

**BILLERICA PLANNING BOARD
REQUEST FOR RELEASE OF SECURITY**

RECEIVED
2025 FEB 26 P 1:30

Date: 2/26/25
TOWN: BILLERICA

I, ROBERT MURPHY, acting on behalf of
SUMNER FARMS / BEDFORD WOODS request release of a
Part of or all of the security being held to secure completion of the:
SUMNER FARMS Subdivision.

I would like an estimate inspection to be performed by the Town Engineer's Office:

Upon receipt of this request or

After I contact the Engineering Office informing them I am ready.

I understand that the release will not be scheduled until the Planning Board receives the estimate from the Engineering Office. I have enclosed the required \$250.00 fee for a subdivision release and \$50.00 for a B-2 release.

Robert Murphy
Signature

204 ANDOVER RD
Address

BILLERICA MA
Town

978-621-7299
Phone

Dresser, Williams & Way, Inc.

Professional Engineers & Land Surveyors

572 Boston Road – Suite 5

Billerica, MA 01821

Phone: (978) 663-5410 Fax: (978) 663-8658 E-Mail: DWWInc11@yahoo.com

February 25, 2025

Re: Response to As-Built Review – Sumner Farms

Mr. Michael Parker, Chairman
Billerica Planning Board
Billerica Town Hall
365 Boston Road
Billerica, MA

Dear Mr. Parker,

The following is in response to the Memorandum to the Billerica Planning Board by the Town of Billerica DPW – Engineering Division dated July 3, 2024 relative to the As-Built for the Sumner Farms Subdivision. The DPW comments are in black text and the response is in red text.

It should be noted that a large premise of the response is based upon the requirements of the Billerica Planning Board Rules and Regulations Governing Subdivision of Land - Section 5.K – Record Plan of Utilities/As-Built Plan which are very specific on the requirements for such plans. Where possible, we have accommodated the request of the DPW/Engineering review, however, other than possible minor inaccuracies, the applicant does not intend to improve the plans beyond the most current submittal.

As a further note, the Town of Billerica General By-Laws Article IV Section 5.3.B state that the plan and profile will comply with standards promulgated by the Director of the D.P.W. and approved by the Board of Selectmen. It appears that these standards have not been promulgated at this date. There are effectively no written requirements for submittal of a Street Acceptance Plan. The most current submitted plan mirrors the plan provided for Fitzpatrick Lane, which was recently approved and accepted by the Planning Board, Selectmen, DPW and Town Meeting.

Subdivision Issues:

1. Field observations and aerial images indicate that the roadway in front of 32-34 Fieldstone Lane (Map 1, Pictures #1, #2, & #3) and 47-49 Fieldstone Lane (Map 2, Pictures #4 & #5) do not drain properly. Aerial images of 38 Fieldstone Lane and the roadway across from 41 Fieldstone Lane (Map 3, Locations 1 and 2) do not drain properly. All maps and pictures are on attached marked-up plans. These areas should be investigated by the developer and a plan for resolution must be submitted for review to DPW. Improvements must be made prior to Town acceptance of the Fieldstone Lane

The only area that was observed to not “drain properly” was in front of 32-34. It appears that there is a drain from the house #32 contributing to this problem. Further investigation is needed. Recent activity on Simons Farms has contributed to drainage issues near 47-49 contributed to the drainage issue. Again, further discussion is need, Bedford Woods is not responsible for any activity outside of their scope of work that contributes to any drainage issues.

2. Field observations revealed that trees have been planted along the drain line within the drain easement at 31 Fieldstone Lane (Map 1). No trees should be within 10 feet of a drain line. These trees must be moved.

The trees were planted by others and are not the responsibility of Bedford Woods. To the best of our knowledge, there is no language within the decision or the easement preventing the placement of trees within the easement. The individual home owner should be contacted directly or through the contact for the Sumner Farms Homeowners Trust, Tony LeBlanc, 7 Hemlock Road, Billerica, MA.

3. Field observations revealed that trees have been planted within the sewer easement, along the lot line between 1 & 3 Fieldstone Lane. No trees should be within 10 feet of a sewer line. Trees within 10 feet of the sewer main should be removed.

The trees were planted by others and are not the responsibility of Bedford Woods. To the best of our knowledge, there is no language within the decision or the easement preventing the placement of trees within the easement. The individual home owner should be contacted directly or through the contact for the Sumner Farms Homeowners Trust, Tony LeBlanc, 7 Hemlock Road, Billerica, MA.

4. Chain link fence must be installed on the retaining wall from approximately Station 19+90 Left to 21+75 Left per MassDOT approved plan.

The alignment of the sidewalk guard rail system was reconfigured during the construction phase, with DPW’s knowledge, so that the guard rail is now between the sidewalk and the wall, whereas the original design placed the sidewalk along the retaining wall. Pedestrians are now protected from the wall by the guard rail.

5. Bus stops at the corner of Nashua Road and Fieldstone Lane by 2 Fieldstone Lane and at Station 50+25 on Fieldstone Lane by corner of 28 Fieldstone Lane must be constructed.

A bus stop has been located at Nashua Road and is shown on the plan. The Billerica School Department has indicated through Holly Cunningham, Executive Assistant Finance & Operations in an email dated September 17, 2024, that the Bus Transportation Company, Eastern Bus Company, will not enter the subdivision for student pick up and would not require the interior bus stop

6. The proposed plans show 14 light posts and only 13 light posts were installed. The missing light is at approximately Station 43+60 on the corner of Lot #52 (House Number 46) by the detention area. Additionally, DPW requires documentation from National Grid regarding their approval of the light posts, footings, and fixtures.

National Grid makes the determination for the location of the lighting, as is typical for subdivisions. The design plans were meant to show guidance and not to be a final design. The plan from National Grid was presented to the Engineering Department by the developer prior to the installation of the underground electric and light poles.

7. Trees and structures within existing drainage, water, and sewer easements must be shown on the as-built plan whether installed by the Developer or property owner. Structures or trees located within 10 feet of the underground utility will need to be relocated.

Trees have been added to the plan. Trees planted by homeowners, over the course of the seven plus years the subdivision has been active are not the responsibility of Bedford Woods. To the best of our knowledge, there is no language within the decision or the easement preventing the placement of trees within the easement. The individual home owner should be contacted directly or through the contact for the Sumner Farms Homeowners Trust, Tony LeBlanc, 7 Hemlock Road, Billerica, MA.

8. All cross-country manholes sewer and drainage frames and covers need to be raised to grade and provide ties for Engineering Division to confirm structures.

All manholes have been raised and are shown on the plan.

9. All water main gate valves need to be verified by the Water Division that they are able to put their gate valve wrenches and turn the valves.

It is unknown if the Water Department has verified that they are able to turn the valves.

As-built Plans:

The Engineering Division has reviewed the plans entitled "Sumner Farms As-built Plan, located in Billerica, MA" prepared by Dresser, Williams & Way, Inc., dated November 7, 2023, last revised January 28, 2024. Comments are as follows:

1. Per memorandum from DPW to the Developer dated 12/19/2024, Comment 3: *Construction of the culvert and walls must be inspected and certified by the design engineer. Copies of all inspection reports shall be submitted to DPW. An as-built plan of the constructed walls and culvert structure shall be included with the subdivision as-built plan to be submitted to DPW.* A Culvert Inspection Report from a Registered Professional Structural Engineer has been provided. Applicant must provide sufficient certification and as-built information for the walls. The as-built plan should be in similar format as the plans that were reviewed and approved by MassDOT, showing in both plan and profile, the limit of retaining wall and associated footings, culvert and associated footings, guardrail, fence, etc. If wall or footings extend beyond the existing easements, the easements will need to be amended. Drawing should include manufacturer information for wall and culvert. Once all information is received, the as-builts, certifications and reports related to the culvert and wall will require peer review from a licensed structural engineer.

As Built information regarding the retaining wall and culvert are shown on the plan. There was no condition by the Planning Board requiring an as-built plan similar to the approved MassDOT Plan. It should be noted that the bridge was inspected by the design engineering firm, Gary K. Munkelt and Associates, LLC and a report dated May 1, 2024 was submitted by Adam M. McLaughlin, PE, SE of said firm. There was no condition requiring a post- construction peer review relative to the retaining wall culvert system.

2. Add survey notes to plan: Indicate coordinate system, vertical datum, and date of survey and provide coordinates on two of the bounds within the subdivision, whether assumed or on State Plane.

Vertical datum has been added to the plans. Coordinates are shown on the Street Acceptance Plan on Fieldstone Lane.

3. Include plan references within survey notes.

Plan references are provided on the Street Acceptance Plan.

4. Add a legend.

A legend has been added to the As Built Plan

5. Provide benchmark information on the plans. Given the size of this subdivision, a minimum of two (2) permanent benchmarks shall be established on each sheet.

Benchmarks have been added to the plan. The number of benchmarks is not specified under Section 5.K of the Town of Billerica Subdivision Rules and Regulations. Each sheet contains a minimum of one benchmark and several other drain and sewer structures to which elevations are specified in the As Built.

6. Show and label survey monuments. Per approved subdivision plan, the Land Surveyor shall certify that the bounds have been installed in the correct location. If there is a discrepancy between the proposed location of the bound and installed location, then the street acceptance plans must show the discrepancy. The Engineering Division will inspect the bounds once revised plans have been provided for review.

Survey monuments have been added to the plan. A bound certification letter is included.

7. The as-built plan and profile shall bear the certification of both a registered professional civil engineer and land surveyor that all utilities shown thereon are as-built as to location and grade, that all stone-bound monuments have been properly and accurately set in accordance with professional land surveying standards and that the roadway is within the right-of-way lines as shown, and that the subdivision is entirely, as constructed, in accord with the proposed grading plan and that the drainage patterns conform to the drainage analysis as submitted and approved by the Planning Board.

There is no requirement that a registered professional engineer AND a land surveyor both certify all the information listed in the comment under Section 5.K of the Town of Billerica Subdivision Rules and Regulations. The professional civil engineer and the registered land surveyor have stamped the appropriate plans and certified the appropriate information for their expertise, either on the As Built Plan or the Street Acceptance Plan.

8. The Land Surveyor shall certify that the survey and plans were prepared in accordance with the procedural and technical standards for the practice of land surveying in the Commonwealth of Massachusetts and that the property lines shown are the lines dividing existing ownerships and the lines of the streets and ways shown are those of public or private streets

or ways already established and no new lines for divisions of existing ownership or for new ways are shown.

This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations nor is it appropriate for an As Built Plan. The As-Built Plan will not be recorded and thus an 81X certification makes no sense.

9. Show all easements within the subdivision, both public and private, including but not limited to cable, tv, and electric easements and access easements. Label each easement with Middlesex North Registry of Deeds recording information.

All appropriate easements have been shown on the plans. Recording information is not required for an As Built Plan under Section 5.K of the Town of Billerica Subdivision Rules and Regulations. All easement references are shown on the Street Acceptance Plan.

10. Show existing fences, walls, structures, utility boxes, walkways, etc. within or directly adjacent to right of way and within easements.

Information outside of the right-of-way is not required for an As Built Plan. All utilities within the right-of-way have been shown including detail that is not required.

11. Provide top and bottom of wall spot elevations.

This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.

12. Show limits of boulder slopes.

This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.

13. Show FEMA and Green Engineering Flood Plains.

This information has been added to the plans.

14. Adjust overlapping text or text under linework so text is legible. DPW recommend showing easement line and layout lines with bounds on the as-built plan and removing bearing and distances from the as-built plan since the plan is very congested. The bearings and distances will be shown on a separate street acceptance plan.

The bearing information has been removed from the As Built Plan

15. Show gas main and gates with ties if gas was installed in this subdivision.

Gas is a private utility and not controlled by the Town of Billerica, ties to gas gates were not required for occupancy permits, as were the ties to sewer and water, and are not typically shown on Subdivision As-Built Plans.

16. Show/label underground electric lines.

This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.

17. Show and label any subdrains that were installed (both plan and profile if applicable).

Subdrains were not required for the subdivision.

18. Provide a typical right of way cross section.

A typical cross section has been added to the plan.

19. Show ties to all water gates (both hydrant gates and main line gates).

Ties to additional gates have been shown on the plan.

20. Provide ties to the water stub that was constructed near Station 20+00. Label size, type and length of stub.

Ties, size, type and length of the water stub have been shown.

21. Show and label street signs, stop signs, and bus stop signs.

The signs have been shown and labeled on the plan.

22. Label sidewalks and grass strips, including sidewalk that was constructed along Nashua Road as part of this project.

Labels have been added and the sidewalk on Nashua Road has been added to the plan.

23. Show water and sewer services from mains to house. Include label or general note for type of pipe and size.

Ties to water and sewer are shown on the plan as required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.

24. Show location street trees planted on each lot and trees planted within each easement.

Street trees planted by Bedford Woods have been shown on the plan. A couple of trees have been removed and other trees have been added by homeowners. The existing trees have been added to the plan although they are not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.

25. Show and label vertical granite curb locations transitioning to berm including curb at the catch basins.

Curbing types have been labeled.

26. Show mailboxes.

Although not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations, the mailboxes have been added to the plan.

27. Label drainage basins in plan view to correspond with profile. Labels should match definitive plan, drainage calculations and Operation and Maintenance Plan.

This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.

28. Provide stage/storage volume calculations comparing proposed with as-built conditions. Additionally, provide a letter from the Engineer of Record which states that all stormwater devices were installed in substantial compliance with the design. This letter should contain a table which compares the "design volume" and the "as-built volume" for each stormwater basin. The Engineer should provide supporting documentation in the form of HydroCAD Stage-Area-Storage Reports with key elevations highlighted and any other information which is pertinent to supporting the design compliance. This letter must be stamped by a Registered Professional Engineer.

This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations nor was it conditioned by the Planning Board, Conservation Commission or Board of Health during the approval of this project. The detention areas were staked and located by the project engineer throughout the construction of the Subdivision. A letter is provided stating that the stormwater devices were installed in substantial compliance with the design.

29. Verify that all sewer and drain manhole covers within cross country areas are at grade and provide ties to the structures.

All sewer and drain manholes have been brought to grade. Ties to these structures are not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.

30. Review plan vs field conditions for location of double grate catch basins and revise plans as needed.

The field conditions for the catch basins have been reviewed and plans have been revised where appropriate.

31. The conservation signs for detention basins should be shown on the as-built plans.

This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.

32. At 7 Fieldstone Lane, show trees along lot line and show patio in proximity to existing drain easement. These items may need to be relocated.

This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations. Bedford Woods has no intention of showing homeowner improvements on the As Built Plan.

33. For legibility, change labels for water and sewer service tie locations on Sheets 1-5, that spell out the whole word for each, to "W" and "S" as done for a majority of the services on as shown on Sheets 6-7.

The plans have been revised.

34. Provide copies of all easement documents related to this subdivision.

This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations. Easement references are included on the Street Acceptance Plan.

35. Provide a more detailed plan view of the infiltration structure at Station 23+00 showing pipes, limit and elevations of level spreader.

Detail of the Infiltration Structure has been added to the Plan View. The elevations for the infiltration structure are shown on Sheet 17 of 23.

36. Drainage for 43 Fieldstone Lane is constructed on property at 41 Fieldstone Lane. Show easement location and provide easement documentation. Update Operation and Maintenance Plan and amend HOA documents as needed.

An easement was not required at the approval of the Definitive Subdivision as the components only serve the drainage for 43 Fieldstone and an easement is not required. The components of this drainage are included in the Operation and Maintenance Plan and thus, the HOA documents.

37. Show existing drain line from Dolly Brook Circle to the outlet on Lot 55, including rim and invert information.

This drain line is not associated with this project

38. All profiles: add 5-foot vertical gridlines with elevations and change gridlines from black to grey. Verify that existing grades are shown elevation.

Although not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations, the grid lines have been added to the road profile views.

39. Confirm scale of all profiles. Profiles for Drainage Area 82, and 83-87 are not to scale.

The scales have been revised where appropriate.

40. Label existing center line on profile.

The existing centerline has been labeled.

41. Label existing slopes of drainage and sewer pipes on profile.

Elevations and slopes are shown on the profile sheets.

42. Show water main on profile: location size and type.

The depth of the water main was not located or observed for the entire subdivision. A water main at approximated depth has been added to the plan and labeled as such.

43. Show ledge on profiles where information is available.

This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations. Regardless, no information on existing ledge is available.

44. Where profile of a connecting utility continues along a different alignment/sheet indicate connecting structure and sheet where profile continues.

Grid lines/stationing should be able to be used to follow the connections of utilities. Regardless, the information has been added to the plan.

45. For cross country profiles, include plan view on same sheet.

This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.

46. Please refer to attached marked-up plans and revise as-built plans as indicated.

The text of this response covers the information shown on the marked-up plans.

Street Acceptance

1. The developer must submit documentation required for street acceptance to the Planning Board for review by Town Counsel and DPW. Town Counsel will need to determine what documents the Planning Board will need in order for the streets of this subdivision to be accepted. At a minimum, prior to recommending acceptance, DPW will need:

The Town of Billerica General By-Laws Article IV Section 5.3.B state that the plan and profile will comply with standards promulgated by the Director of the D.P.W. and approved by the Board of Selectmen. It appears that these standards have not been promulgated at this date. There is no reference to approval by Town Counsel within the By-Law.

- a. Street Layout/Acceptance Plan (separate from the as-built plan)
The Street Acceptance Plan shall show the roadway layout and associated easements with bearing and distances along the right of way and along easements, including tie lines to close the right of way at intersecting streets; easements and related recording reference; monuments and if there is a discrepancy between the proposed location of the bound and installed location, then the plans must show the discrepancy; Indicate coordinate system, vertical datum, and date of survey and provide coordinates on two

of the bounds within the subdivision, whether assumed or on State Plane; lots showing every house with the lot number, house number, current owner and title information; roadway alignment and stationing, detention ponds with labels corresponding to definitive plan, all bounds, benchmarks and control points, blocks for town official signatures, appropriate land surveyor certifications indicated below, all structures, pavement, fences, trees, utilities that located within, or in close proximity to, the right of way and associated easements. DPW will provide a sample upon request.

The amount of information is not typical for a Street Acceptance Plan, however, we have done our best to accommodate as much of the requested information as possible. The Plan is prepared solely for the purpose of accepting the Right of Way and Easements and lot information is not relevant.

- i. The acceptance plan and profile shall bear the certification of both a registered professional land surveyor that all utilities shown thereon are as-built as to location and grade, that all stone-bound monuments have been properly and accurately set in accordance with professional land surveying standards and that the roadway is within the right-of-way lines as shown.

This certification has been added to the Street Acceptance Plan.

- ii. The Land Surveyor shall certify that the survey and plans were prepared in accordance with the procedural and technical standards for the practice of land surveying in the Commonwealth of Massachusetts and that the property lines shown are the lines dividing existing ownerships and the lines of the streets and ways shown are those of public or private streets or ways already established and no new lines for divisions of existing ownership or for new ways are shown.

This certification has been added to the Street Acceptance Plan.

- iii. Boundary descriptions of the layout of the roadways to be accepted.

This information has been added to the Street Acceptance Plan.

- iv. Boundary descriptions of the easements that will be granted to the Town.

This information has been added to the Street Acceptance Plan.

- v. Certificate of compliance with conditions imposed on the development by the Conservation Commission under the Wetlands Protection Act.

The Conservation Certificate of Compliance information is not relevant to the Street Acceptance Plan.

- vi. Certificate of compliance with conditions imposed on the development by the Board of Health with respect to the Stormwater Bylaw.

The Board of Health Certificate of Compliance information is not relevant to the Street Acceptance Plan.

- vii. The paperwork for the leasing of the street light poles and lights from National Grid with the work reference number and current bill for the street lights.

The street pole leasing information is not relevant to the Street Acceptance Plan.

If there are any further questions, please do not hesitate to contact me at this office.

Very truly yours,

Stephen R Dresser, PE

Stephen R Dresser, PE
Dresser, Williams and Way, Inc.

Cc via email: Billerica DPW-Engineering

Fwd: Fieldstone to Dutile

From: rem1093@comcast.net

To: dwwinc11@yahoo.com

Date: Thursday, January 23, 2025 at 09:44 AM EST

----- Original Message -----

From: Holly Cunningham <hcunningham@billericak12.com>

To: rem1093@comcast.net

Date: 09/17/2024 11:57 AM EDT

Subject: Fieldstone to Dutile

hi Bob.

Eastern's response is below, which is what we will agree with, as safety is not a concern where there are sidewalks to the current bus stop at Nashua & Fieldstone.

Regards,
Holly

Holly Cunningham

Executive Assistant

Finance & Operations / Human Resources

Billerica Public Schools

Phone: 978-528-7918

Fax: 978-528-7909

hcunningham@billericak12.com

----- Forwarded message -----

From: **Christine Ciano** <cciano@easternbusco.com>

Date: Tue, Sep 17, 2024 at 9:49 AM

Subject: [EXTERNAL] Re: Fieldstone to Dutile

To: hcunningham <hcunningham@billericak12.com>

The stop is Nashua & Fieldstone. We will not be going into the development. That run is already extremely long because it goes down Nashua & Rangeway Rd and it is at capacity.

Christine E. Ciano

Terminal Manager

Eastern Bus Company - Billerica Division

Tel: 978-362-1142

Cell: 978-408-8412

Fax: 978-362-1256

Email: cciano@easternbusco.com

Follow your dreams to victory!

Dresser, Williams & Way, Inc.

Professional Engineers & Land Surveyors

572 Boston Road – Suite 5

Billerica, MA 01821

Phone: (978) 663-5410 Fax: (978) 663-8658 E-Mail: DWWInc11@yahoo.com

February 25, 2025

Re: Stormwater Device Compliance, Sumner Farms, Billerica, MA

Mr. Michael Parker, Chairman
Billerica Planning Board
Billerica Town Hall
365 Boston Road
Billerica, MA

Dear Mr. Parker,

Please be advised that Dresser, Williams and Way, Inc, served as the design engineer and surveyor from the beginning to the end of the Subdivision known as Sumner Farms in Billerica, MA. These services included construction layout and verification of utilities within the subdivision including drainage components.

In addition, the drainage components were survey located to provide the As-Built Plan. These structures were found to be in substantial compliance with design and function as designed.

If there are any further questions, please do not hesitate to contact me at this office.

Very truly yours,

Stephen R Dresser, PE

Stephen R Dresser, PE
Dresser, Williams and Way, Inc.

Cc via email: Billerica DPW-Engineering