

**LIST OF WAIVERS
(EXCEPTIONS)**

**BOYDE'S CROSSING
NORFOLK, MASSACHUSETTS**

**PRELIMINARY WAIVER LIST
FOR COMPREHENSIVE PERMIT
February 25, 2015**

PLANNING BOARD RULES AND REGULATIONS

A general waiver is sought from all site plan approval requirements under Planning Board's jurisdiction, where the project will be reviewed by ZBA per Comprehensive Permit and MGL Ch. 40B regulations.

3.3.2.21 waive the impact study and assessment report, where project will be designed in compliance with Title 5 septic system requirements, DEP Stormwater Management Regulations, DEP Wetlands Protection Act and its regulations, and roadway infrastructure will be sufficient to support the proposed project as shown on the plans. A traffic study shall be provided for town review also. Solid waste and site/landscape maintenance shall be the responsibility of a homeowners association who shall contract these services with professional companies.

4.1.1. waive requirement for the applicant to observe all design standards of Sections 4, 5 and 6 of Town's land subdivision/site plan approvals.

4.9.2 waive requirement of providing an emergency/maintenance access easement for any watercourses or streams.

4.9.4. waive requirement for trees to be planted at 40 foot or lesser intervals on both sides of all streets, where a landscaping plan with appropriate trees and other plantings shall be provided for this condominium project.

4.12.1. waive requirement that prior to the removal of any trees over four (4) inches in diameter in the right of way and within any tree easement and prior to grading, the developer shall mark all trees proposed for removal and the developer shall plot these marked trees on site plan to be reviewed by the Planning Board. Applicant proposes to show limits of work (and not individual trees) on site plans to be reviewed by the Zoning Board, and all trees within these limits shall be flagged for clearing prior to construction.

4.14.6 waive town's secondary road (serving between 7 and 50 homes) design requirements of 26' paved width, 170' centerline radius, 340' intersection sight distance (for internal roadways), 350' spacing of intersections (centerline to centerline), and other town roadway design standards as may be necessary to construct the private driveway network as shown on the site plans, where this project is a private condominium with lower design speeds. The main entrance drive off Main Street is proposed to be 26', with other portions of the driveways to be 16' wide one-way, or 24' wide two-way. Waive also minimum grade of less than 1 percent on entry drive only, as may be necessary to design the drainage system in compliance with DEP Stormwater Management Regulations and other town regulations dictating certain required setbacks to wetlands and separation to groundwater.

4.14.8.3 waive the slope requirement of 2% max. for the first 100' of a road intersection as may be required for final site design.

4.14.9.1 waive requirement that paved cul de sacs shall not exceed 500 feet in length from the intersection of the nearest intersecting through street to the farthest end of the paved turnaround.

4.15 waive requirement of 3:1 slopes along the entrance roadway, where 2:1 slopes may be required to minimize impacts on wetlands

4.17 waive requirement for drafting street cross sections at 50' station intervals, where the site plans show a proposed condominium development permitted under MGL Ch. 40B.

4.19.7.1 waive requirement for no new point source discharge within 100 feet of a bordering vegetated wetland, as overflows are provided for all infiltration systems.

4.19.7.2. waive requirement for a closed stormwater collection system consisting of precast concrete drain manholes, precast concrete catchbasins (5' I.D.), precast concrete water quality structures connected by straight segments of drainline (min. 12"), and cross culverts consisting of straight segments of Class IV reinforced concrete pipe with gasketed joints, where site design may utilize other collection and conveyance methods including use of permeable pavement, and other pipe materials and low impact drainage practices in accordance with DEP Stormwater Management Regulations (SMR). Waive also requirement for separator structures having capacity to treat the water quality volume upgradient of all surface stormwater basins and subsurface absorption systems, with bypass capability for larger storms, where permeable pavement and other practices shall be employed to meet DEP SMR.

4.19.7.4. waive requirement for separate roofwater recharge systems on all homes with capacity to accommodate 1 inch of runoff from roofs. Final drainage design of project shall comply with DEP SMR, and may include use of some roof drains that may have capacity for more than 1 inch runoff.

4.19.7.5. waive requirement that basin embankments having a height of greater than four feet between the required freeboard elevation and finished grade exterior to the basin shall require geotechnical testing and an embankment design prepared by a Massachusetts Geotechnical Professional Engineer, and for sections through such embankments be provided showing slopes, impervious cores, and surface armoring. Basins shall be designed in accordance with standard engineering practice according to the DEP SMR.

Waive also requirement for surface stormwater basins and surrounding maintenance access berms be provided on separate lots not part of any building lot, with a 10-foot wide minimum access and maintenance easement extending from the public way to the stormwater basin lot, and a 10-foot wide tree easement with plantings around the berm, where the drainage basins on this project are all part of a single condominium lot to be privately maintained, and landscaping plan will be provided such that easements are not needed.

Waive requirement for the edge of surface stormwater basins (measured at the required freeboard elevation) to be setback 100 ft. from building cellars/basements and 200 ft. from street intersections.

4.19.9.1. waive requirement to recharge all stormwater onsite, to allow offsite stormwater discharge. Peak rates and volumes will be controlled such that there is no increase from existing conditions.

5.2.1.1 to waive requirements for 26' wide pavement, 7' grass strip and sidewalks on both sides of a secondary street. One-way driveway loop will be 16' wide and 2-way

sections of the private roadway shall be 24' wide, with one sidewalk proposed (with other courtyard walkways) as shown on the plans.

Waive requirement of a 5' sidewalk. A 4' sidewalk is proposed.

5.2.1.2 waive requirements for 15" processed gravel, 4" dense grade, and pavement thicknesses shown in the table for secondary roads where roadways will have permeable pavement.

5.2.3. waive requirement for an Earth Relocation/Removal Permit when 500 cubic yards or more of earth materials are to be removed from the site or relocated within the site.

5.2.6.3 waive requirement of a plan showing as-built surface grades at 50' stations of the completed dense grade prior to installing bituminous concrete binder course for Planning Board approval, where this is a private condominium project with no public ways.

5.2.8 & 9 waive the use of sloped granite curbing, to allow use of cape cod berm and permeable pavement overflow as shown on the plans

5.3.3.3 waive requirement of curb inlet stones at catch basins, and to allow Cape Cod berm.

5.3.5. waive requirement to provide field stone masonry ends at culverts per Section 685 of the M.H.D. Standard Specifications, where proposed road box culvert retaining walls shall make use of Redi-Rock precast concrete blocks or similar.

5.7. waive requirement for retaining walls to be 4-ft. max height and of cemented stone masonry conforming to the relevant provisions of Section 685 of the M.H.D. Standard Specifications, where proposed entrance roadway retaining walls shall be as shown on the plans using Redi-Rock precast concrete blocks or similar.

5.9. and 5.9.1 waive requirements for street trees to be planted within a grass strip (or in tree easements per Planning Board discretion) at 35-foot or lesser intervals, on both sides of all streets, and other planting and guarantee requirements of the Planning Board where the roadways shall not be accepted by the town. Waive requirement for Planning Board approval of tree species where this project is permitted by the ZBA under MGL Ch. 40B.

5.10. waive requirements for Loaming and Seeding where a landscape plan shall be prepared for this private condominium project with appropriate details provided for ground covers and sequencing of construction. Waive also prohibition on removal of topsoil from the development where we anticipate the project area will have a surplus of loam that will be transported offsite.

5.12. waive requirement for Street Light fees to be paid to the town and other street light requirements where the street lights for this project shall be privately owned and maintained by the condo association. A site lighting plan detailing light specifications shall be provided to the ZBA for approval.

7.3.1. waive requirement for dwelling to be constructed and residential use of the subject property to be expanded with a site plan approved by the Planning Board, where the ZBA will review these plans under a Comprehensive Permit per MGL Ch. 40B. Waivers from all such site plan approval requirements are sought.

7.4.2 waive requirement for all site plans to be at 1" = 20' scale. A 1" = 40' scale is used for site plan set which provides sufficient detail and clarity of the required work.

7.4.2.2. waive those provisions of Sections 4 and 5 as necessary, substituting the words "site" for "subdivision" and "applicant" for "subdivider" where site plan approval by the Planning Board and no Special Permits are sought, and this project is permitted under MGL Ch. 40B via a Comprehensive Permit from the ZBA.

7.4.3.9. Waive requirement for 10-ft. rear yard dimension in accordance with the Norfolk Zoning Bylaws, as a 5 ft. rear yard is proposed for garage buildings.

7.4.3.16. waive requirements that all storm water drainage shall be contained on site unless otherwise approved by the Planning Board, that Soil Percolation tests shall be conducted in accordance with Subsection 5.3.12.2., that all facilities for accommodating storm water drainage shall comply with the relevant paragraphs of Regulation 5.3, that runoff from all structures shall be accommodated into leaching basins unless otherwise approved by the Planning Board, that all runoff from parking areas, driveways and service areas on the site shall be directed into a dedicated oil-water separator, and that roof runoff shall be discharged into drywells. The applicant requests waivers from all town stormwater management regulations (both Planning Board regs and Conservation Commission by-laws and regs) such that the drainage system shall comply with DEP Stormwater Management Regulations.

7.4.3.25. waive requirement that all waivers required for the project, be shown on the plans, and that such waivers are subject to approval of the Planning Board, where this project is permitted under MGL Ch. 40B and the site plans are subject to Comprehensive Permit approvals by the ZBA.

7.4.3.27. waive construction requirements for parking lots and driveways to be the same as that for Secondary Streets, and as may be specifically allowed under the Norfolk Zoning Bylaws, and to allow driveways and parking areas other than bituminous pavement as shown on the plans (permeable pavement proposed).

7.4.3.27.3. waive driveway and parking area design/construction requirements same as town's secondary street (roadway design of residential subdivisions) with 26' pavement width, 15" gravel, 4" processed gravel and 2 courses pavement totalling 4 1/2". Proposed driveways and parking areas shall be per the site plans to be approved by the ZBA per a Comprehensive permit.

7.5 -7.9: Waive all Site Plan submission, fee, hearing and approval requirements administered by the Planning Board, where the ZBA will review these plans under a Comprehensive Permit per MGL Ch. 40B.

EARTH RELOCATION/REMOVAL

Waivers of all Town of Norfolk Bylaws and Regulations regarding the removal and/or relocation of earth, where this condominium project is to be subject to a Comprehensive Permit issued by the ZBA per MGL Ch. 40B.

Zoning Bylaws with Amendments through May 2014

WATERSHED PROTECTION DISTRICT

Section D.3.d.1.b.: waiver to allow structures, land disturbing activities, excavation within 25 ft. of on-site wetlands/streams/ponds, and excavation to create ponding areas/drainage ditches where the entrance roadway (with retaining walls and box culvert) and drainage system will be constructed within 25 ft. of wetlands as shown on the plans.

Section D.3.f.1. – 5.: waiver to eliminate Special Permit application to ZBA, and all town's plan submittal and procedural hearing requirements for required work within the Watershed Protection District, where the ZBA will review these plans under a Comprehensive Permit per MGL Ch. 40B, including but not necessarily limited to waivers to allow:

- D.3.e.1.c - residential construction of dwellings and appurtenant structures after the issuance of an order of conditions from the Norfolk Conservation Commission (retaining walls and box culvert required for entrance road).
- D.3.e.1.d - excavation, filling, dumping, transferring of earth materials or the filling, dumping or transferring of any earth material within the district (entrance roadway and drainage system requires earthwork within 25' of the wetlands).
- D.3.e.1.e - any use not expressly allowed in Section D.3.c or prohibited in Section D.3.d.

PARKING

Section F.7.a.: Waive requirement for Planning Board to make a decision on the adequacy of the parking via a Special Permit, where this project is to be reviewed by the ZBA and permitted under MGL Ch. 40B.

Section F.7.b.1. and F.7.b.1.a: Waive requirements for off-street parking of 2 spaces per Single Family Dwelling (and 1.5 spaces for other dwellings), where this project will consist of a mix of single-family detached and duplex condominium units, and will include a mix of garages integral to the dwellings and detached garages. A total of 40 dwellings with 53 garage spaces and 74 off-street parking spaces are proposed (vs. requirement of 76 off-street parking spaces given 32 single-family homes at 2 spaces each, and 8 duplexes at 1.5 spaces each).

Section F.7.e: Waive requirement for a Special Permit issued by the ZBA for parking spaces in the front yard, where 10 garages and 13 parking spaces are proposed to be setback from Main Street over 250 ft. and the project is to be reviewed by the ZBA and permitted under MGL Ch. 40B.

Section F.7.f.: Waive prohibition on counting handicapped parking spaces toward requirement for off-street parking. Three handicapped-accessible spaces are proposed.

Section F.7.i: Waive requirement for travel lane widths as specified in this section, to allow one-way travel lanes at 16 ft. wide with a mix of 60-90° parking spaces.

Section F.7.j: Waive requirement for bituminous or cement concrete parking spaces and maneuvering aisles, where portions of the site driveways and parking are proposed as permeable pavement that may include permeable asphalt or concrete pavers designed with draining subcourses.

Section F.7.n: Waive requirement for parking lots and appurtenances to be constructed according to Planning Board regulations for same, where the project driveways and parking area shall be constructed as shown on the plans and as Planning Board regs may be waived.

SITE PLAN APPROVAL

Section F.11. and its subsections a.-d.: Waive requirements for Site Plan Review and Approval by the Planning Board, where this is a MGL Ch. 40B project subject to a Comprehensive Permit to be issued by the ZBA.

DESIGN REVIEW

Section F.12., F.12.c.1, F.12.d.-g.: Waive all requirements for applications to the Design Review Board, where this is a MGL Ch. 40B project subject to a Comprehensive Permit to be issued by the ZBA.

Section F.12.f.1: waive requirement for a study model or final presentation model.

AFFORDABLE HOUSING DEVELOPMENT

Section H.3.: Waive all requirements for providing affordable housing via a Special Permit issued by the Planning Board, where affordable housing is to be provided for this project as permitted under MGL Ch. 40B subject to a Comprehensive Permit issued by the ZBA.

B-1 DISTRICT (OUTSIDE BUSINESS CORE)

Section I.4.a.8: Utilities: To the extent necessary, a waiver is requested to provide solar arrays with appurtenant equipment on the proposed homes and garages as part of the sustainable development initiatives that this project is looking to achieve. As required to provide solar energy, waivers are sought that require all utilities to be underground or otherwise centrally located or provided at the rear of buildings and screened from view.

Section I.4.a.10: waive requirement for the project roadways to comply with the specifications and details per town's subdivision regulations, where this project is a residential development permitted under MGL Ch. 40B and shall be privately maintained. Waiver from town's subdivision construction standards are requested to allow this infrastructure to be built according to the project plans.

Section I.4.a.11: to allow more than 16 bedrooms on a lot where this is not a Planned Multi-lot Development (PMLD) per town Zoning By-law, and will be permitted as a MGL Ch. 40B development.

Section I.4.b.3.(G): waive rear yard requirement of 10 ft., to allow garages with approx. 5 ft. setback along rear property line bordering MBTA rail line.

Section I.6.d: to waive the requirement of linked parking where this is a separate, private residential condominium project, and does not warrant parking connections with adjacent commercial uses. As may be required, a gated emergency access could be provided to the Old Town Hall property.

Section I.7. and I.7.a.: Waive requirement that residential uses be allowed only as part of a commercial site plan, where this is a condominium project with single-family detached and duplex style homes, with no commercial component, permitted under MGL Ch. 40B.

Board of Health Regulations for Siting, Construction, Inspection, Upgrade, Repair and Expansion of On-Site Wastewater Disposal Systems – February 11, 1997

Section IV.5 waive requirements for Board of Health approval of the water supply and stormwater drainage systems for this condominium project where it is permitted under MGL Ch. 40B by the ZBA. Wastewater disposal system plans shall be prepared in accordance with Title 5 for approval by the Board of Health.

Section VII.2 waive requirement for soil testing to be conducted between December 20 and May 29 as may be necessary to conduct testing for this project. Waive requirements for test pits at every proposed dwelling location where numerous test pit/groundwater data points have been performed at this site to sufficiently document groundwater conditions.

Section VII.3 Waive town requirements for sizing septic tanks and allow use of Title 5.

Section VII.4.A - C Waive town requirement that only leaching trenches be use, and allow use of other leaching systems as provided in Title 5. Proposed design incorporates

use of drip dispersal technology as permitted by DEP for general use; other leaching systems may be utilized in the final design.

Section VII.4.G Waive requirement for minimum 9" cover, excluding topsoil over the leaching system, where drip dispersal system requirements shall be followed.

Section VII.6 Waive requirement for 10' spacing between leaching trenches, and to allow use of Title 5 leaching system design guidelines.

Section XII. Waive requirements for pump systems, to allow use of Title 5 requirements for use of drip dispersal pump system or other as may be required in final design.

Conservation Commission Wetlands Protection Regulations

SECTION 2. (1) (b) Waive requirement that lands within 100 ft. of any of the other resource areas listed shall be regulated as a resource area, and to allow this buffer zone area to be regulated per the state Wetlands Protection Act and its regulations.

SECTION 2. (1) (c) Waive requirement that ephemeral streams be treated as a wetland resource area, and to follow state Wetlands Protection Act and its regulations.

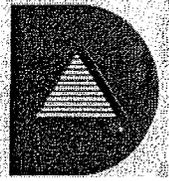
SECTION 3. Waive all town buffer zone performance standards, and follow state Wetlands Protection Act and its regulations.

SECTION 14.(4) waive requirement for Stormwater Management design in strict compliance with the provisions of the "Rules and Regulations for the subdivision of Land and Site Plan Approval of the Town of Norfolk Planning Board, where site design shall be in compliance with DEP Stormwater Management Regulations.

Section 14.(7) Waive all By-law (Municipal) Filing Fees.

Note: applicant reserves the right to modify this waiver list as may be necessary for final design.

**MASS HOUSING
NOTIFICATIONS**



**DELPHIC
ASSOCIATES
LLC**

651 Orchard Street, Suite 308 • New Bedford, Massachusetts 02744
• Tel: 508-994-4100 Fax: 508-994-5100

September 9, 2015

Mass Housing
One Beacon Street
Boston, Ma 02108

Attn: Greg Watson
Manager of Comprehensive Permit Program

Dear Greg Watson,

Please be advised as of this date, we have submitted a request to the town of Norfolk's Zoning Board of Appeals, a request for Comprehensive Permit in accordance with MGL 40B.
If you want a copy of our application, please advise.

Thank you.



Paul E. Cusson
DELPHIC ASSOCIATES, LLC
Managing Member

PROFORMA



**DELPHIC
ASSOCIATES
LLC**

651 Orchard Street, Suite 308 : New Bedford, Massachusetts 02744
Tel: 508-994-4100 Fax: 508-994-5100

September 9, 2015

Mr. Michael Kulesza, Chairman
Zoning Board of Appeals
Norfolk Town Hall
1 Liberty Lane
Norfolk, MA 02056

**RE: PRO FORMA
BOYD'S CROSSING
NORFOLK, MA**

Dear Chairman Kulesza:

Please be advised that MassHousing in their Project Eligibility letter will make the following findings:

- Land Value.
- The Pro Forma has been reviewed and appears to be financially feasible

The Pro Forma has been submitted to MassHousing as part of our Site Eligibility Application and is attached hereto.

The review of the pro forma is within the province of the subsidizing agency (MassHousing) and the board shall not hear evidence such as:

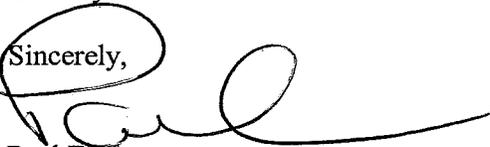
- Fundability of a project by a subsidizing agency;
- Marketability of the project;
- Ability to finance, construct or manage the project; and
- Financial feasibility of the project.

Any review of the financial statements must be made in accordance with 760 C.M.R. 56.05 (6).

Should you have any questions or need anything further, please do not hesitate to contact me at your convenience.

Thank you.

Sincerely,



Paul E. Cusson

Managing Member

DELPHIC ASSOCIATES LLC

PEC/lfg

Enclosure-Pro Forma

**Application for Chapter 40B Project Eligibility/Site Approval
for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects**

Section 5: FINANCIAL INFORMATION – Site Approval Application Homeownership 40B

In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that an initial pro forma has been reviewed and that the Proposed Project appears financially feasible and consistent with the Chapter 40B Guidelines, and that the Proposed Project is fundable under the applicable program.

Name of Proposed Project: Boyde's Crossing

Initial Capital Budget (please enter "0" when no such sales/revenue or cost is anticipated)

Sales/Revenue

| | |
|-------------------------------|-------------------|
| Market | <u>17,439,360</u> |
| Affordable | <u>1,795,000</u> |
| Identity of Interest (Market) | <u>0</u> |
| Other Income | <u>0</u> |
| Total Sales/Revenue | <u>19,234,360</u> |

Pre-Permit Land Value, Reasonable Carrying Costs

| Item | Budgeted |
|--|-----------|
| Site Acquisition: pre-permit land value (to be determined by MassHousing commissioned appraisal) plus reasonable carrying costs. | 1,300,000 |

Costs

| Item | Budgeted |
|------|----------|
|------|----------|

Acquisition Cost

| | |
|---|------------------|
| Site Acquisition: pre-permit land value (to be determined by MassHousing Commissioned Appraisal) plus reasonable carrying costs | <u>1,300,000</u> |
| Subtotal – Acquisition Costs | <u>1,300,000</u> |

**Construction Costs – Residential
Construction (Hard Costs)**

| | |
|---|------------------|
| Building Structure Costs | <u>9,734,400</u> |
| Hard Cost Contingency | <u>243,360</u> |
| Subtotal – Residential Construction (Hard Costs) | <u>9,977,760</u> |

Costs

| Item | Budgeted |
|------|----------|
|------|----------|

Construction Costs – Site Work (Hard Costs)

| | |
|--|------------------|
| Earth Work | |
| Utilities: On Site | 834,000 |
| Utilities: Off Site | |
| Roads and Walks | 486,000 |
| Site Improvement | 65,000 |
| Lawns and Planting | 300,000 |
| Geotechnical Condition | |
| Environmental Remediation | |
| Demolition | |
| Unusual Site Conditions/Other Site Work | |
| Subtotal – Site Work (Hard Costs) | 1,685,000 |

Construction Costs – General Conditions, Builders Overhead and Profit (Hard Costs)

| | |
|---|------------------|
| General Conditions | 584,064 |
| Builder's Overhead | 194,688 |
| Builder's Profit | 584,064 |
| Subtotal – General Conditions Builder's Overhead and Profit (Hard Costs) | 1,362,816 |

General Development Costs (Soft Costs)

| | |
|---|---------|
| Appraisal and Marketing Study <i>(not 40B "as is" appraisal)</i> | 10,000 |
| Lottery | 7,500 |
| Commissions/Advertising-Affordable | 89,750 |
| Commissions/Advertising-Market | 871,968 |
| Model Unit | |
| Closing Costs <i>(unit sales)</i> | 20,000 |
| Real Estate Taxes <i>(during construction)</i> | 70,000 |
| Utility Usage <i>(during construction)</i> | |
| Insurance <i>(during construction)</i> | 90,000 |
| Security <i>(during construction)</i> | |
| Inspecting Engineer | |
| Fees to Others | 8,500 |
| Construction Loan Interest | 500,319 |
| Fees to Construction Lender | |
| Architectural | 120,000 |
| Engineering | 275,000 |
| Survey, Permits, etc. | 194,000 |
| Clerk of the Works | |
| Construction Manager | |

Item**Budgeted****General Development Costs (Soft Costs) - Continued**

| | |
|---|-----------|
| Bond Premiums (<i>Payment/Performance/Lien Bond</i>) | |
| Legal | 20,000 |
| Title (<i>including title insurance</i>) and Recording | 87,709 |
| Accounting and Cost Certification (<i>incl. 40B</i>) | 15,000 |
| Relocation | |
| 40B Site Approval Processing Fee | 2,500 |
| 40B Technical Assistance/Mediation Fund Fee | 3,750 |
| 40B Land Appraisal Cost (<i>as-is value</i>) | 5,000 |
| 40B Final Approval Processing Fee | 7,500 |
| 40B Subsidizing Agency Cost Certification Examination Fee | |
| 40B Monitoring Agent Fees | 7,500 |
| 40B Surety Fees | |
| Other Financing Fees | |
| Development Consultant | |
| Other Consultants (<i>describe</i>) | |
| Other Consultants (<i>describe</i>) | |
| Soft Cost Contingency | 96,777 |
| Other General Development (Soft) Costs | |
| Subtotal - General Development Costs (Soft Costs) | 2,502,773 |

Developer Overhead

| | |
|-------------------------------|---------|
| Developer Overhead | 120,000 |
| Subtotal - Developer Overhead | 120,000 |

Summary of Subtotals

| | |
|---|------------|
| Sales/Revenue | 19,234,360 |
| Site Acquisition | 1,300,000 |
| Residential Construction | 9,977,760 |
| Site Work | 1,685,000 |
| Builder's Overhead, Profit and General Conditions | 1,362,816 |
| General Development Costs | 2,502,773 |
| Developer Overhead | 120,000 |

Summary

| | |
|--|------------|
| Total Sales/Revenue | 19,234,360 |
| Total Development Costs (TDC) | 16,948,349 |
| Profit (Loss) from Sales/Revenue | 2,286,011 |
| Percentage of Profit (Loss) Over the Total Development Costs | 13.49% |

CONSERVATION COMMISSION



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
#240-560 DEP/NCC
MassDEP File Number

eDEP Transaction Number

City/Town

A. General Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Town of Norfolk
1. Conservation Commission

2. This Issuance is for (check one):

- a. Order of Resource Area Delineation
b. Amended Order of Resource Area Delineation

3. Applicant:

Bisher Hashem (Trustee)
a. First Name b. Last Name
Herring Run Realty Trust
c. Organization
32 Norfolk Avenue
d. Mailing Address
South Easton MA 02375
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name
c. Organization
d. Mailing Address
e. City/Town f. State g. Zip Code

5. Project Location:

106 Main St. Norfolk 02056
a. Street Address b. City/Town c. Zip Code
Map 14, Block 56
d. Assessors Map/Plot Number Lot 8
e. Parcel/Lot Number

Latitude and Longitude (in degrees, minutes, seconds):
42.12137Nd m 71.32004Wd m
s s

6. Dates: July 30, 2014 September 24, 2014 September 24, 2014
a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Existing Conditions & Wetland Delineation Plan for #106 Main St. July 16/17,2014
a. Title b. Date
Wetland Delineation Detail Plan for #106 Main St. in Norfolk, MA September 10, 2014
c. Title d. Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
#240-560 DEP/NCC
MassDEP File Number

eDEP Transaction Number

City/Town

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

a. _____

b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

a. _____

c. **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

Bank of intermittent stream which flows east from culvert WFC1 to pond;
bank of pond located within BVW flagging WFC6-WFC32.

3. **The boundaries were determined to be inaccurate because:**

Not inaccurate; cannot be confirmed because not delineated or shown on plan.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
#240-560 DEP/NCC
MassDEP File Number

eDEP Transaction Number

City/Town

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
#240-560 DEP/NCC
MassDEP File Number

eDEP Transaction Number

City/Town

September 24th 2014
Date of Issuance

3

1. Number of Signers

E. Signatures

Please indicate the number of members who will sign this form.

| | |
|---|---|
| <u>[Signature]</u> Signature of Conservation Commission Member | <u>John Weddleton</u> Signature of Conservation Commission Member |
| <u>[Signature]</u> Signature of Conservation Commission Member | <u>Joyce Terrio</u> Signature of Conservation Commission Member |
| <u>[Signature]</u> Signature of Conservation Commission Member | <u>Michelle Lauria</u> Signature of Conservation Commission Member |
| _____ Signature of Conservation Commission Member | |

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on _____ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. By hand delivery on 30th 2014 [Signature]
a. Date September 30th 2014
3. By certified mail, return receipt requested on _____
a. Date _____



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

A. Request Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Fax Number (if applicable) _____

Project Location _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1)):

Name _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Fax Number (if applicable) _____

3. DEP File Number:
- _____

B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions
- Superseding Determination of Applicability
- Superseding Order of Resource Area Delineation

Send this form and check or money order for \$120.00 (single family house projects) or \$245.00 (all other projects), payable to the *Commonwealth of Massachusetts* to:

Department of Environmental Protection
Box 4062
Boston, MA 02211



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a copy of this form and a copy of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Wetland Strategies, Inc.

5 Main Street Ext., Suite 303
Plymouth, MA 02360

Phone: 508.747.4266
FAX: 781.723.0406

September 17, 2014 ✓

Ms. Marie Simpson
Norfolk Conservation Commission
Town Hall
1 Liberty Lane
Norfolk, MA 02056

RE: Professional Wetland Services
Wetland Restoration Plan
106 Main Street #240-560
Norfolk, MA

Dear Marie and Members of the Commission:

Wetland Strategies, Inc. (WSI) is in receipt of a letter dated September 12, 2014 from Scott Goddard of Goddard Consulting. The letter is in response to a request from the Commission to restore an area of wetland disturbance at the above referenced site. In the Sept. 12 Goddard letter, the plan calls for the re-establishment of native, wetland vegetation in an area located between wetland flags WFC 30 and WFC40 as shown on a plan titled Wetland Delineation Detail Plan for 106 Main Street in Norfolk, MA prepared by Outback Engineering Inc., and dated September 10, 2014.

WSI agrees with the Goddard's Sept. 12, 2014 letter and recommends the following additional measures to ensure the success of the restoration effort.

1. Prior to any grading, planting or seeding, an erosion control barrier shall be emplaced at the limit of work (i.e. from wetland flag WFC30 to WFC40).
2. Plants shall be nursery stock and shall be a minimum of 2-gallon size.
3. Prior to seeding the area shall consist of loose, friable soils.
4. Seed mix is to be comprised of a wetmix species and shall be hand raked into the topsoil.
5. Planting shall be done prior to the end of this year's growing season (prior to Oct. 15, 2014) or shall wait until the next growing season commences. In the event planting is not carried out in this year's growing season, the area shall be stabilized over the winter with a cover of winter rye or mulched.

*copy given
to applicant
WORAD
9/25/14
jl
+ 9/12/14
Goddard letter
re mitigation*

11 240-560

6. Following the planting and seeding, the area is to be watered thoroughly. *then as needed until*
7. The applicant is to monitor the success of the replication effort and shall submit a written report to the Commission at the end of this year's growing season (if the planting is conducted this year) and once annually until the Commission is satisfied that the restoration effort is successful. *plantings are established*
8. Success will be achieved when the restoration area is covered with at least 75% vegetative cover, 50% of which is to be comprised of wetland plant species.
9. The Commission reserves the right to require additional plantings and/or seeding as necessary.
10. The determination of success of the restoration effort rests with the Conservation Commission.

WSI is prepared to attend the next meeting to present these recommendations and answer any questions. In the meantime, please do not hesitate to contact me with any questions.

Sincerely,
Wetland Strategies, Inc.

Lenore White

Lenore White, PWS
Principal

9/12/14

Norfolk Conservation Commission
Norfolk Town Hall
1 Liberty Lane
Norfolk, MA 02056

Re: Mitigation Plan
106 Main Street, Norfolk, MA

Dear Norfolk Conservation Commission:

At the September 10, 2014 Conservation Commission meeting for the current ANRAD submission for 106 Main Street in Norfolk, Massachusetts the Commission voted to use a portion of an old wetland line that was approved by the Commission back in 2012. This portion of the line is located between flags WF32-18 as delineated on the Dover Land Surveying, Inc. plan (last revision date of 01/16/12). This portion of the Dover Land Surveying line is to replace a section of line on the submitted plan issued by Outback Engineering Inc. dated September 10, 2014, along the wetland flags WFC40-C30. This utilization of the older line is due to recent impacts of soil and vegetation within the area and as a result of the lack of evidence to be able to confirm or deny the recent delineated line located on the Outback Engineering plan the Commission chose to use the older agreed upon line. As a result of this wetland line change the area that was disturbed is now considered wetland and the Commission wants the landowner to mitigate the resource area with supplemental plantings. This report describes the current conditions and the proposed mitigation planting.

The impact area consists of wetland soils and cut shrubs of sweet pepperbush, European buckthorn, and northern arrow-wood. The shrubs that are still rooted will re-sprout and grow back. The areas where shrubs are uprooted or missing shall be planted with the northern arrow-wood, sweet pepperbush and high bush blueberry. Disturbed soil areas will be smoothed, shrubs planted and seed dispersed. At a planting ratio of 8 feet on center the number of shrubs needed to be planted is 25 consisting of 8 sweet pepperbush and 8 arrow-wood and 9 high bush blueberry shrubs at a 2 gallon size. After planting the area shall be seeded with wetland seed mix.

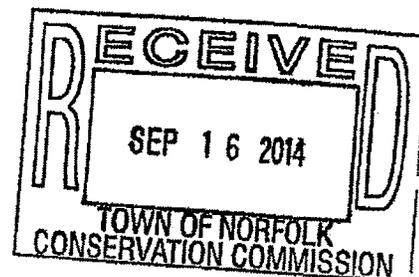
Very truly yours,
GODDARD CONSULTING, LLC

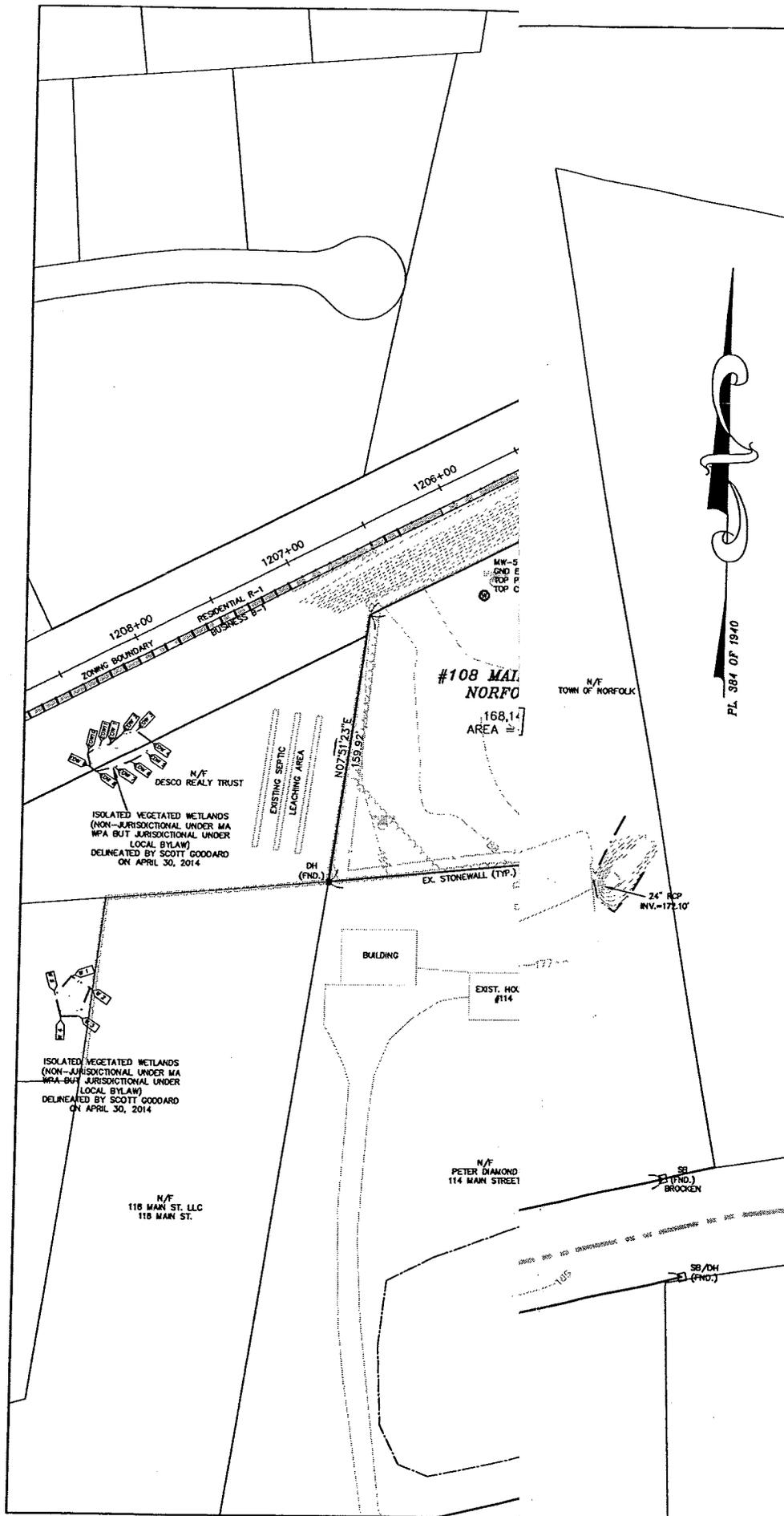
by



Scott Goddard, Manager & PWS

Cc: Bisher Hashem





- LEGEND**
- TP-4 PRELIMINARY TEST PIT BY GREG BUHAWCZ, P.E.
 - TEST PIT BY EVAN MILMARTH C.S.E. #2615, WITNESSED BY WADE SAUCER (BOH AGENT)
 - WP10W-4 TEST PIT BY OUTBACK ENGINEERING, INC.
 - OE-200 TEST PIT BY OUTBACK ENGINEERING, WITNESSED BY WADE SAUCER (BOH AGENT)
 - MW-1 MONITORING WELL
 - PZ-1 PIEZOMETER

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
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| | | |
| | | |

APPLICANT
 POWERHEAD L.L.C.
 32 NORFOLK AVENUE
 S. EASTON, MA 02375

OWNERS
 POWERHEAD L.L.C.
 32 NORFOLK AVENUE
 S. EASTON, MA 02375
 ASSESSORS MAP 14 BLOCK 56
 LOT 7
 DEED BOOK 32352 PAGE 533

HERRING RUN REALTY TRUST
 32 NORFOLK AVENUE
 S. EASTON, MA 02375
 ASSESSORS MAP 14 BLOCK 56
 LOT 8
 DEED BOOK 32373 PAGE 118

EXISTING CONDITIONS SHEET
 FOR
COMPREHENSIVE PERMIT
PRELIMINARY PLANS
"BOYDE'S CROSSING"
#106 & #108 MAIN STREET
 IN
NORFOLK MASSACHUSETTS



165 EAST GROVE STREET
 MIDDLEBOROUGH, MA 02346
 TEL: (508)-946-9231
 FAX: (508)-947-8873
 www.outback-eng.com

DATE: FEBRUARY 12, 2015
 DRAWN BY: RLG CHECKED BY: JAP
 SCALE: 1"=40' SHEET 2 OF 9

0' 40' 80' 120'

OE-2625A