeBaron castings. They are as follows:

Detention Basin A1:

- DMH:
- A1-1
- A1-1B
- A1-1C
- Grit Chamber A1: 3 castings

Detention Basin A2A:

- Grit Chamber @ Sta. 24+75: 3 castings
- A2A-3
- A2A-2

Detention Basin A2B:

- A2B-3
- A2B-2
- Grit Chamber

- B. The drain manholes on Brookside Drive should be raised to grade and patched by infrared at the following station locations: 0+70 Rt., 6+55 Rt., 12+55, 19+89, 23+09, 25+57.
- C. The drain manhole and catch basin pipe ends and lifting holes are incomplete, also the adjusting blocks utilized between the precast manhole sections and the frame and cover

presents an access problem. These issues may have been addressed however these structures will need to be inspected for verification.

- D. Some of the backs of the catch basins are not in the gutter-line. The berm at five (5) catch basins needs to be extended to the catch basin frame to direct gutter flow into the grate. The berm shall be re-shaped to form a gradual 45 degree taper at the up gradient side of the catch basin grate. In some cases it appears that a patch was added to direct water into the catch basin and in other cases the catch basin extends 8 inches into the berm. In the case where the catch basin casting needs to be adjusted the casting shall be re-aligned with the gutter line as well. This work shall be infrared treated. The location of the five (5) catch basins in question could not be verified due to the amount of sediment in the roadways. The sediment shall be removed the location of the 5 catch basins determined.
- E. All drain manholes and catch basins shall have safety steps installed in accordance with the (ADSP).
- G. All catch basins shall have gas trap hoods installed in accordance with the (ADSP). The design engineer is required to verify the installation and condition of the gas trap hoods. In some catch basins the gas trap hoods are out of alignment due to a loose fit and require aligning and tightened.
- H. All catch basin frame and grates shall be placed so that the back edge of the frame along the gutter-line is 1 inch lower than the front edge and set in a full bed of cement mortar as specified in the MHD standards.
- I. Cement brick shall not be used to level the drain manhole and catch basin frames. Any cement brick encountered while adjusting the frames of the drain manholes and catch basins shall removed and replaced with suitable red brick as specified in the MHD standards.
- J. Catch basins #A1-7-1&2 and A2A-6-1&2 on Brookside Drive at station 12+50 and 24+50 respectively are out of alignment with the cape-cod-berm and may require adjustment.
- K. The Double Grate Catch basin #A1-4-1 It on Brookside Drive at station 19+84 is set too low and requires adjustment.

5. Roadway Alignment:

- A. The (ADSP) requires an 18 inch berm however inspections indicate that the berm varies from a minimum of 12 to 21 inches. The berm is wavy with an inconsistent gutter-line when viewed down the road. The non-conforming berm should be corrected.
- B. The roadway pavement width as measured from gutter-line to gutter-line shall be 20 ft in accordance with the (ADSP). The roadway pavement width shall be verified throughout and corrective measures specified on the construction plan should the dimension not conform.
- C. The cape cod berm along the curve of Brookside Drive at station 19+50 is out of alignment and requires adjustment.

MINOR REPAIRS AND MISC.:

1. Infrared Treatment:

- A. Approximately 1000 of a total 3000 lf of Brookside Drive centerline is uneven due to paving operations and require infrared treatment (approximately 2 feet in width). Infrared treatment (approximately 2 feet in width) should be required at the following locations:

Station 1+20± to 1+75±
Station 4+50± to 7+50±
Station 8+75± to 10+00±
Station 12+00± to Station 13+50±
Station 16+25± to Station 16+75±
Station 25+95± to Station 26+30±
Station 28+25± to Station 30+00±

Based on recent inspections of the site it appears that substantially more centerline issue existing along the entire length of Brookside Drive. The Planning Department therefore requires that the entire centerline of Brookside Drive be evaluated.

- B. The roadway utility cut for the Grey property shall be re-stabilized with flowable fill as necessary, compacted and the binder and finish course replaced. The joint shall be infrared treated.
- C. Infrared pavement joint across Brookside Drive at approximately Station 16+00.
- D. There are low points prior to the catch basin at Station 24+00. This area needs to be infrared treated and additional mix placed. Two additional low points were identified and are located at station 16+50 and 17+00, these must also be addressed.
- E. The pavement by Station 25+20 has been damaged by construction equipment, and needs to be repaired.
- F. The left side of Brookside Drive from Station 5+00± to 7+50 will require repair work. It appears too low with a coarse surface. Additionally Brookside Drive between Station 8+75± and 10+00± will require repair work.
- G. Eight (8) locations were identified where the roller has damaged the berm or rolled in a lip edge to the berm. These locations could not be verified due to the extensive amount of sediment on the roadways along the gutter-lines. However two areas have been identified as requiring adjustments or repairs, they are located at catch basin #A1-9-2 on Fidelity Lane at station 3+64 and at station 12+00 on Brookside Drive.
- H. The pavement surface on Brookside Drive between Stations 12+50± & 13+25± and 15+75± & 16+15± is irregular and requires infrared treatment.
- I. There are three new areas of asphalt failure, by house #61, house #85 and at the bend of the road near a gas line cross over, that must be repaired. A repair procedure has been submitted and is with TEC for review. The Planning Department has not received the repair procedure and requires that it be now provided by Outback Engineering, Inc.
2. **Standard Maintenance:** The roadways have not been swept and the drainage structures have not been cleaned. The roadways need to be cleaned to facilitate a thorough inspection by the design engineer and the Town representatives.

3. Construction Sequence and Schedule:

A construction sequence and schedule shall be provided to the Planning Department for approval by the Planning Board. Coordination and approval from any State Agencies or local departments shall be included in the construction sequence and schedule. This office is currently working with Outback Engineering, Inc. in regards to this issue.

4. Conservation Commission Requirements:

Prior to performing any work within the jurisdiction of the Conservation Commission, the Developer is required to coordinate with and acquire approval from the Conservation Commission.

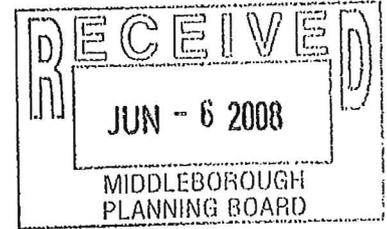
Attachment #1:

Reference Documents:

1. Outback Engineering, Inc. Sidewalk Elevation Table dated September 24, 2009 & Received: March 5, 2010
2. Planning Department letter to Michael Donovan dated: September 28, 2009
3. Outback Engineering, Inc. letter dated: June 3, 2009
4. Memorandum to File dated: June 17, 2008
5. Memorandum to Planning Board dated: June 12, 2008
6. Planning Board Minutes dated: June 10, 2008
7. GPI Inspection Report to the Planning Department dated: June 5, 2008
8. TEC Inspection Report and attachments dated: February 8, 2007
9. Memorandum to File dated: December 6, 2006
10. Planning Department letter to William Eagan dated: August 14, 2006
11. Memorandum to Planning Board dated: October 21, 2005

16

FILE



Ref: NHX-2008539.01

June 5, 2008

Ms. Ruth McCawley Geoffroy, Town Planner
Middleboro Town Hall
20 Centre Street
Middleborough, MA 02346

Att: Ms. Denise Cahill
Construction Administrator

RE: Brookside Estates

Dear Denise:

Based on a site visit on June 2, 2008 with Bob Patneau and Jim Noyes of GPI, and yourself, and a review of the various correspondence on the project, we respectfully offer the following observations on the Brookside Estates project.

DRAINAGE

1. The streets within the subdivision need to be swept of sand and silt, and the filter fabric used in some of the catch basins needs to be replaced with silt sacks as directed in your letter of April 7, 2008. Some of the filter fabric has torn, allowing sand and debris to enter the catch basins. Sumps on all catch basins will need to be cleaned. The filter fabric needs to be replaced by silt sacks where it has been used.
2. We note that the drain manhole covers are required to be 26 inches in diameter; 24" covers were installed which are not acceptable to the town. The developer has proposed to give six (6) covers to the town. There is no confirmation as to if this is acceptable to the highway department.
3. We note that all of the castings for the manholes and catchbasins were made in India, and are not considered equivalent to LeBaron products as required by the town.
4. Drain manholes need to be raised to grade and patch by infrared at the following locations: Sta. 12+55, 20+00, 23+10, and 25+50.

C



Ms. Ruth McCawley Geoffroy
June 5, 2008
Page 2 of 4

PAVEMENT

1. The pavement joint at the intersection of Brookside Drive and Miller Street is unacceptable. Miller Street is an old macadam surface, and using infrared treatment on the joint will not work. Additionally, the gutter line on Miller Street was not retained. There is still a ponding problem above CB A1-16-1. Although the as-built shows the grades going towards the catchbasin, the slope is 0.3%, which is insufficient for flow. Additionally, infrared work is proposed at DMH A1-16.

Because of the numerous problems in this location, corrective measures will result in a number of patches in the street. We recommend that Brookside Drive be cold planed and overlaid from Station 1+20± out into Miller Street, and repaved. This will need to be coordinated with the Mr. Boucher of the Highway Department prior to work. Sawcut joints will be required at both ends, with infrared treatment at Station 1+20.

2. The pavement joint at the intersection of Colarusso Drive and Fidelity Lane is unacceptable. The joint needs to be sawcut, and Fidelity Lane cold planed and overlaid. The exact limits need to be determined, and it is recommended that spot grades be obtained.
3. A number of areas along the centerline of Brookside Drive are uneven due to paving operations. Infrared treatment (approximately 2 feet in width) will be required at the following:
 - Station 4+50± to 7+50±.
 - Station 8+75± to 10+00±.
 - Station 12+00± to Station 13+50±.
 - Station 16+25± to Station 16+75±.
 - Station 28+25± to Station 30+00±.
4. The joint at the intersection of Brookside Drive and Fidelity Lane needs to be infrared (approximately 2-foot wide) up to DMH A1-8.
5. Infrared pavement joint across Brookside Drive at approximately Station 16+00.
6. There is a low point prior to the catchbasin at Station 24+00. This area needs to be treated with infrared and additional mix placed.
7. The pavement by Station 25+20 has been damaged by construction equipment, and needs to be repaired.

Ms. Ruth McCawley Geoffroy

June 5, 2008

Page 3 of 4

8. We have reviewed the drainage problem at the cul-de-sac at the end of Brookside Drive, and there is no easy solution. The "swale" that has been formed in the pavement is inadequate to get the water to run to the catchbasin. There also appears to be inadequate slope in the pavement along the left side of the cul-de-sac between Station 29+00 and 30+00. We suggest that the engineer obtain spot grades along both the inside and outside curb lines, as well as the centerline, and propose a solution that provides for at least 0.5% grades throughout the cul-de-sac.

SIDEWALKS

1. The wheelchair ramps constructed within the subdivision do not meet ADA or town of Middleboro standards. The asphalt berm has been carried through all of the wheelchair ramps, which does not conform to Schedule D of the town's standards. The result is that the slope of the wheelchair ramp is greater than 7.5% allowed by the ADA. Additionally, the wheelchair ramps need to have detectable warning panels installed per the ADA requirements established in 2002.
2. The crossing of Fidelity Lane near Brookside Drive is too far back from the intersection, and does not conform to either Schedule D of the Rules and Regulations, or federal guidelines. Wheelchair ramps at intersections should be located no more than 26 feet from the curblines of the intersecting street (and in no case in back of a stop line, marked or assumed).
3. We note from the as-built plan that there are numerous areas where the sidewalk cross slope is outside the range of 1% to 2%. However, within the 50-foot spot grades that were supplied, there are other areas that we checked that did not conform to the required cross slope. The engineer argues that the sidewalks all will have proper drainage except for three locations. While we agree that this is the case, we only know that the sidewalks do not meet ADA requirements.

There only corrective measure is to replace all of the sidewalks within the subdivision. Although we are not aware of any instance where a sidewalk cross slope has been an issue brought before the Architectural Access Board, we also would not recommend that the town accept the sidewalk as-is. We would suggest that the developer request a ruling and/or waiver from the AAB regarding this issue.

Regardless of the above, the grade of the sidewalk between 18+30 and 20+20 is below the top of the berm, and needs to be raised in this area to avoid potential drainage issues.

4. Infrared sidewalk joint at Station 3+75 on Fidelity Lane.
5. Although not shown on the subdivision plans, a wheelchair ramp is required on Colarusso Drive opposite the wheelchair ramp on Fidelity Lane to conform with ADA standards.
6. A wheelchair ramp needs to be installed on the opposite side of the road at the end of Brookside Drive at approximately 27+00 RT to conform with ADA standards.



Ms. Ruth McCawley Geoffroy
June 5, 2008
Page 4 of 4

DRIVEWAY TRANSITIONS/APRONS

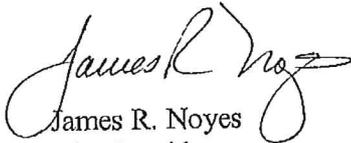
1. All of the driveway transitions (aprons) need to be reviewed and corrected. In most cases, the sidewalk paving crossed the driveway, leaving a "hump" in the driveway. This results in ponding problems in many locations. All of the driveways need to be re-constructed from the back of the berm to ensure positive drainage flow towards the street. The joints between the driveway and the apron need to be cut clean and infrared.
2. The driveway apron for Gibbs Place at Station 10+20 was installed in the wrong location. The apron needs to be removed and built in the location shown on the subdivision plans (Station 9+80±).
3. Additional gravel is needed behind the apron for Gibbs Place at Station 13+50.

BERM

1. Repair the berm at the following locations:
 - By CB A1-9-2.
 - By CB at Sta. 12+00.
 - Locations less than 18 inches in width.

Respectfully submitted,

GREENMAN-PEDERSEN, INC.


James R. Noyes
Vice President

cc: Michael Donovan, Fidelity Financial, Inc.
Frank J. Gallagher, P.E., S.I.T., Gallagher Engineering
Donald A. Boucher, Middleboro Highway Superintendent

17



RECORD

Town of Middleborough

TOWN PLANNER
Ruth McCawley Geoffroy

Massachusetts

ADMIN. PLANNING ASSISTANT
Scott Moles

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

Ms. Sandra Bernier
Town Clerk
Town Hall
Middleborough, MA 02346

Re: CERTIFICATE OF APPROVAL
Definitive Subdivision Plan for "Brookside Estates"

Dear Ms. Bernier:

This is to certify that the undersigned, being a of the majority Middleborough Planning Board, have at a regular meeting held on **July 8, 2003**, voted to approve the definitive subdivision plan entitled "Definitive Subdivision Plan 'Brookside Estates'", 11 sheets plus cover sheet, dated August 20, 2002, revised through **June 23, 2003**, owned by David Grant, ET. AL., P.O. Box 54, Readville, MA., prepared by Michael J. Koska and Associates, 98 Broad Street, Bridgewater, MA 02324, for the applicant Sharon Dyer, P.O. Box 606, Bridgewater, MA. Assessor's Map 99, Lots 578, 1226 & 1581. This approval is subject to the following:

- A. The following waivers of the Middleborough Subdivision Rules & Regulations have been granted for this project:
1. A waiver of **Section IV.E.2.e.**, to allow for less than 36" of cover over the storm drains, with the use of Class V reinforced concrete pipe from CB A1-16-1 and A1-16-2 to DMH A1-16 and 70' beyond.
 2. A waiver of **Section III.C.1.c.**, to allow for the lotting sheet to be at a scale of 1"=100', instead of the required 1"=40'. Granting of this waiver will allow for the lotting sheet to show the overall layout of the subdivision on one sheet.
- B. The following are Conditions of Approval of the Definitive Subdivision Plan:
1. The names of the subdivision roads shall be "**Brookside Drive**" and "**Fidelity Lane**".

2. Final completion of the construction of ways, installation of municipal services, and all other improvements required by the Definitive Subdivision plans and Covenant, shall be completed by July 8, 2011, provided, however, once a Form J Lot Release is issued, final completion shall occur within two (2) years of said lot release.
3. If the project is in default of its completion date and no project completion extension has been voted by the Planning Board, no further surety reductions will be issued until the project is Certified Complete by the Planning Board.
4. The approved subdivision plan described herein **shall be endorsed by the Planning Board and recorded at the Plymouth County Registry of Deeds within one (1) year of this approval.** If the approved subdivision plan is not endorsed and recorded within one (1) year, the subdivision approval is automatically revoked.
5. **Prior to endorsement** a Form H Covenant or other surety as set forth in MGL Chapter 41 Section 81U shall be submitted to and approved by the Planning Board. The Form H Covenant shall be executed and recorded at the Plymouth County Registry of Deeds **prior to recording of the endorsed subdivision plans and commencement of construction.**
6. **Prior to endorsement** a Form K-1, Declaration of Reserved Easements, shall be submitted to and approved by the Planning Board and shall include all easements as identified on the definitive plans. This Declaration shall be executed and recorded at the Plymouth County Registry of Deeds **prior to recording of the endorsed subdivision plans and commencement of construction.**
7. **Prior to endorsement** a Declaration of Restrictive Covenants shall be provided for driveway lantern installation if Form J releases are to be requested for individual lots prior to installation of said lanterns on those lots. This Restrictive Covenant shall be executed and recorded at the Plymouth County Registry of Deeds **prior to recording of the endorsed subdivision plans and commencement of construction.**
8. **Prior to endorsement** a Restrictive Covenant shall be provided for installation of roof drains with dry wells to control drainage from all house and garage roofs, for up to and including the 100 year storm event, to be inspected by the Health Department at the time of septic system installation. This Restrictive Covenant shall be executed and recorded at the Plymouth County Registry of Deeds **prior to recording of the endorsed subdivision plans and commencement of construction.**
9. **Prior to endorsement** a Municipal Lien Certificate, indicating that all taxes, assessments, and charges then assessed against the land shown on the plan have been paid in full shall be submitted to the Planning Board. The Municipal

Lien Certificate shall be submitted to the Registry of Deeds at the time of recording of the plan.

10. That the developer number each home in accordance with the Town of Middleborough "Guidelines for Street Numbering". **Prior to endorsement** of the Definitive Subdivision Plan, a Numbering Plan, approved in compliance with said Guidelines shall be submitted to the Planning Board.
11. Approval of this plan is conditional upon continued compliance with Section IV.B.4.a. of the Subdivision Rules and Regulations which restricts the number of lots on a "dead end street" to 12. These roads have been designed to accommodate the number of lots shown. Any division of land resulting in a number of lots greater than the number shown on this definitive plan must receive approval under the Subdivision Control Law.
12. Prior to the installation of any roadway improvements, documentation shall be provided to the Middleborough Planning Board that the Board of Health has witnessed percolation tests identifying that seventy-five (75%) per cent of the lots have soils which comply with Title V requirements for on-site sewage disposal systems.
13. Driveway aprons shall be provided for driveways on both sides of the street and shall extend to the street right-of-way and it is the developer's responsibility to ensure compliance with this provision. Any lots to be created in the future using these roads for frontage or access shall conform to this condition.
14. **Prior to Form J lot release** the developer shall provide a grade stake, set by survey, at the road right-of-way for all driveway apron locations clearly marking the finish elevation of the driveway at the right-of-way.
15. **Prior to Form J Lot Release**, all drainage basins, swales and structures shall be constructed and in working order including, but not limited to, finished grades, landscaping, and fencing.
16. The Cape Cod Berm shall be monolithic in character and shall be installed with both the binder and top courses of pavement.
17. **Prior to Form J lot release** a minimum of two (2) "No Parking" signs shall be posted on each road within the subdivision, one (1) on right when entering the road and one (1) on right as leaving the cul-de-sac. Additional signs shall be installed if necessary.
18. **Prior to Form J lot release** the street sign shall be installed.
19. Drainage pipe and manholes shall be rubber gasket, O-ring type.

20. It is the developer's responsibility to have accurately recorded the as-built location of all improvements during construction for purpose of preparing an as-built plan.
21. **Prior to Form J lot release** a street light shall be installed at the intersection of the proposed way, Brookside Drive and Miller Street. The developer shall maintain said street light until road is accepted by the town.
22. Street lighting to be provided by driveway lantern installed at each lot one foot (1') outside of the roadway right-of-way at the house driveway. Said lanterns are to be wired directly to the individual home's electric supply service panel, without on/off switches, and are to be photosensitive, coming on at dusk and off at dawn and it is the developer's responsibility to ensure compliance with this provision. Any lots to be created in the future using these roads for frontage or access shall conform to this condition.
23. **Prior to Form J Lot Release**, all boulders, unsuitable material and debris associated with road construction, or stockpiled on the site prior to road construction, shall be removed from the site. Proof of such removal shall be provided to the Planning Board.
24. **Prior to Form J Lot Release** an as-built drainage system plan prepared and stamped by a Registered Land Surveyor and stamped by a Professional Engineer, shall be submitted to and approved by the Planning Board to demonstrate that all drainage basins, swales and structures are constructed and are in working order.
25. The developer shall maintain the subdivision road and related road infrastructure and the construction site in a neat and orderly condition free from debris, tree stumps, loose rocks, mounds of dirt or other objectionable material for the protection of safety, convenience and welfare of the Town's residents. Once Form J Lot Releases are issued construction debris and spoil materials from the construction of the road and other infrastructure improvements shall be removed in a timely manner. The developer shall be responsible for all contractors and sub-contractors. Maintenance shall also include, but is not limited to street sweeping, dust control, watering of grass and trees and snow removal until the road is accepted by the Town of Middleborough.
26. **Prior to the Planning Board issuing a Certificate of Completeness** for the project, a Municipal Lien Certificate indicating that all taxes, assessments, and charges then assessed against the land shown on the plan have been paid in full shall be submitted to the Planning Board.
27. Vehicular access to and through Sotera Way (Gibbs Place) shall be maintained throughout the construction of Brookside Estates. Paved aprons shall be installed at the intersections of Sotera Way with Brookside Drive as shown on

the approved plans **at the same time** that binder course and top course of road pavement is installed.

28. The approved Brookside Estates subdivision plan shows construction of roadway improvements on the adjacent Colarusso Drive. Subdivision surety shall be posted for the improvements proposed on and within the right-of-way of Colarusso Drive, **prior to commencement of construction of Brookside Estates**, to insure that Colarusso Drive will maintain compliance with the Town of Middleborough Subdivision Rules and Regulations. The developer of Brookside Estates shall be responsible for constructing, repairing, maintaining and posting subdivision surety for all improvements on Colarusso Drive between Stations 10+25 to 11+75 in conformance with the approved Brookside Estates and Colarusso Woods subdivision plans and Middleborough Subdivision Rules and Regulations. The developer of Brookside Estates shall also be responsible for constructing, repairing, maintaining and posting subdivision surety for any damage done to any other improvements within Colarusso Woods as a result of the construction of Brookside Estates.

29. Improvements proposed on and within the right-of-way of Colarusso Drive and any damage to Colarusso Drive to be repaired as a result of said construction, shall be **completed no later than December 15, 2003. Form J lot release for Brookside Estates shall not be issued by the Planning Board until the Colarusso Drive improvements are complete.**

30. The drainage swale to be constructed from the detention basin on Lots 4 and 5 of Colarusso Woods to the Brookside Estates property shall be built in accordance with the approved Brookside Estates subdivision plan and in compliance with the Subdivision Rules and Regulations. The developer of Brookside Estates shall also be responsible for constructing, repairing, maintaining and posting subdivision surety for any damage done to the detention basin in Colarusso Woods including but not limited to loam and seed, as a result of the construction of the swale. Said swale shall be **completed no later than December 15, 2003. Form J lot release for Brookside Estates shall not be issued by the Planning Board until the drainage swale is complete.**

31. The developer of Brookside Estates shall be responsible for preparing the as-built plan for the improvements constructed within the Colarusso Woods subdivision as part of the Brookside Estates approved subdivision plan.

32. Stonewalls on the Brookside Estates property shall be maintained where possible to preserve the historic character of the site.

33. It is the stated intention of the applicant and the applicant's successor, Fidelity Investments, Inc., to donate Parcel #3 to the Middleborough Conservation Commission. Parcel #3 shall be excluded from the Form H Covenant and the

Outstanding



Outstanding



deed for said property shall be provided to the Town **prior to endorsement** of the Plan.

34. **Prior to endorsement** the easement from Chaves and Cincotta to allow access over Colarusso Drive, access to that portion of Colarusso Drive necessary to construct Fidelity Lane and access to the drainage easement on Lots 4 and 5 for the construction of the swale shall be recorded at the Plymouth County Registry of Deeds and proof of recording shall be submitted to the Planning Board

C. Documents of Record submitted by the applicant upon which this approval is based include:

1. Definitive Subdivision Plans entitled "Definitive Subdivision Plan 'Brookside Estates'", 11 sheets plus cover sheet, dated August 20, 2002, revised through June 23, 2003, owned by David Grant, ET. AL., P.O. Box 54, Readville, MA., prepared by Michael J. Koska and Associates, 98 Broad Street, Bridgewater, MA 02324, for the applicant Sharon Dyer, P.O. Box 606, Bridgewater, MA. Assessor's Map 99, Lots 578,1226 &1581
2. Drainage calculations entitled "Stormwater Runoff Analysis with Operation and Maintenance Plan" Brookside Estates, dated August 5, 2003, revised April 14, 2003, by Pilling Engineering Group, Inc. 1135 Pearl St., Brockton, MA 02301.
3. "Addendum to Stormwater Runoff Analysis with Operation and Maintenance Plan" Brookside Estates, dated July 7, 2003, by Pilling Engineering Group, Inc. 1135 Pearl St., Brockton, MA 02301.
4. Plans entitled "Pre Construction Drainage Patterns", "Post Construction Drainage Patterns" and "Subcatchment Area Plan" dated 8/2/02 revised through 6/17/02 by Pilling Engineering Group, Inc. 1135 Pearl St., Brockton, MA 02301.
5. 5/21/03 submittal by Pilling Engineering Group, Inc. 1135 Pearl St., Brockton, MA 02301.:
 - a. Grate Inlet Capacity Calculations, dated 5/22/03
 - b. 100 Year Hydraulic Gradeline Calculations, dated 5/22/03
 - c. 25 Year Calculations Pages 2-9, dated 5/22/03
 - d. Existing Storage Volume at Miller Street diagram
6. "Soils and Hydrological Conditions" dated 5/23/02 by Peragallo Associates, P.O. Box 172, Rindge, NH 03461.
7. Soil Test Pit Logs by Michael J. Koska and Associates dated 10/02/01, 4/23/02, 2/18/03 and 6/5/03.

8. Waiver request letter from Michael J. Koska and Associates, dated June 24, 2003.
9. Conservation Commission Order of Conditions dated
10. Correspondence from Atlantic Design Engineers dated 10/4/02, 1/21/03, 4/2/03, 5/9/03, 6/3/03, 6/13/03 and 7/7/03.
11. Correspondence from Department of Public Works 2/10/03
12. Correspondence from Middleborough Fire Department dated 8/19/02
13. Correspondence from Middleborough Historical Commission 1/14/03 and 4/7/03
14. Correspondence from Michael J. Koska and Associates 3/18/03, 4/24/03, 5/8/03, 5/23/03, 5/23/03, 6/17/03 and 6/24/03
15. Correspondence from Pilling Engineering Group, Inc dated 4/14/03 and 6/23/03

Said definitive plan was submitted to the Planning Board on August 16, 2002, and to the Town Clerk on August 16, 2002, and a duly advertised public hearing was opened on October 22, 2002, and closed on July 8, 2003. This Certificate is given in accordance with Section 81-U, Chapter 41 of the Massachusetts General Laws as amended.

Signed this 8th day of July, 2003.

Bruce T. Heide

William B. Karczewski

[Signature]

[Signature]

Middleborough Planning Board

RECEIVED
JUL - 9 2003
[Signature]
TOWN CLERK
1531

18

RECORD

170707

RECEIVED

OCT 21 2004

MIDDLEBOROUGH
PLANNING BOARD

PLYMOUTH COUNTY
REGISTRY OF DEEDS
08 AUG 2003 08:42AM
JOHN R. BUCKLEY, JR.
REGISTER
BK 26106 Pg 163-168

FORM II
COVENANT

August 5, 2003

Plat #03-567

Town of Middleborough, Massachusetts

KNOW ALL MEN BY THESE PRESENTS that the undersigned is a successor in interest to a party that submitted an application dated August 16, 2002 to the Town of Middleborough Planning Board for approval of a definitive plan of a subdivision of land entitled "Definitive Subdivision Plan 'Brookside Estates'", 11 sheets plus cover sheet dated August 2002, revised through June 23, 2003, owned by David Grant, ET AL., P.O. Box 54, Readville, MA., prepared by Michael J. Koska and Associates, 98 Broad Street, Bridgewater, MA 02324, for the applicant Sharon Dyer, P.O. Box 606 Bridgewater, MA. Assessor's Map 99, Lots 578, 1226, 1581 and showing proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond. **It is agreed that "Parcel 3" is specifically excluded from this covenant as it is not a "buildable lot" and shall be deeded by Fidelity Financial, Inc. to the Town of Middleborough Conservation Commission.**

Plan 567 of 2003

IN CONSIDERATION of said Planning Board of the Town of Middleborough in the County of Plymouth approving said plan without requiring a performance bond, the undersigned hereby covenant(s) and agree(s) with the inhabitants of the Town of Middleborough acting by and through its Planning Board as follows.

1. The undersigned is the owner* in fee simple absolute of all the land included in the subdivision and that there are no mortgages on record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this covenant prior to its execution by the undersigned.

*Note: If there is more than one owner, all must sign. "Applicant" may be an owner or his agent or representative, or his assigns, but the owner(s) of record must sign the covenant.

2. The undersigned shall not sell or convey any lot in the subdivision except by mortgage deed, or erect, place or build any permanent building on any lot until the construction of ways and installation of municipal services necessary to serve such lot have been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:

- a. The application for Approval of Definitive Plan (Form C).
- b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision (as modified by paragraph 11).

Jeffery Johnson, Esquire
Center Place
1550 Falmouth Road
Centerville, MA 02632

c. The Certificate of Approval and the Conditions of Approval specified therein, issued by the Planning Board, dated July 8, 2003.

d. The Definitive Plan as approved and as qualified by the Certificate of Approval.

e. The within Covenant.

f. Other document(s) namely:

1) Declaration of reserved easements (Middleboro Form K-1) TO BE RECORDED HEREWITH

2) Easements and agreement documents executed between Chaves and Cincotta, Inc. and David A, Grant, Trustee, et al recorded in Book 25713, Page 342-344.

3) DECLARATION OF RESTRICTIVE COVENANTS TO BE RECORDED HEREWITH.

However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides no lot shall be built upon until ways and services have been provided to serve such lot.

4. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.

5. Particular lots within the subdivision may be released from the foregoing conditions upon the recording of a Certificate of Performance executed by a majority of the Planning Board and enumerating the specific lots to be released.

6. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant of either the entire parcel of land shown on the subdivision plan or of all the lots not previously released by the Planning Board.

7. The undersigned shall record this covenant with the Plymouth County Registry of Deeds forthwith, or pay the necessary recording fee to the said Planning Board in the event the Planning Board shall record this covenant forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.

8. A deed of any part of the subdivision in violation of the covenant shall be voidable by the

grantee prior to the release of the covenant; but no later than three (3) years from the date of such deed, as provided in Section 81-U, Chapter 41, Massachusetts General Laws.

9. This covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.

10. Final completion of the construction of ways, installation of municipal services, and all other improvements required by the Definitive Subdivision plans and Covenant, shall be completed by July 8, 2011, provided however, once a Form J Lot Release is issued, final completion shall occur within two (2) years of said lot release. Upon final completion of the construction of ways and installation of municipal services as specified herein, the Planning Board shall release this covenant by and appropriate instrument, duly acknowledged.

11. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time by one on part by another of the methods described by Chapter 41, Section 81-U, Massachusetts General Laws as long such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

12. WAIVERS: The following sections of the Planning Board's Rules and Regulations are hereby modified or waived as indicated:

- a. A waiver of Section IV. E.2.e, to allow for less than 36" of cover over the storm drains, with the use of Class V reinforced concrete pipe from CB A1-16-1 and A1-16-2 to DMH A1-16 and 70' beyond.
- b. A waiver of Section III. C.1.c, to allow for the lotting sheet to be at a scale of 1"=100', instead of the required 1"=40'. Granting of this waiver for the lotting sheet to show the overall layout of the subdivision on one sheet.

For title to the property, see deed from David A. Grant, Trustee et al to Fidelity Financial Inc. recorded in Book 26077, Page 261, see also the deeds in Book 10037, Page 326; Book 9819, Page 171; and Book 8873, Page 195.

Plymouth County Land Registry as Document No. NA -, and noted on Certificate of Title — No. —, in Registration Book —, Page —.

13. The present holder of a mortgage upon the property is: NONE

The mortgage is dated — and recorded in Plymouth County Registry of Deeds, Book —, Page —, registered in Plymouth County Land Registry as Document No. —, and noted on Certificate of Title

No. _____, in Registration Book _____, Page _____. The said mortgagee joins in this declaration and hereby agrees to hold the mortgage subject to the within declaration and agrees that the within declaration shall have the same status, force and effect as though executed and recorded before the recording of the said mortgage and further agrees that the mortgage shall be subordinate to the within declaration.

In WITNESS WHEREOF the undersigned hereunto set(s) my/our hand(s) and seal(s) this _____ day of _____, 2003.

Signature of Owner

(Owner)

COMMONWEALTH OF MASSACHUSETTS

_____, SS _____, 2003.

Then Personally appeared before me the above named _____

_____ and acknowledged the foregoing instrument to be

_____ free act and deed, before me.

Signature of Notary Public

My commission expires _____

Signature of Mortgagee

Signature of Mortgagee

(MORTGAGEE)

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 2003.

Then personally appeared before me the above named _____

_____ and acknowledged the foregoing instrument to be

_____ free act and deed, before me.

(No Mortgage Held On Property)

Signature of Notary Public

My commission expires _____

The within declaration is hereby accepted on

this 5th day of August, 2003.

Bruce T. Heitke

David J. Muddigan

William B. Luceau

Majority of the Planning Board of the Town of
Middleborough

**ALTERNATE SIGNATURE AND NOTARIZATION-FOR CORPORATIONS-
OWNERS AND MORTGAGEES**

IN WITNESS WHEREOF, the said Fidelity Financial Inc.
Has caused its corporate seal to be hereto affixed and these presents to be signed,

acknowledged and delivered in its name and behalf by Nancy J. Manoog, its President and Treasurer hereto duly authorized, this 5th day of August in the year two thousand and three.

Fidelity Financial Inc.



By: Nancy J. Manoog
Its President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

Barnstable,ss

August 5, 2003

Then personally appeared before me the above named Nancy J. Manoog
President and treasurer of Fidelity Financial Inc. and acknowledged the foregoing instrument to
be the corporations free act and deed, before me.



Signature of Notary Public
Jeffery Johnson

My commission expires: 11/6/03

JEFFERY JOHNSON
Notary Public, Massachusetts
My Commission Expires 11/06/2003

19

RECORD

170708
DECEIVED
OCT 21 2003
MIDDLEBOROUGH
PLANNING BOARD

PL#03-367

RESTRICTIVE COVENANTS

WHEREAS, Fidelity Financial Inc., hereinafter referred to as "Developer", is the owner of certain lots in Middleborough, Plymouth County, Massachusetts shown on a subdivision plan, hereinafter referred to as a "plan" entitled: " Definitive Subdivision Plan 'Brookside Estates'", 11 sheets plus cover sheet dated August 2002, revised through June 23, 2003, owned by David Chant, ET. AL., P.O. Box 54, Readville, MA., prepared by Michael J. Koska and Associates, 98 Broad Street, Bridgewater, MA 02324, for the applicant Sharon Dyer, P.O. Box 606 Bridgewater, MA. Assessor's Map 99, Lots 578, 1226, 1581," which plan is to be recorded at the Plymouth Registry of Deeds herewith, and

WHEREAS, Developer desires to develop the land shown on the plan as a residential subdivision and impose restrictions on the lots shown on said plan in connection with such development, so as to comply with certain requirements of the Town of Middleborough Planning Board.

Now THEREFORE, Developer hereby imposes the restrictions hereinafter enumerated upon the building lots and the owners of the same at this time and hereinafter. All of said restrictions and covenants shall run, with and bind the building lots, the present owners and all persons claiming under them.

The restrictions are as follows:

As a condition for the approval of "Brookside Estates" by the Town of Middleborough under the Subdivision Control Law, the Developers are required to have driveway streetlights and attached street numbers acceptable to the Middleborough Planning Board installed on a lot in working order prior to the occupancy of any house erected on that lot in the Subdivision. The driveway streetlights must be located one foot outside of the Town right of way and must be wired to the power source of the individual home WITHOUT on and off switches. They must also be photosensitive so that they turn on at dusk and off at dawn. The driveway streetlights and attached street numbers only need to be installed on each such lot at the time of construction of a house thereon.

As a further condition for the approval of the plan by the Town of Middleborough under the Subdivision Control Law, all houses to be constructed on the lots shall be equipped with roof drains that shall discharge into a subsurface infiltration system designed by a professional engineer capable of accommodating total roof runoff generated by a 100 year storm event. The Board of Health shall determine compliance with this restriction at the time of the inspection of the septic system installation. These conditions shall be a restriction imposed upon the building lots for the benefit of the building lots and owners of the same at the time hereafter. The Town of Middleborough may enforce by said owners and these restrictions also. The Town of Middleborough is specifically authorized to withhold the issuance of any occupancy permit until these conditions have been satisfied as to that particular lot. The issuance of any occupancy permit by the Town of Middleborough shall be conditional upon compliance with this restriction for all third parties relying thereon.

Plan 567 of 2003

Jeffery Johnson, Esquire
Center Place
1550 Falmouth Road
Centerville, MA 02632

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
08 AUG 2003 08:42AM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 26106 Pg 169-170

IN WITNESS WHERE OF, the said Fidelity Financial Inc. has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name by Nancy J. Manoog, its President and Treasurer hereto duly authorized, this 5th day of Augst in the year two thousand and three.

Fidelity Financial Inc.



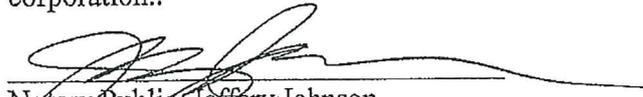
By: Nancy J. Manoog
Its President and Treasurer

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable,ss

August 5, 2003.

Then personally appeared the above named Nancy J. Manoog President and Treasurer of Fidelity Financial Inc. and acknowledged the foregoing instrument to the free act and deed of the corporation..


Notary Public, Jeffery Johnson

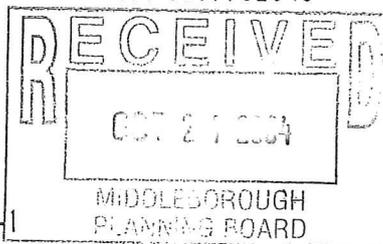
My commission expires: 11/6/03

JEFFERY JOHNSON
Notary Public, Massachusetts
My Commission Expires 11/06/2003

20

44#03-567

RECORD



170709

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
08 AUG 2003 08:42AM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 26106 Pg 171-175

FORM K-1

DECLARATION OF RESERVED EASEMENTS

Town of Middleborough, Massachusetts

KNOW ALL MEN BY THESE PRESENTS that the undersigned has submitted an application dated AUGUST 16, 2002, to the Town of Middleborough Planning Board

for approval of a definitive plan of a subdivision of land entitled:

"Brookside Estates"

consisting of 11 sheets, dated 08/~~20~~/02

revised THROUGH 6/23/03 plan by, Michael J. Koska & Associates, Civil Engineers and Land Surveyors, 98 Broad Street, Bridgewater, MA 02324

land located on Brookside Drive and Fidelity Lane

and showing 13 proposed lots.

THE UNDERSIGNED ACKNOWLEDGES that the within described easements as shown the above referenced definitive plan are integral to the subdivision's design and necessary to protect the safety, convenience and welfare of the inhabitants of the Town of Middleborough. In consideration of said Planning Board of the Town of Middleborough in the County of Plymouth approving said plan, the undersigned hereby covenant(s) and agree(s) with the inhabitants of the Town of Middleborough acting by and through its Planning Board as follows:

I. The undersigned is the owner* in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages has assented to this declaration prior to its execution by the undersigned.

*NOTE: If there is more than one owner, all must sign. "Applicant" may be an owner or his agent or representative, or his assigns, but the owner(s) of record must sign the declaration.

*Original
K-1*

Jeffery Johnson, Esquire
Center Place
1550 Falmouth Road
Centerville, MA 02832

PLAN 567 of 2003

2. This declaration shall be binding upon the executors, administrators, devisees, heirs, successors, and assigns of the undersigned and shall run with the land included in the subdivision and shall operate as restrictions upon the land to the extent provided under law.

3. The undersigned shall record this declaration with the Plymouth County Registry of Deeds forthwith, or pay the necessary recording fee forthwith to the said Planning Board in the event the Planning Board shall record this declaration. Reference to this declaration shall be entered upon the definitive subdivision plan as approved.

4. This declaration shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.

5. The undersigned owner(s) hereby reserve the following described easement(s) in perpetuity for the benefit of the owner(s) of record of the road(s) and the owner(s) of record of the lots shown on the definitive subdivision plan and their successors and assigns:

See attached sheet listing the reserved easements.

*NOTE: Each reserved easement shall be described as to purpose and location and the specific lot or lots as shown on the definitive subdivision plan which are subject to each easement shall be identified.

6. For title to the property, see deed from David A. Grant, Trustee of KIMBA Realty Trust, et al dated and recorded herewith in the Plymouth County Registry of Deeds in Book 26077, Page 261.

7. The present holder of a mortgage upon the property is: **NONE**
None this document to be recorded prior to any mortgage being granted.

8. Any lot shown on the subdivision plan which is subject to any easement described in Paragraph 5 shall be subject to the terms of this declaration. Any lot shown on the subdivision plan which is not subject to any easement described in Paragraph 5 shall not be subject to the terms of this declaration.

9. This declaration may be amended by a document executed by the owner(s) of the subdivision road(s) provided such amendment shall not be effective unless it is assented to in writing by the owner(s) of all lots which are subject to the reserved easements described in Paragraph 5 and provided further that the amendment shall not be effective until it is approved in writing by the Town of Middleborough Planning Board and recorded in the Plymouth County Registry of Deeds.

IN WITNESS WHEREOF the undersigned hereunto set(s) my/our hand(s) and seal(s) this 5th day of August, 2003

Fidelity Financial, Inc.



by Nancy J. Manoog
its President & Treasurer

Commonwealth of Massachusetts

Barnstable, ss

8/5, 2003

Then personally appeared before me the above-named Nancy J. Manoog, President and Treasurer of Fidelity Financial, Inc. and acknowledged the foregoing instrument to be the duly authorized act and deed of the corporation as aforesaid, before me.



Notary Public
My commission expires:

JEFFERY JOHNSON
Notary Public, Massachusetts
My Commission Expires 11/06/2003

The within declaration is th hereby accepted on this 5 day of August ~~19~~ 2003

Barry T. Heidke

Dan J. Muddiford

William P. Mearns

Majority of the Planning Board
of the Town of Middleborough

COMMONWEALTH OF MASSACHUSETTS

Plymouth,

August 5, ~~19~~ 2003

Then personally appeared Barry T. Heidke, one of the above named members of the Planning Board of the Town of Middleborough, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

[Signature]
Signature of Notary Public

My Commission expires December 23, 2004

ADDENDUM TO FORM K-1
DEFINITIVE SUBDIVISION PLAN "BROOKSIDE ESTATES"
MIDDLEBOROUGH, MA

LIST OF RESERVED EASEMENTS

All as shown on the plan recorded herewith in Plan Book _____, Page _____

1. Drainage easement on "Parcel 1".
2. 20 foot wide permanent grading, planting and utility easement on Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 **AND PARCEL 1.**
3. Easement for Sotera Way (formerly Gibbs Place) across Brookside Drive and Lots 3 and 4.
4. Drainage easements on Lots 7, 8, 9, 10, 11, 12 and 13.
5. Handicap ramp easement abutting Colarusso Drive and Fidelity Lane.
6. An easement from Chaves and Cincotta, Inc. dated May 12, 2003 recorded ~~herewith~~ in Book **25713**, Page **342** entitled "Easement with Appurtenant Right to Construct and Maintain" which grants an easement to make a connection between Colarusso Drive and Fidelity Lane and contains a grant to connect the drainage system of "Colarusso Woods", plan book 43, page 143 at lot 4 of said plan book 43, page 143 to the drainage easement areas on lots 7, 8, and 9 Brookside Drive. See reservation of Reserved Easements recorded in Book 18272, page 145.

g\fidelity\brookside\decl.res.easement.doc

21

FILE

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
01 FEB 2005 12:57PM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 29935 Pg 134-138

**SUPPLEMENTAL FORM K-1
DECLARATION OF RESERVED EASEMENTS**

*Drainage Easements
Plans - Lot 7 +
Lot 9*

Town of Middleborough, Massachusetts

KNOW ALL MEN BY THESE PRESENTS that the undersigned had submitted an application dated August 16, 2002, to the Town of Middleborough Planning Board

for approval of a definitive plan of a subdivision of land entitled:

"Brookside Estates"

consisting of 11 sheets, dated 08/02/02



Revised through 6/23/03 plan by, Michael J. Koska & Associates, Civil Engineers and Land Surveyors, 98 Broad Street, Bridgewater, MA 02324, as recorded in Plan Book 47, Pages 104 and 105.

land located on Brookside Drive and Fidelity Lane

and showing 13 proposed lots AND HAS BEEN PREVIOUSLY RECORDED A FORM K-1 in Book 26106, Pages 171-175. This K-1 is in addition to the previously recorded K-1.

THE UNDERSIGNED ACKNOWLEDGES that the within described easements are meant to supplement the earlier grant of easements and that there is shown on plans entitled "Drainage Easement Plan, Brookside Estates, Middleboro, MA, prepared for Fidelity Financial, Inc. dated 10/26/04 and 1/26/05 by Gallagher Engineering" as recorded in Plan Book 49, Page 118 as Plan # 1026 of 2004 and Plan Book 49, Page 393 as Plan # 81 of 2005 and said supplemental easements are integral to the subdivision's design and are necessary to protect the safety, convenience, and welfare of the inhabitants of the Town of Middleborough. In consideration of said Planning Board of the Town of Middleborough in the County of Plymouth approving said plans, the undersigned hereby covenant(s) and agree(s) with the inhabitants of the Town of Middleborough acting by and through its Planning Board as follows:

1. The undersigned is the owner* in fee simple absolute of all the land included in the easement area depicted on the above reference plan and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages has assented to this declaration prior to its execution by the undersigned.

*NOTE: If there is more than one owner, all must sign. "Applicant" may be an owner or his agent or representative, or his assigns, but the owner(s) of record must sign the declaration.

*Brookside
K-1 to enlarge
drainage easement
on Lots 7 + 9*

2. This declaration shall be binding upon the executors, administrators, devisees, heirs, successors, and assigns of the undersigned and shall run with the land included in the subdivision and shall operate as restrictions upon the land to the extent provided under law.

3. The undersigned shall record this declaration with the Plymouth County Registry of Deeds forthwith, or pay the necessary recording fee forthwith to the said Planning Board in the event the Planning Board shall record this declaration. Reference to this declaration shall be entered upon the definitive subdivision plan as approved.

4. This declaration shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.

5. The undersigned owner(s) hereby reserve the following described easement(s) in perpetuity for the benefit of the owner(s) of record of the road(s) and the owner(s) of record of the lots shown on the definitive subdivision plan and their successors and assigns:

Lots 7 and 9 are hereby subject to an access/drainage easement as depicted on the above referenced plan within the area shown as "proposed access/drainage easement" for all purposes for which such areas are or may hereinafter be used.

6. For title to the property, see deed from David A. Grant, Trustee of KIMBA Realty Trust, et al, recorded in the Plymouth County Registry of Deeds in Book 26077, Page 26.

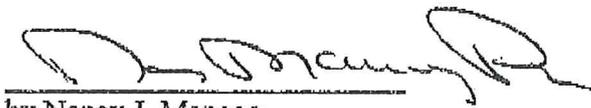
7. The present holder of a mortgage upon the property is Community Bank of Brockton, Massachusetts 02301. The mortgage is dated October 2, 2003 and recorded in Plymouth County Registry of Deeds, Book 26710, Page 331. The said mortgagee joins in this declaration and hereby agrees to hold the mortgage subject to the within declaration and agrees that the within declaration shall have the same status, force and effect as though executed and recorded before the recording of the said mortgage and further agrees that the mortgage shall be subordinate to the within declaration.

8. Any lot shown on the plan which is subject to any easement described in Paragraph 5 shall be subject to the terms of this declaration. Any lot shown on the plan which is not subject to any easement described in Paragraph 5 shall not be subject to the terms of this declaration.

9. This declaration may be amended by a document executed by the owner(s) of the subdivision road(s) provided such amendment shall not be effective unless it is assented to in writing by the owner(s) of all lots which are subject to the reserved easements described in Paragraph 5 and provided further that the amendment shall not be effective until it is approved in writing by the Town of Middleborough Planning Board and recorded in the Plymouth County Registry of Deeds.

IN WITNESS WHEREOF the undersigned hereunto set(s) my/our hand(s) and seal(s) this 13th day of January, 2005

Fidelity Financial, Inc.



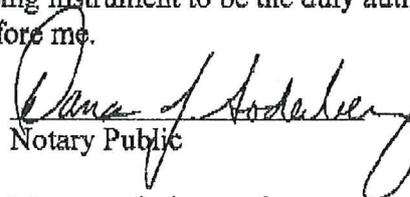
by Nancy J. Manoog
its President and Treasurer

Commonwealth of Massachusetts

Barnstable, ss

January 13, 2005

Then personally appeared before me the above-named Nancy J. Manoog its President and Treasurer of Fidelity Financial, Inc. known to me and by me to be the person/officer and acknowledged the foregoing instrument to be the duly authorized act and deed of the corporation as aforesaid, before me.


Notary Public

My commission expires:



DANA JOHN SÖDERBERG
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 31, 2011

IN WITNESS WHEREOF, the said **THE COMMUNITY BANK**, a Massachusetts Co-operative Bank, has caused its corporate seal to be hereto affixed and these presents to be signed and acknowledged in its name and behalf by Peter J. Curtin, Jr., its Vice-President, thereunto duly authorized, this 15th day of January, 2005.

THE COMMUNITY BANK, A Massachusetts Co-Operative Bank

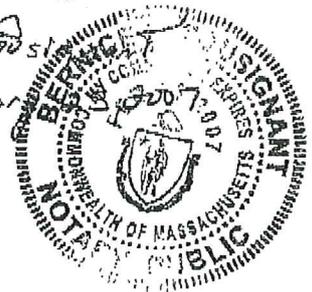
By: Peter J. Curtin, Jr.
Its: Vice-President

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

Then personally appeared the above named Peter J. Curtin, Jr. its Vice-President known to me and by me to be the person/officer signing the attached document and acknowledged the foregoing instrument to be the free act and deed of **THE COMMUNITY BANK, A Massachusetts Co-operative Bank** aforesaid, before me.

Notary Public Bernice P. Toussaint
My commission expires: February



The within declaration is hereby accepted on this 18th day of January, 2005.

[Signature]

Barry T. Heide

[Signature]

William B. Sarceau

Majority of the Planning Board of
the Town of Middleborough

COMMONWEALTH OF MASSACHUSETTS

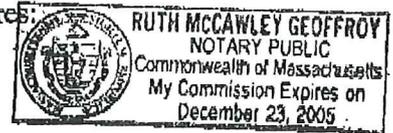
Plymouth, ss

January 18, 2005

On this 18th day of January, 2005, before me, the undersigned notary public, personally appeared Patrick D. Gaughan, proved to me through satisfactory evidence of identification, which was personal knowledge of his/her identity, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of and for the Town of Middleborough Planning Board.

[Signature]
(official signature and seal of notary)

My commissioner expires:



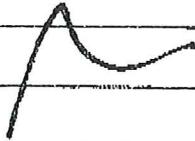
TO: DENISE 508.946.1991

FROM: BILL

RE: RECORDED SUPPLEMENTAL K-1

FOLLOWING PLS. FIND COPY
RECORDED THIS P.M.

Oaks,



22

RECORD

143547
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
08 JUL 2003 02:59PM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 25713 Pg. 342-344

EASEMENTS WITH APPURTENANT RIGHT TO CONSTRUCT AND MAINTAIN

Property address: Fidelity Lane, Brookside Drive, Colarusso Drive, and Sadie's Path,
Middleborough, MA

Chaves and Cincotta, Inc. a Massachusetts corporation of 40 Bedford Park, Bridgewater, MA 02324, for nominal consideration of One Dollar (\$1.00) paid, hereby grants to David A. Grant, as Trustee of KIMBA Realty Trust u/d/t dated August 17, 1988 recorded in Book 8665 page 225, and to David A. Grant and Paul J. Grant, as Trustees of Grant Realty Trust, u/d/t/ dated April 28, 1988 recorded in Book 8477 page 38 and to David A. Grant, as Trustee of Brothers Realty Trust, u/d/t dated ~~AUGUST 26~~¹⁹⁸⁵ recorded in Book 6273 page 329 with an address of PO Box 54, Readville, MA 02137, and their successors in title to those lots and the roads depicted on the plan described in Exhibit "A" the perpetual easements described herein:

- A. There is hereby granted a perpetual easement over that street known as Colarusso Drive, as depicted on plan book 43 page 143, for all purposes for which streets and ways are presently or may hereinafter be commonly used in Middleborough, including the right to construct a connection to Colarusso Drive from Fidelity Lane, together with the right and obligation to pave, install, maintain, grade, and alter the intersection of these two roads, including the right and obligation to relocate such "street trees" as may be required by the Planning Board, and further to connect, construct and maintain all manner of appurtenant drainage, and public utilities, including water at such intersection of Colarusso Drive and Fidelity Lane; and
- B. A perpetual drainage easement with the right to construct and maintain a connection to the drainage system between "Brookside Estates" and that existing drainage system of "Colarusso Woods" within that area of the grantors reserved easement area depicted on lot 4 on plan book 43 page 143 labeled "Existing 50' Wide Access and Utility Easement" and "Drainage Easement" to the "Drainage Easement" areas of lots 7, 8, and 9 Brookside Drive on the plan described in Exhibit "A"; and

C. It shall be the obligation of the grantees and their successors in title to the land described in Exhibit "A" to construct and maintain these connections at the intersection of Fidelity Lane and Colarusso Drive, and the drainage area of lot 4 Sadie's Path in accordance with the specifications approved by the Planning Board of the Town of Middleborough.

For our title reference, see the Declaration of Reserved Easements recorded in Book 18272, page 145, and the deed recorded in Book 18289, page 60.

EXECUTED under seal this 9th day of May, 2003.

Chaves and Cincotta, Inc.



by
its President



by
its Treasurer

COMMONWEALTH OF MASSACHUSETTS

Plymouth, county

May 12, 2003

Then personally appeared before me the above-named
President and

Treasurer, and acknowledged the foregoing instrument to be the duly authorized act and deed of the corporation as aforesaid, before me.



Notary Public- Cheryl A. White

My commission expires: June 20, 2008

EXHIBIT A

The parcel of land with any buildings thereon situate in Middleborough, Plymouth County, Massachusetts, being further described as follows:

Lots 1 through 13 inclusive, Brookside Drive and Fidelity Lane, and Parcels 1, 2, and 3 being shown on a Plan of Land entitled: "Definitive Subdivision Plan 'Brookside Estates'. Assessors Map 99 Lots 578, 1226 & 1581, Miller Street, Middleboro, Massachusetts, Applicant: Sharon Dyer, Owner: David Grant, et al, Scale: 1" = 100', Dated: 08/02/02, as revised 12/17/02, _____, Michael J. Koska & Associates, Civil Engineers & Land Surveyors, 98 Broad Street, Bridgewater, MA", containing ____ sheets.

For title reference, see Plymouth County Registry of Deeds Book _____, page _____.

23

This info was needed to establish
the drainage easement
at lots 7, 8 + 9 dated 2/10/02

FILE

22112
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
28 FEB 2005 12:46PM
JOHN R. BUCKLEY, JR.
REGISTER
BK 30064 Pg 88-89

QUITCLAIM DEED

Property: Lot 9 on Plan Book 47, Page 104-105, Brookside Drive, Middleboro, MA

FIDELITY FINANCIAL, INC., a duly organized Massachusetts corporation, of 1550 Falmouth Road, Centerville, MA 02632, for consideration of One Hundred Eighty-Five Thousand and 00/100 (\$185,000.00) paid, hereby grants to

E & S CONSTRUCTION, INC., a duly organized Massachusetts corporation of 951 Long Pond Road, Plymouth, MA 02360

With QUITCLAIM COVENANTS

The land situate in Middleborough, Plymouth County, Massachusetts, being further described as follows:

Lot 9 as shown on a Plan of Land entitled "Definitive Subdivision Plan "Brookside Estates" Assessors Map 99 Lots 578, 1226 & 1581, Miller Street, Middleboro, Massachusetts, Scale: 1" = 100', Michael J. Koska & Associates Civil Engineers & Land Surveyors, 98 Broad Street, P.O. Box 262, Bridgewater, MA 02324," said plan being duly recorded at Plymouth County Registry of Deeds in Plan Book 47, Page 104.

The fee in the ways shown on the plan are expressly reserved to the Fidelity Financial, Inc. The grantee is however granted a right of way over the streets and ways shown on the plan as streets and ways as customarily used in the Town.

There was also reserved to Fidelity Financial, Inc., its successors and assigns, the right to grant easements over or under the ways, streets or roads for foot and vehicular travel and utility purposes for the benefit of the land shown on the plan, and any land which may or may not as yet directly abut this subdivision plan, as such ways and streets and roads are commonly now or hereafter may be used or enjoyed over or under streets, roads and ways in the Town of Middleborough, meaning and intending that the grantor may by such grants of easements "overburden" the right of way by such future grant.

Subject to the Form K-1 Declarations of Reserved Easements recorded in Book 26106, Page 171 and in Book 29935, Page 134, specifically those items set forth on the Addendum to the Declaration, including but not limited to the rights of others if any over the way known as Sotera Way formerly known as Gibbs Place.

The grantor represents and warrants to this grantee that the conveyance of this property does not constitute a sale or transfer of all or substantially all of grantor's assets and is in the ordinary course of its business.

For grantor's title reference, see deed recorded at Plymouth County Registry of Deeds in Book 26077, Page 261.

Jeffery Johnson, Esquire
1550 Falmouth Road, Suite 4C
Centerville, MA 02632

mail
6

IN WITNESS WHEREOF, the said FIDELITY FINANCIAL, INC. has caused its corporate seal to be hereto affixed and these presents to be signed and acknowledged in its name and behalf by Nancy J. Manoog, its President and Treasurer, thereunto duly authorized, this 22nd day of February, 2005.

FIDELITY FINANCIAL, INC.



By: Nancy J. Manoog
Its President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

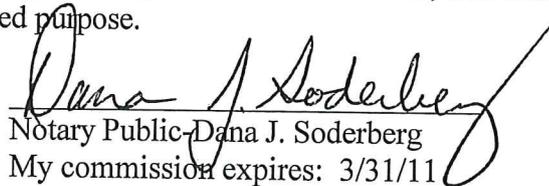
Barnstable, ss

February 22, 2005

Then personally appeared before me, the undersigned notary public, personally appeared NANCY J. MANOOG, President and Treasurer of FIDELITY FINANCIAL, INC., known by me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

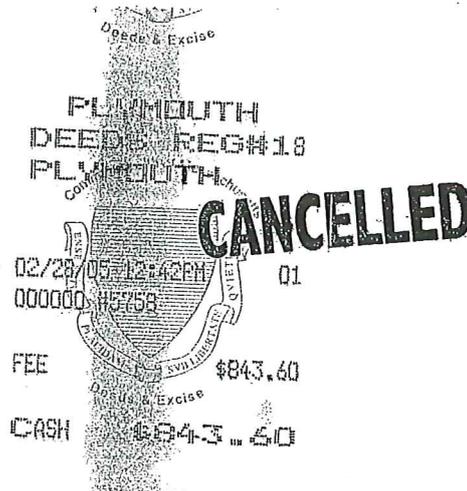


DANA JOHN SODERBERG
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 31, 2011



Notary Public-Dana J. Soderberg
My commission expires: 3/31/11

g\brookside.Lot 9.Middleboro.fid.dd



FILE

2/13/06

This is not "official" as
of today. Assessor's office
lists Fidelity Financial
c/o Paul Colarusso, Tr
Middleborough

QUITCLAIM DEED

Property: Lot 8 on Plan Book 47, Page 104-105, Brookside Drive, Middleborough, MA

FIDELITY FINANCIAL, INC., a duly organized Massachusetts corporation, of 1550 Falmouth Road, Centerville, MA 02632, for consideration of One Hundred Seventy Thousand and 00/100 (\$170,000.00) paid, hereby grants to

COLARUSSO CORP., a duly organized Massachusetts corporation, with an address of 25 Colarusso Drive, Middleborough, MA 02346

With QUITCLAIM COVENANTS

The land situate in Middleborough, Plymouth County, Massachusetts, being further described as follows:

Lot 8 as shown on a Plan of Land entitled "Definitive Subdivision Plan "Brookside Estates" Assessors Map 99 Lots 578, 1226 & 1581, Miller Street, Middleboro, Massachusetts, Scale: 1" = 100', Michael J. Koska & Associates Civil Engineers & Land Surveyors, 98 Broad Street, P.O. Box 262, Bridgewater, MA 02324," said plan being duly recorded at Plymouth County Registry of Deeds in Plan Book 47, Page 104.

The fee in the ways shown on the plan are expressly reserved to the Fidelity Financial, Inc. The grantee is however granted a right of way over the streets and ways shown on the plan as streets and ways as customarily used in the Town.

There was also reserved to Fidelity Financial, Inc., its successors and assigns, the right to grant easements over or under the ways, streets or roads for foot and vehicular travel and utility purposes for the benefit of the land shown on the plan, and any land which may or may not as yet directly abut this subdivision plan, as such ways and streets and roads are commonly now or hereafter may be used or enjoyed over or under streets, roads and ways in the Town of Middleborough, meaning and intending that the grantor may by such grants of easements "overburden" the right of way by such future grant.

Subject to the Form K-1 Declaration of Reserved Easements recorded in Book 26106, Page 171, specifically those items set forth on the Addendum to the Declaration, including but not limited to the rights of others if any over the way known as Sotera Way formerly known as Gibbs Place. The premises are also granted subject to those matters set forth on Plan Book 47 Pages 104 & 105; Plan Book 23, Page 386; Plan Book 17, Page 75; Plan Book 33, Page 999.

Subject to an Easement with Appurtenant right to Construct and Maintain recorded with Plymouth County Registry of Deeds in Book 25713, Page 342.

Subject to an Order of Conditions of the Middleborough Conservation Commission recorded in Book 26077, Page 251.

Subject to a Declaration of Protective Covenants dated November 16, 2004 and recorded with said Deeds in Book 29487, Page 239.

Subject to an Easement to Comcast recorded in Book 28425, Page 120.

Subject to Restrictive Covenants recorded in Book 26106, Page 169.

Subject to Rights of others over Fidelity Lane, Miller Lane and Brookside Drive for all purposes for which public ways may now or hereafter customarily be used in the Town of Middleborough.

The grantor represents and warrants to this grantee that the conveyance of this property does not constitute a sale or transfer of all or substantially all of grantor's assets and is in the ordinary course of its business.

For grantor's title reference, see deed recorded at Plymouth County Registry of Deeds in Book 26077, Page 261.

IN WITNESS WHEREOF, the said FIDELITY FINANCIAL, INC. has caused its corporate seal to be hereto affixed and these presents to be signed and acknowledged in its name and behalf by Nancy J. Manoog, its President and Treasurer, thereunto duly authorized, this _____ day of November, 2005.

FIDELITY FINANCIAL, INC.

By: Nancy J. Manoog
Its President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

November , 2005

Then personally appeared before me, the undersigned notary public, personally appeared NANCY J. MANOOG, President and Treasurer of FIDELITY FINANCIAL, INC., known by me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public- Dana J. Soderberg
My commission expires: 3/31/11

FILE

2/13/06
These ~~are~~ ^{is} not
"official" as of
today.
Assessor's
office
Lists
Brookside
Corp
4 Whitecap
Sandwich, MA
025

QUITCLAIM DEED

Property: Lot 7 on Plan Book 47, Page 104-105, Brookside Drive, Middleborough, MA

BROOKSIDE CORP., a duly organized Massachusetts corporation, of 4 White Cap Path, Sandwich, MA 02563, for consideration of Six Hundred One Thousand One Hundred Eleven and 00/100 (\$601,111.00) Dollars, hereby grants to

CAROL CONTE, Individually, of 79 Brookside Drive, Middleborough, MA 02346,

With QUITCLAIM COVENANTS

The land situate in Middleborough, Plymouth County, Massachusetts, being further described as follows:

Lot 7 as shown on a Plan of Land entitled "Definitive Subdivision Plan "Brookside Estates" Assessors Map 99 Lots 578, 1226 & 1581, Miller Street, Middleboro, Massachusetts, Scale: 1" = 100', Michael J. Koska & Associates Civil Engineers & Land Surveyors, 98 Broad Street, P.O. Box 262, Bridgewater, MA 02324," said plan being duly recorded at Plymouth County Registry of Deeds in Plan Book 47, Page 104.

The fee in the ways shown on the plan were expressly reserved to Fidelity Financial, Inc. The grantee is however granted a right of way over the streets and ways shown on the plan as streets and ways as customarily used in the Town.

There was also reserved to Fidelity Financial, Inc., its successors and assigns, the right to grant easements over or under the ways, streets or roads for foot and vehicular travel and utility purposes for the benefit of the land shown on the plan, and any land which may or may not as yet directly abut this subdivision plan, as such ways and streets and roads are commonly now or hereafter may be used or enjoyed over or under streets, roads and ways in the Town of Middleborough, meaning and intending that the grantor may by such grants of easements "overburden" the right of way by such future grant.

Subject to the Form K-1 Declaration of Reserved Easements recorded in Book 26106, Page 171, specifically those items set forth on the Addendum to the Declaration, including but not limited to the rights of others if any over the way known as Sotera Way formerly known as Gibbs Place as affected by a Supplemental Form K-1 Declaration of Reserved Easements dated January 18, 2005 and recorded in Book 29935, Page 134.

The grantor represents and warrants to this grantee that the conveyance of this property does not constitute a sale or transfer of all or substantially all of grantor's assets and is in the ordinary course of its business.

For grantor's title reference, see deed recorded at Plymouth County Registry of Deeds on February 23, 2005 in Book 30032, Page 228.

IN WITNESS WHEREOF, the said BROOKSIDE CORP. has caused its corporate seal to be hereto affixed and these presents to be signed and acknowledged in its name and behalf by PAUL SCHNEIDER, its President and Treasurer, thereunto duly authorized, this 15 day of December 2005.

BROOKSIDE CORP.



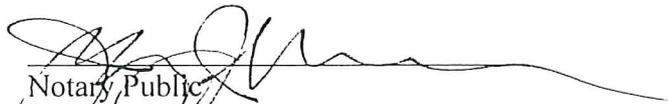
By: Paul Schneider
Its President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss

Dec 15, 2005

Then personally appeared before me, the undersigned notary public, the above-named PAUL SCHNEIDER, President and Treasurer of BROOKSIDE CORP., who proved to me through satisfactory evidence of identification, which were _____, who is known by me and to me known to be, the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/it signed it voluntarily for its stated purpose.



Notary Public
My commission expires:

g\brookside.Lot 7 Midleboro.to Conte.dd



JEFFERY JOHNSON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 19, 2010

Brookside

2/13/16

Lot # 7 -

Brookside Corp.
4 Whitecap Path
Sandwich, MA 02563

per Assessor's
office
For Drainage
Easement

Lot #8

Fidelity Financial Inc.
c/o Paul Colarusso, Trustee
25 Colarusso Dr.
Middleborough, MA

Lot 9

E+S Construction Inc.
951 Long Pond Rd
Plymouth, MA 02360

24

RECORD

DRAINAGE EASEMENT

27477
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
15 MAR 2006 10:39AM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 32357 Pg 137-138

Property: Lots 7, 8 and 9, Brookside Drive and Fidelity Lane, Middleborough
Brookside Estates, Plan Book 47 Page 104

FILE
Brookside

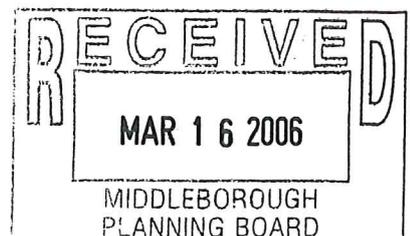
Whereas Fidelity Financial, Inc. of 1550 Falmouth Road, Centerville, MA 02632, holds certain easement rights along the westerly sidelines of lots 7, 8, and 9 on the above referenced plan of Brookside Estates, by virtue of a reservation of easements recorded in Book 26106, pages 171-175 and as granted to its predecessor in title David A. Grant, Trustee in Book 25713, Pages 342-344, and that these drainage easements are intended to provide drainage infrastructure to receive the discharge of storm water from the Colarusso Woods subdivision, as recorded in Plan Book 43, Page 143, which drainage system is depicted on the plans on file with the Middleborough Planning Board for Brookside Estates, and these drainage easements are integral to the approval and functionality of the drainage system for both subdivisions and in order to protect the safety, convenience and welfare of the inhabitants of the Town of Middleborough,

Now therefore, Fidelity Financial, Inc., for consideration paid of \$1.00, grants to the inhabitants of the Town of Middleborough, acting by and through its Planning Board, having an address of 10 Nickerson Avenue, Middleborough, Plymouth County, Massachusetts, and its successors and assigns, the perpetual right and easements referenced above, meaning and intending to grant the Town a right to flow road drainage in, under, over and through the easement areas, to maintain and store water in the easement areas, to maintain and repair swales, culverts and other drainage facilities in the drainage easement areas.

For our title see a deed from David A. Grant, Trustee et al and recorded in the Plymouth County Registry of Deeds, Book 26077, Pages 261-263, the reservation in Book 26106, Page 175 and the grant in Book 25713, Page 342.

IN WITNESS WHEREOF, the said FIDELITY FINANCIAL, INC. has caused its corporate seal to be hereto affixed and these presents to be signed and acknowledged in its name and behalf by NANCY J. MANOOG, its President and Treasurer, thereunto duly authorized, this 10th day of February, 2006.

Please return to:
Daniel F. Murray, Esq.
P.O. Box 201
Middleboro, MA 02346



FIDELITY FINANCIAL, INC.



BY: NANCY J. MANOOG

Its President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

February 10, 2006

Then personally appeared before me, the undersigned notary public, personally appeared NANCY J. MANOOG, President and Treasurer of FUNDING SERVICES TRUST, known by me and by me known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Notary Public
My commission expires:



JEFFERY JOHNSON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 19, 2010

DECAS, MURRAY & DECAS

132 NORTH MAIN STREET • MIDDLEBORO • MASSACHUSETTS 02346 • (508) 947-4433

ATTORNEYS AT LAW

GEORGE C. DECAS
DANIEL F. MURRAY
WILLIAM C. DECAS

REPLY TO POST OFFICE BOX 201
MIDDLEBORO, MA 02346-0201
FAX (508) 947-7147

WAREHAM OFFICE:
219 MAIN STREET
WAREHAM, MA 01956



March 15, 2006

Denise Cahill, Construction Supervisor
Middleborough Planning Board
20 Centre Street
Financial Building
Middleboro, MA 02346

**RE: Brookside Estates drainage easement
to serve Colarusso Woods Subdivision**

Dear Denise:

Enclosed is a stamped copy of the easement which I recorded on March 15, 2006 in Book 32357, Page 137.

Very truly yours,

A handwritten signature in black ink, appearing to be "Daniel F. Murray".

Daniel F. Murray
Town Counsel

DFM: f
Enclosure
98-129-2

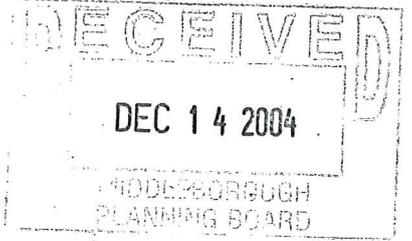
25

Brookside

Lot #7

Easement
Plan

A K-1 was
recorded & submitted
for this on
2/1/05



Plan..... 04-1026
Fee..... 75.00

INSTRUMENT FEES 125.00
PLAN FEES 75.00
POSTAGE 1.00
RECORDING FEES 201.00
EXCISE STAMPS 0.00
TOTAL DUE 201.00

CHECK 201.00
TOTAL TENDERED 201.00
TOTAL PAID 201.00

We recommend a post-recording rundown

STAMPED COPY
K628261
TOWN OF BROOKSIDE, MA

RECEIVED
DEC 14 2004
MIDDLEBOROUGH
PLANNING BOARD



DRAINAGE EASEMENT PLAN LOT #7
BROOKSIDE ESTATES, MIDDLEBORO, MA.

PREPARED FOR: FIDELITY FINANCIAL
1550 FALMOUTH ROAD
CENTERVILLE, MA.

RECORD

GALLAGHER ENGINEERING
CIVIL ENGINEERS / LAND SURVEYORS
4 WINDSOR DRIVE
FOXBORO, MA. 02035
Tel. (508) 543 - 9894

PLAN NO.

1

BY DATE 10-26-04

SCALE: 1"=40'

DRAWN: FJG
CHK: FJG

NO. 1
OF 1

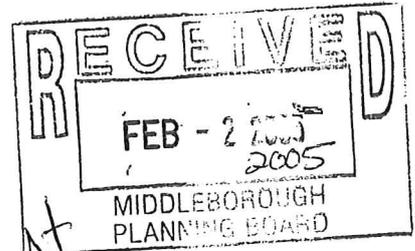
MILLERESMNT.DWG

Recorded Book 44 pg 118 Plan
#1026 of 2004

AND SURVEY

11.10.04

26



Brookside Estates
Recording of
Drainage Easement
Plan - Lot 9
A K-1 was recorded
& submitted
for this on 2/1/05

John R. Buckley, Jr.
Register
Plymouth County
Registry of Deeds

TRANSACTION NO. 279 MMF 14

Recorded..... 01-31-05

Plan..... 05-81
Fee..... 75.00

PLAN FEES	75.00	
POSTAGE	0.00	
RECORDING FEES		75.00
EXCISE STAMPS		0.00
TOTAL DUE		75.00

CHECK	75.00	
TOTAL TENDERED		75.00
TOTAL PAID		75.00

We recommend a post-recording rundown

William J. McCall
R.L.S.

1-31-05
DATE

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERERS OF DEEDS.

William J. McCall
R.L.S.

1-31-05
DATE

- 1) OWNER: FIDELITY FINANCIAL
1550 FALMOUTH ROAD
CENTERVILLE, MA.
- 2) DEED REFERENCE: Bk. 26077,
Pg. 261-263
- 3) ASSESSORS MAP 99
- 4) PLAN REFERENCES:
DEFINITIVE SUBDIVISION PLAN "BROOKSIDE ESTATES" BY MICHAEL J. KOSKA & ASSOC. " DATED 8/20/02, REVISED THROUGH 6/23/03.
- 5) THE INTENT OF THIS PLAN IS TO CREATE A NEW DRAINAGE EASEMENT ON LOT 9.

RECORD

0' 40' 80' 120'



**DRAINAGE EASEMENT PLAN- LOT #9
BROOKSIDE ESTATES, MIDDLEBORO, MA.**

PREPARED FOR: FIDELITY FINANCIAL
1550 FALMOUTH ROAD
CENTERVILLE, MA.

RECEIVED
JAN 31 2005
MIDDLEBOROUGH
PLANNING BOARD

**GALLAGHER ENGINEERING
CIVIL ENGINEERING / LAND SURVEYING
4 WINDSOR DRIVE
FOXBORO, MA. 02035
Tel. (508) 543-9894**

PLAN NO.

1

DATE
01-26-05

SCALE:
1"=40'

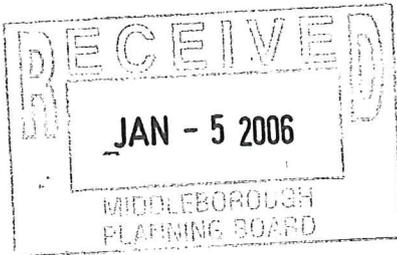
DRAWN: FJG
CHK: FJG

NO. 1
OF 1

MILLERESMNT2.DWG

Recorded 1/31/05 BK 49, Pg 393 Plan #81 of 2005

27



156317

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
15 DEC 2005 10:42AM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 31908 Pg 304-306

DRAINAGE EASEMENT

Property Address: Lot 11, Plan Book 47, Page 104, Brookside Drive,
Middleborough, MA

KNOW ALL MEN BY THESE PRESENTS that:

Lot # 11

The undersigned, E & S Construction, Inc. a Massachusetts corporation of 951 Long Pond Road, Plymouth, MA 02360 is the owner in fee simple absolute of all the land included in the easement area depicted on the below referenced plan and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holder of said mortgage has assented to this easement declaration prior to its execution;

That there has been reserved by Fidelity Financial, Inc. herein a Declaration of Reserved Easements in Book 26106, Page 171-175 and a Supplemental Declaration of Reserved Easements, recorded in Book 29935, Page 134;

That this easement is meant to supplement the above referenced Declarations of Reserved Easements;

That there is shown on a plan entitled "Drainage Easement Plan, Lot 11, Brookside Estates, Middleboro, MA, prepared for Fidelity Financial, dated 10-31-05 by Gallagher Engineering" as recorded herewith as Plan # 1089 of 2005, in Plan Book _____, Page _____, an area of 15 feet by 40 feet that is intended to be used for drainage purposes; and

That this easement is believed to be integral to the original subdivision's design and necessary to protect the safety, convenience and welfare of the inhabitants of the Town of Middleborough.

Now therefore, E & S Construction, Inc., hereby grants to Fidelity Financial, Inc. of 1550 Falmouth Road Centerville, MA and its successors and assigns, a perpetual drainage easement in perpetuity as depicted on the above referenced plan within the area shown as "proposed 15' x 40' easement" for all purposes for which such drainage areas are or may hereinafter be used for the benefit of Fidelity Financial, Inc. and its successors in title to the ownership of record of the fee in Brookside Drive as shown on the definitive subdivision Plan Book 47, Page 104;

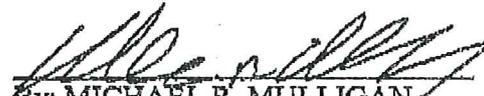
and E & S Construction, Inc., further intends that this easement be binding upon its successors, executors, administrators, devisees, heirs, successors, and assigns and shall burden and run against the land included in the above described plan, and their successors and assigns.

For title to Lot 11, see the deed from Fidelity Financial, Inc. to E & S Construction, Inc., recorded in the Plymouth County Registry of Deeds in Book 30064, Page 106.

The present holder of a mortgage upon the property is Funding Services Trust, 1550 Falmouth Road, Centerville, MA. The mortgage is dated February 28, 2005 and recorded in Plymouth County Registry of Deeds, Book 30064, Page 108. The said mortgagee joins in this declaration and hereby agrees to hold the mortgage subject to the within declaration and agrees that the within declaration shall have the same status, force and effect as though executed and recorded before the recording of the said mortgage and further agrees that the mortgage shall be subordinate to the within easement.

IN WITNESS WHEREOF, the said E & S CONSTRUCTION, INC. has caused its corporate seal to be hereto affixed and these presents to be signed and acknowledged in its name and behalf by MICHAEL R. MULLIGAN, Its President and Treasurer, thereunto duly authorized, this 15th day of December 2005.

OWNER:
E & S CONSTRUCTION, INC.

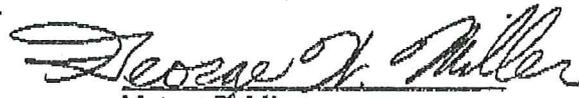

By: MICHAEL R. MULLIGAN
Its President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

December 15, 2005

Then personally appeared before me, the undersigned notary public, the above-named MICHAEL R. MULLIGAN, President and Treasurer of E & S CONSTRUCTION, INC., known by me and to me known to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

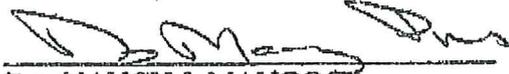

Notary Public
My commission expires:



GEORGE W. MILLER
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 20, 2012

EXECUTED as a sealed instrument on the date and year first written above.

Holder of the Mortgage:
FUNDING SERVICES TRUST



By: NANCY J. MANOOG
Its President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

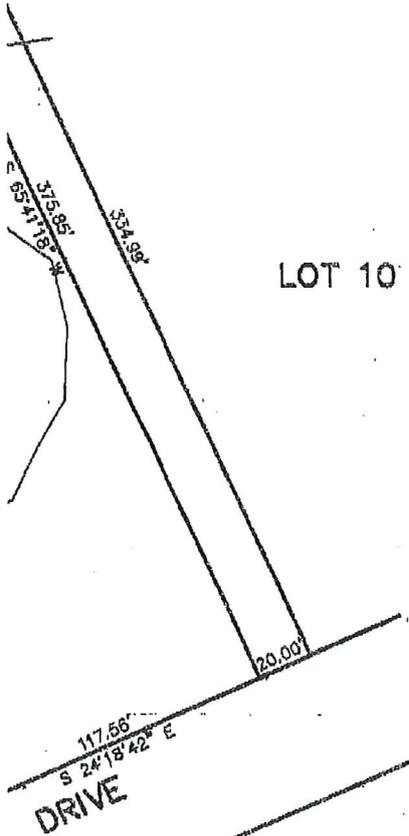
On this 15th day of December, 2005, before me, the undersigned notary public, personally appeared NANCY J. MANOOG, President and Treasurer of FUNDING SERVICES TRUST known by me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Notary Public-
My commission expires:



GEORGE W. MILLER
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 20, 2012



LOT 10

DRIVE



Frank J. Gallagher

FOR REGISTRY USE ONLY

I CERTIFY THAT THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIPS, AND THAT THE LINES OF STREETS AND WAYS ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIPS OR NEW WAYS ARE SHOWN.



William J. MacGregor, Jr. 10-31-05
R.L.S. DATE

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS.

William J. MacGregor, Jr. 10-31-05
R.L.S. DATE

- 1) OWNER: E & S CONSTRUCTION
951 LONG POND ROAD
PLYMOUTH, MA.
- 2) DEED REFERENCE: Bk. 300064,
Pg. 106-107
- 3) ASSESSORS MAP 99
- 4) PLAN REFERENCES:
DEFINITIVE SUBDIVISION PLAN "BROOKSIDE
ESTATES" BY MICHAEL J. KOSKA &
ASSOC. DATED 8/20/02, REVISED
THROUGH 6/23/03.
- 5) THE INTENT OF THIS PLAN IS TO
CREATE A NEW DRAINAGE EASEMENT
ON LOT 11.

0' 40' 80' 120'



**DRAINAGE EASEMENT PLAN, LOT 11
BROOKSIDE ESTATES, MIDDLEBORO, MA.**

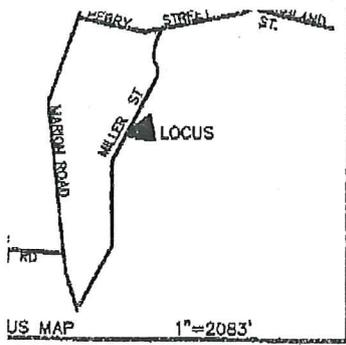
PREPARED FOR: FIDELITY FINANCIAL
1550 FALMOUTH ROAD
CENTERVILLE, MA.

CALLAGHER ENGINEERING
CIVIL ENGINEERING / LAND SURVEYING
4 WINDSOR DRIVE
FOXBORO, MA. 02035
Tel. (508) 543-9884

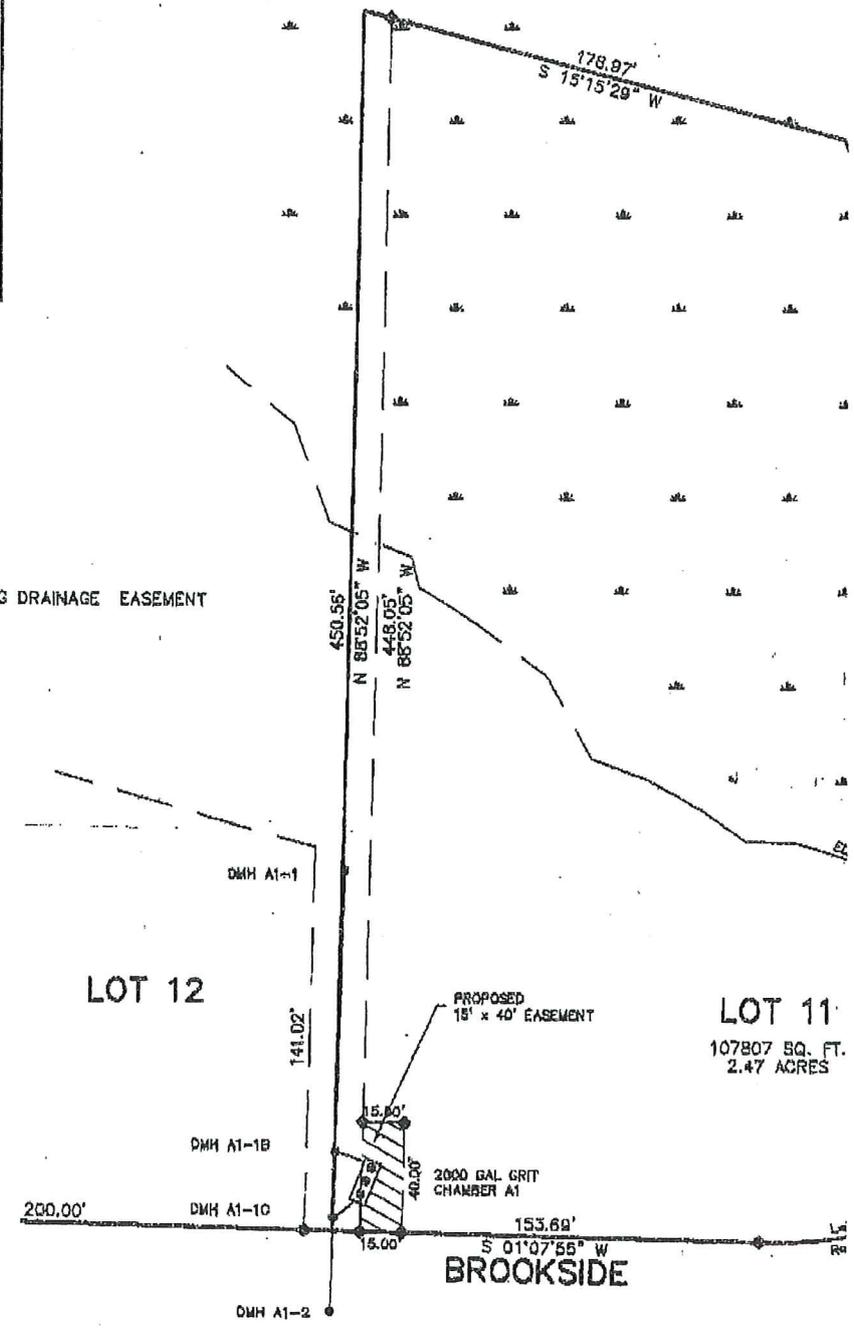
PLAN NO.

1

DATE	SCALE:	DRAWN: FJG	NO. 1	MILLERESMNT3.DWG
10-31-05	1"=40'	CHK: WJM	OF 1	
DESCRIPTION	BY			



EXISTING DRAINAGE EASEMENT



LEGEND

- EXISTING EASEMENT LINE
- EXISTING PROPERTY LINE
- PROPOSED EASEMENT AREA
- EXISTING EDGE OF WETLAND
- PROPOSED CONCRETE BOUND

LOT 6

LOT 11
107807 SQ. FT.
2.47 ACRES

LOT 12

LOT 7

BROOKSIDE



Law Office of
JEFFERY JOHNSON, ESQUIRE
 1550 Falmouth Road, Suite 4C
 Centerville, MA 02632
 (508)790-5776 Telephone
 (508) 775-1945 Facsimile

Jeffery Johnson, Esquire

George W. Miller, Esquire

DATE: 1/5/06
 FROM: JEFF
 TO: Denise / Ruth
 FAX: 508 946 1991
 RE: Lot 11

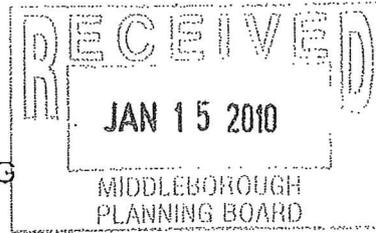
The EASEMENT and PLAN were
recorded on 12/15/05 -
see copy attached - I believe
trust they do the trick
AS RECORDED
JEFF

TOTAL NO. OF PAGES INCLUDING THIS PAGE 7
 IF YOU DO NOT RECEIVE ANY OF THESE PAGES, PLEASE CALL
 US AS SOON AS POSSIBLE.

FAX OPERATOR: _____

The documents transmitted by this facsimile message may contain confidential and/or privileged information, which is intended only for the use of the addressee named above. If you are not such addressee, any disclosure, photocopying, distribution, or use of such documents or information is prohibited. If you have received this facsimile message in error, please immediately notify us by telephone so that we can arrange to retrieve such documents. Thank you.

28



FILE
E. Folger

FORM G

PERFORMANCE BOND - SECURED BY DEPOSIT

SUBDIVISION NAME: BROOKSIDE ESTATES DATE October 27, 2009

Know all men by these presents that Michael Donovan, Vice President of Fidelity Financial, Inc. 1550 Falmouth Road, Centerville, MA 02632, hereby binds and obligates himself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Middleborough, a Massachusetts municipal corporation, in the sum of Four Hundred Thousand dollars, (\$ 400,000.00) and has secured this obligation by the deposit of said sum of money with the Treasurer of the Town of Middleborough. Said treasurer shall deposit said sum in an interest bearing account subject to the provisions of this bond.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns on or before October 31, 2010, shall fully and satisfactorily construct and install the streets and improvements, hereinafter specified, with respect to a subdivision in Middleborough, Massachusetts, known as Brookside Estates in accordance with a definitive subdivision plan entitled "Brookside Estates", consisting of 11 sheets, dated August 20, 2002, revised June 23, 2003, by Michael J. Koska and Associates, 98 Broad Street, Bridgewater, MA 02324, and Covenants and Conditions of Approval associated therewith, and the requirements of the Town of Middleborough Subdivision Rules and Regulations, then this obligation shall be void and said Treasurer shall pay to the undersigned the sum with all accrued interest; otherwise this obligation shall remain in full force and effect and the aforesaid sum together with all accrued interest shall be and remain the sole property of the Town of Middleborough for completion of the subdivision ways and installation of services.

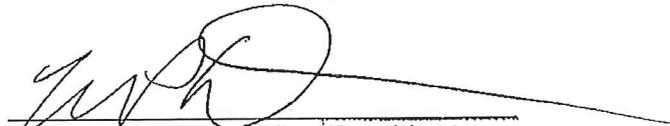
Included without limitation in this obligation shall be the requirement that all of the roads, sidewalks, drainage, utilities, curbing and landscaping with respect to said Subdivision shall be constructed or installed in accordance with said plan.

STREETS AND PORTIONS OF STREETS INCLUDED IN THIS OBLIGATION:

The street(s) to be constructed pursuant to this obligation is/are shown on said subdivision plan, and are Brookside Drive, Fidelity Lane and Colarusso Drive. Installation of all roadways, sidewalks, drainage, curbing and landscaping in connection with said subdivision shall be completed pursuant to this obligation in accordance with said

plan as revised and all Covenants, Conditions of Approval, and requirements of the Town of Middleborough Subdivision Control Rules and Regulations, including fees for testing and inspection services.

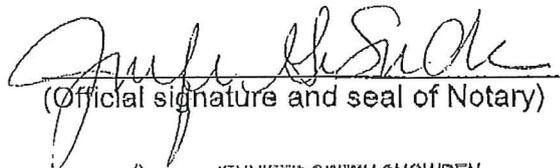
IN WITNESS WHEREOF, the undersigned have caused these presents to be executed and its seal to be affixed this 12th day of January, 2010.


Michael Donovan, Vice President
Fidelity Financial, Inc.
1550 Falmouth Road
Centerville, MA 02632

COMMONWEALTH OF MASSACHUSETTS

Barnstabe, ss

On this 12th day of January, 2010, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was personally known to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.


(Official signature and seal of Notary)

 JENNIFER GREEN SNOWDEN
Notary Public
Commonwealth of Massachusetts
My Commission Expires August 16, 2013

The Town of Middleborough Planning Board hereby accepts this Performance Bond together with the stated sum of money to secure the performance by the Principals.

William B. Hancock

[Signature]

[Signature]

[Signature]

[Signature]

Majority of the Planning Board
of the Town of Middleborough

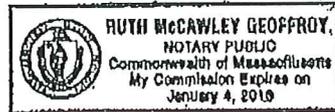
-4-

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS:

On this 27th day of October, 2009, before me, the undersigned notary public, personally appeared Michael J. Laporte, proved to me through satisfactory evidence of identification, which was personal knowledge of his/her identity, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of and for the Town of Middleborough Planning Board.

Ruth McCawley Geoffroy
(official signature and seal of notary)



29

For Colarusso Drive

FILE

FORM G

PERFORMANCE BOND - SECURED BY DEPOSIT

SUBDIVISION NAME BROOKSIDE ESTATES

DATE September 30, 2003

Know all men by these presents that William P. Eagan, Jr., Fidelity Financial, Inc., 1550 Falmouth Road, Centerville, MA 02632 hereby binds and obligates himself/itself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Middleborough, a Massachusetts municipal corporation, in the sum of Thirty Thousand dollars, (\$30,000) and has secured this obligation by the deposit of said sum of money with the Treasurer of the Town of Middleborough. Said treasurer shall deposit said sum in an interest bearing account subject to the provisions of this bond.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns on or before November 1, 2004, shall fully and satisfactorily construct and install the streets and improvements, hereinafter specified, with respect to a subdivision in Middleborough, Massachusetts, known as Brookside Estates in accordance with a definitive subdivision plan entitled BROOKSIDE ESTATES*

consisting of 11 sheets, dated August 20, 2002, revised June 23, 2003, by Michael J. Koska and Associates 98 Broad Street Bridgewater, MA 02324

and Covenants and Conditions of Approval associated therewith, and the requirements of the Town of Middleborough Subdivision Rules and Regulations, then this obligation shall be void and said Treasurer shall pay to the undersigned the sum with all accrued interest; otherwise this obligation shall remain in full force and effect and the aforesaid sum together with all accrued interest shall be and remain the sole property of the Town of Middleborough for completion of the subdivision ways and installation of services.

Included without limitation in this obligation shall be the requirement that all of the roads, sidewalks, drainage, utilities, curbing and landscaping with respect to said subdivision shall be constructed or installed in accordance with said plan.

* This Performance Bond is for work within the Colarusso Drive layout in accordance with the Planning Board's Certificate of Approval, Condition #28.

STREETS AND PORTIONS OF STREETS INCLUDED IN THIS OBLIGATION:

The street(s) to be constructed pursuant to this obligation is/are shown on said subdivision plan, and is/are Fidelity Lane and Colarusso Drive. Installation of all roadways, sidewalks, drainage, curbing and landscaping in connection with said subdivision shall be completed pursuant to this obligation in accordance with said plan as revised and all Covenants, Conditions of Approval, and requirements of the Town of Middleborough subdivision Control Rules and Regulations, including fees for testing and inspection services.

IN WITNESS WHEREOF the undersigned have caused these presents to be executed and its seal to be affixed this 30th day of September, 2003



Signature of Owner
William P. Eagan, Jr.
Fidelity Financial, Inc.
1550 Falmouth Road
Centerville, MA 02632

The Town of Middleborough Planning Board hereby accepts this Performance Bond together with the stated sum of money to secure the performance by the Principals.

COMMONWEALTH OF MASSACHUSETTS

_____, _____, _____
Then personally appeared _____
one of the above named members of the Planning Board of the Town
of Middleborough, Massachusetts, and acknowledged the foregoing
instrument to be the free act and deed of said Planning Board,
before me.

Notary Public

My Commission Expires:

30

FILE
Sunset Folder

FORM G

PERFORMANCE BOND - SECURED BY DEPOSIT

SUBDIVISION NAME : Brookside Estates DATE: July 26, 2011

Know all men by these presents that Colarusso Corporation hereby binds and obligates himself/itself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Middleborough, a Massachusetts municipal corporation, in the sum of Two Thousand dollars, (\$2,000.00) and has secured this obligation by the deposit of said sum of money with the Treasurer of the Town of Middleborough. Said treasurer shall deposit said sum in an interest bearing account subject to the provisions of this bond.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns on or before July 26, 2013 shall fully and satisfactorily repair the utility cut across the roadway and sidewalk pavement of Brookside Drive in front of 24 Brookside Drive (Lot 14 Brookside Estates), hereinafter specified, with respect to a subdivision in Middleborough, Massachusetts, known Brookside Estates in accordance with a definitive subdivision plan entitled "Brookside Estates 'Modified Definitive Subdivision of Land of Middleboro, MA'" consisting of 1 sheet, dated March 30, 2004 revised through December 13, 2004 and Covenants and Conditions of Approval associated therewith, the requirements of the Town of Middleborough Subdivision Rules and Regulations and specifications provided in the June 16, 2011 letter by Greenman - Pedersen, Inc. entitled "Brookside Estates - 24 Brookside Drive 'Pavement Utility Cut'", then this obligation shall be void and said Treasurer shall pay to the undersigned the sum with all accrued interest; otherwise this obligation shall remain in full force and effect and the aforesaid sum together with all accrued interest shall be and remain the sole property of the Town of Middleborough for completion of the subdivision ways and installation of services.

IN WITNESS WHEREOF the undersigned have caused these presents to be executed and its seal to be affixed this 27th day of July, 2011.

Paul Colarusso
Colarusso Corporation
Paul Colarusso, President

Paul Colarusso
Colarusso Corporation
Paul Colarusso, Treasurer

(Owner)

COMMONWEALTH OF MASSACHUSETTS

Rhymouth, ss

On this 27th day of July, 2011, before me, the undersigned notary public, personally appeared Paul Colarusso, proved to me through satisfactory evidence of identification, which was Drivers License to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Virginia F. Matrasciano
(Official signature and seal of Notary)
VIRGINIA F. MATRASCIANO
Notary Public
Commonwealth of Massachusetts
My Commission Expires
October 25, 2013

(Owner)

COMMONWEALTH OF MASSACHUSETTS

_____, ss

On this _____ day of _____, 2011, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

(Official signature and seal of Notary)

GPI Greenman - Pedersen, Inc.

Engineering and Construction Services

Ref: NHX-2008539.01

June 16, 2011

Ms. Ruth McCawley Geoffroy, Town Planner
Middleboro Town Hall
20 Centre Street
Middleborough, MA 02346

Att: Mr. Paul Fellini, Construction Administrator

RE: Brookside Estates -24 Brookside Drive
Pavement Utility Cut



Dear Paul:

This letter is with regards to the trench patch on Brookside Drive that was created when four 4-inch conduits were installed to provide utility services to 24 Brookside Drive (Lot 14). It is our understanding that the trench was backfilled with flowable fill to the bottom of the binder course, and paved with asphalt to the top of the surface course. The pavement cuts made for the trench are now broken and irregular.

The following corrective measures should be undertaken to restore the finished pavement on Brookside Drive. The work shall conform to the Town of Middleborough's Rules and Regulations for the Subdivision of Land, and Sections 420 and 460 of the Massachusetts Department of Transportation's *Standard Specifications for Highways and Bridges*.

The contractor shall provide the Planning Department with 48 hours advanced notice, and all work shall be inspected by the Planning Department or its representative. Prior to beginning work, a job mix formula shall be provided to the Planning Department for approval. The job mix formula shall specify Hot Mix Asphalt Top (Surface) Course Type A, and Hot Mix Asphalt Binder (Intermediate) Course Type B will be used in the corrective measures. The job mix formula shall also note that Recycled Asphalt Pavement (RAP) will **not** be used for trench repairs. During the work, the truck tare slips shall match the job mix formula submitted for the work.

The following shall be performed for the repair of the trench patch:

1. Two (2) straight pavement cuts shall be made across Brookside Drive at least 6 feet apart. The cuts shall be across the full width of Brookside Drive (including berms), and it should be entered on the existing trench. The existing pavement shall be sawcut to provide a smooth and straight surface (not jackhammering or other means).

Ms. Ruth McCawley Geoffroy, Town Planner

June 16, 2011

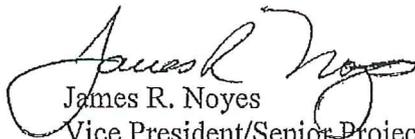
Page 2

2. The pavement, flowable fill and asphalt berm shall be removed to a depth of 4.5 inches below the surface of the roadway. The removal of any flowable fill shall be performed in a manner that provides for an even surface after removal. The existing gravel in the areas outside of the flowable fill shall be compacted and fine graded.
3. Place 3 inches of hot mix asphalt binder course Type B within the trench and simultaneously shape 18-inch berms on each side of the roadway. The pavement shall be compacted by mechanical means to at least 92.5% of the maximum theoretical density.
4. Place 1.5 inches of top course within the trench and berm areas. The binder surface shall be tacked with bitumen at a rate of 0.05 gallons per square yard. The pavement shall be compacted by mechanical means to at least 92.5% of the maximum theoretical density.
5. The resulting joints shall be treated with an infrared surface treatment.

We hope that this letter is satisfactory for your use. Should you have any questions, please do not hesitate to contact us.

Yours very truly,

GREENMAN-PEDERSEN, INC.



James R. Noyes

Vice President/Senior Project Manager

The Town of Middleborough Planning Board hereby accepts this Performance Bond together with the stated sum of money to secure the performance by the Principals.



William B. Faccare

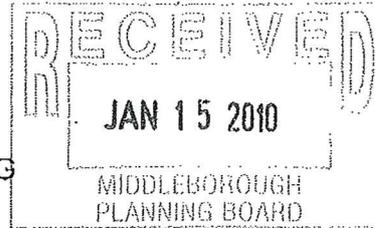
Majority of the Planning Board
of the Town of Middleborough

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS:

On this _____ day of _____, 2011, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was person knowledge of his/her identity, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of and for the Town of Middleborough Planning Board.

(Official signature and seal of notary)



FILE
E. Folger

FORM G

PERFORMANCE BOND - SECURED BY DEPOSIT

SUBDIVISION NAME: BROOKSIDE ESTATES DATE October 27, 2009

Know all men by these presents that Michael Donovan, Vice President of Fidelity Financial, Inc. 1550 Falmouth Road, Centerville, MA 02632, hereby binds and obligates himself/itself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Middleborough, a Massachusetts municipal corporation, in the sum of Four Hundred Thousand dollars, (\$ 400,000.00) and has secured this obligation by the deposit of said sum of money with the Treasurer of the Town of Middleborough. Said treasurer shall deposit said sum in an interest bearing account subject to the provisions of this bond.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns on or before October 31, 2010, shall fully and satisfactorily construct and install the streets and improvements, hereinafter specified, with respect to a subdivision in Middleborough, Massachusetts, known as Brookside Estates in accordance with a definitive subdivision plan entitled "Brookside Estates", consisting of 11 sheets, dated August 20, 2002, revised June 23, 2003, by Michael J. Koska and Associates, 98 Broad Street, Bridgewater, MA 02324, and Covenants and Conditions of Approval associated therewith, and the requirements of the Town of Middleborough Subdivision Rules and Regulations, then this obligation shall be void and said Treasurer shall pay to the undersigned the sum with all accrued interest; otherwise this obligation shall remain in full force and effect and the aforesaid sum together with all accrued interest shall be and remain the sole property of the Town of Middleborough for completion of the subdivision ways and installation of services.

Included without limitation in this obligation shall be the requirement that all of the roads, sidewalks, drainage, utilities, curbing and landscaping with respect to said Subdivision shall be constructed or installed in accordance with said plan.

STREETS AND PORTIONS OF STREETS INCLUDED IN THIS OBLIGATION:

The street(s) to be constructed pursuant to this obligation is/are shown on said subdivision plan, and are Brookside Drive, Fidelity Lane and Colarusso Drive. Installation of all roadways, sidewalks, drainage, curbing and landscaping in connection with said subdivision shall be completed pursuant to this obligation in accordance with said

plan as revised and all Covenants, Conditions of Approval, and requirements of the Town of Middleborough Subdivision Control Rules and Regulations, including fees for testing and inspection services.

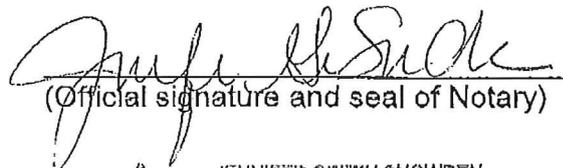
IN WITNESS WHEREOF, the undersigned have caused these presents to be executed and its seal to be affixed this 12th day of January, 2010.


Michael Donovan, Vice President
Fidelity Financial, Inc.
1550 Falmouth Road
Centerville, MA 02632

COMMONWEALTH OF MASSACHUSETTS

Barnstabe, ss

On this 12th day of January, 2010, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was personally known to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.


(Official signature and seal of Notary)

 JENNIFER GREEN SNOWDEN
Notary Public
Commonwealth of Massachusetts
My Commission Expires August 16, 2013

The Town of Middleborough Planning Board hereby accepts this Performance Bond together with the stated sum of money to secure the performance by the Principals.

William B. Farceur

[Signature]

[Signature]

D. G. Madgill

[Signature]

Majority of the Planning Board
of the Town of Middleborough

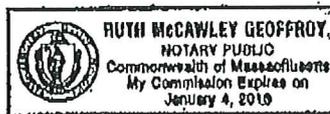
-4-

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS:

On this 27th day of October, 2009, before me, the undersigned notary public, personally appeared Michael J. Laporte, proved to me through satisfactory evidence of identification, which was personal knowledge of his/her identity, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of and for the Town of Middleborough Planning Board.

Ruth McCawley Geoffroy
(official signature and seal of notary)



For Colarusso Drive

RECORD

FORM G

PERFORMANCE BOND - SECURED BY DEPOSIT

SUBDIVISION NAME BROOKSIDE ESTATES

DATE September 30, 2003

Know all men by these presents that William P. Eagan, Jr., Fidelity Financial, Inc., 1550 Falmouth Road Centerville, MA 02632 hereby binds and obligates himself/itself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Middleborough, a Massachusetts municipal corporation, in the sum of Thirty Thousand dollars, (\$ 30,000) and has secured this obligation by the deposit of said sum of money with the Treasurer of the Town of Middleborough. Said treasurer shall deposit said sum in an interest bearing account subject to the provisions of this bond.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns on or before November 1, 2004, shall fully and satisfactorily construct and install the streets and improvements, hereinafter specified, with respect to a subdivision in Middleborough, Massachusetts, known as Brookside Estates in accordance with a definitive subdivision plan entitled BROOKSIDE ESTATES *

consisting of 11 sheets, dated August 20, 2002, revised June 23, 2003, by Michael J. Koska and Associates 98 Broad Street Bridgewater, MA 02324

and Covenants and Conditions of Approval associated therewith, and the requirements of the Town of Middleborough subdivision Rules and Regulations, then this obligation shall be void and said Treasurer shall pay to the undersigned the sum with all accrued interest; otherwise this obligation shall remain in full force and effect and the aforesaid sum together with all accrued interest shall be and remain the sole property of the Town of Middleborough for completion of the subdivision ways and installation of services.

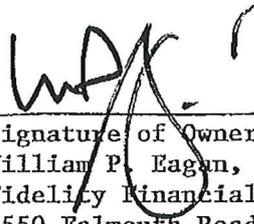
Included without limitation in this obligation shall be the requirement that all of the roads, sidewalks, drainage, utilities, curbing and landscaping with respect to said subdivision shall be constructed or installed in accordance with said plan.

* This Performance Bond is for Work within the Colarusso Drive layout in accordance with the Planning Board's Certificate of Approval, Condition #28.

STREETS AND PORTIONS OF STREETS INCLUDED IN THIS OBLIGATION:

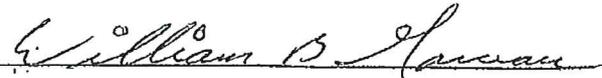
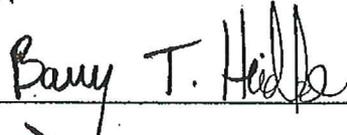
The street(s) to be constructed pursuant to this obligation is/are shown on said subdivision plan, and is/are Fidelity Lane and Colarusso Drive*. Installation of all roadways, sidewalks, drainage, curbing and landscaping in connection with said subdivision shall be completed pursuant to this obligation in accordance with said plan as revised and all Covenants, Conditions of Approval, and requirements of the Town of Middleborough Subdivision Control Rules and Regulations, including fees for testing and inspection services.

IN WITNESS WHEREOF the undersigned have caused these presents to be executed and its seal to be affixed this 30th day of September, 2003



Signature of Owner
William P. Eagan, Jr.
Fidelity Financial, Inc.
1550 Falmouth Road
Centerville, MA 02632

The Town of Middleborough Planning Board hereby accepts this Performance Bond together with the stated sum of money to secure the performance by the Principals.



COMMONWEALTH OF MASSACHUSETTS

Plymouth, October 14, 2003

Then personally appeared Barry T. Heudke,
one of the above named members of the Planning Board of the Town
of Middleborough, Massachusetts, and acknowledged the foregoing
instrument to be the free act and deed of said Planning Board,
before me.

Paul McCawley Higgins
Notary Public

My Commission Expires:

December 23, 2005

FILE
Sweet Faldes

FORM G

PERFORMANCE BOND - SECURED BY DEPOSIT

SUBDIVISION NAME : Brookside Estates DATE: July 26, 2011

Know all men by these presents that Colarusso Corporation hereby binds and obligates himself/itself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Middleborough, a Massachusetts municipal corporation, in the sum of Two Thousand dollars, (\$2,000.00) and has secured this obligation by the deposit of said sum of money with the Treasurer of the Town of Middleborough. Said treasurer shall deposit said sum in an interest bearing account subject to the provisions of this bond.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns on or before July 26, 2013 shall fully and satisfactorily repair the utility cut across the roadway and sidewalk pavement of Brookside Drive in front of 24 Brookside Drive (Lot 14 Brookside Estates), hereinafter specified, with respect to a subdivision in Middleborough, Massachusetts, known Brookside Estates in accordance with a definitive subdivision plan entitled "Brookside Estates 'Modified Definitive Subdivision of Land of Middleboro, MA'" consisting of 1 sheet, dated March 30, 2004 revised through December 13, 2004 and Covenants and Conditions of Approval associated therewith, the requirements of the Town of Middleborough Subdivision Rules and Regulations and specifications provided in the June 16, 2011 letter by Greenman – Pedersen, Inc. entitled "Brookside Estates – 24 Brookside Drive 'Pavement Utility Cut'", then this obligation shall be void and said Treasurer shall pay to the undersigned the sum with all accrued interest; otherwise this obligation shall remain in full force and effect and the aforesaid sum together with all accrued interest shall be and remain the sole property of the Town of Middleborough for completion of the subdivision ways and installation of services.

IN WITNESS WHEREOF the undersigned have caused these presents to be executed and its seal to be affixed this 27th day of July, 2011.

Paul Colarusso
Colarusso Corporation
Paul Colarusso, President

Paul Colarusso
Colarusso Corporation
Paul Colarusso, Treasurer

(Owner)

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

On this 27th day of July, 2011, before me, the undersigned notary public, personally appeared Paul Colarusso, proved to me through satisfactory evidence of identification, which was Drivers License to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Virginia Matrisciano
(Official signature and seal of Notary)
VIRGINIA F. MATRISCIANO
Notary Public
Commonwealth of Massachusetts
My Commission Expires
October 25, 2013

(Owner)

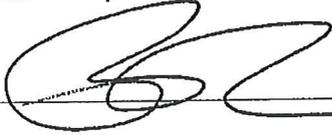
COMMONWEALTH OF MASSACHUSETTS

_____, ss

On this _____ day of _____, 2011, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

(Official signature and seal of Notary)

The Town of Middleborough Planning Board hereby accepts this Performance Bond together with the stated sum of money to secure the performance by the Principals.



William B. Faucean

Majority of the Planning Board
of the Town of Middleborough

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS:

On this _____ day of _____, 2011, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was person knowledge of his/her identity, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of and for the Town of Middleborough Planning Board.

(Official signature and seal of notary)

GPI Greenman - Pedersen, Inc.

Engineering and Construction Services

Ref: NHX-2008539.01

June 16, 2011

Ms. Ruth McCawley Geoffroy, Town Planner
Middleboro Town Hall
20 Centre Street
Middleborough, MA 02346

Att: Mr. Paul Fellini, Construction Administrator

RE: Brookside Estates -24 Brookside Drive
Pavement Utility Cut



Dear Paul:

This letter is with regards to the trench patch on Brookside Drive that was created when four 4-inch conduits were installed to provide utility services to 24 Brookside Drive (Lot 14). It is our understanding that the trench was backfilled with flowable fill to the bottom of the binder course, and paved with asphalt to the top of the surface course. The pavement cuts made for the trench are now broken and irregular.

The following corrective measures should be undertaken to restore the finished pavement on Brookside Drive. The work shall conform to the Town of Middleborough's Rules and Regulations for the Subdivision of Land, and Sections 420 and 460 of the Massachusetts Department of Transportation's *Standard Specifications for Highways and Bridges*.

The contractor shall provide the Planning Department with 48 hours advanced notice, and all work shall be inspected by the Planning Department or its representative. Prior to beginning work, a job mix formula shall be provided to the Planning Department for approval. The job mix formula shall specify Hot Mix Asphalt Top (Surface) Course Type A, and Hot Mix Asphalt Binder (Intermediate) Course Type B will be used in the corrective measures. The job mix formula shall also note that Recycled Asphalt Pavement (RAP) will not be used for trench repairs. During the work, the truck tare slips shall match the job mix formula submitted for the work.

The following shall be performed for the repair of the trench patch:

1. Two (2) straight pavement cuts shall be made across Brookside Drive at least 6 feet apart. The cuts shall be across the full width of Brookside Drive (including berms), and it should be entered on the existing trench. The existing pavement shall be sawcut to provide a smooth and straight surface (not jackhammering or other means).

GPI

Ms. Ruth McCawley Geoffroy, Town Planner

June 16, 2011

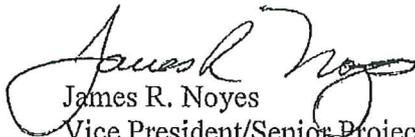
Page 2

2. The pavement, flowable fill and asphalt berm shall be removed to a depth of 4.5 inches below the surface of the roadway. The removal of any flowable fill shall be performed in a manner that provides for an even surface after removal. The existing gravel in the areas outside of the flowable fill shall be compacted and fine graded.
3. Place 3 inches of hot mix asphalt binder course Type B within the trench and simultaneously shape 18-inch berms on each side of the roadway. The pavement shall be compacted by mechanical means to at least 92.5% of the maximum theoretical density.
4. Place 1.5 inches of top course within the trench and berm areas. The binder surface shall be tacked with bitumen at a rate of 0.05 gallons per square yard. The pavement shall be compacted by mechanical means to at least 92.5% of the maximum theoretical density.
5. The resulting joints shall be treated with an infrared surface treatment.

We hope that this letter is satisfactory for your use. Should you have any questions, please do not hesitate to contact us.

Yours very truly,

GREENMAN-PEDERSEN, INC.



James R. Noyes

Vice President/Senior Project Manager