

**SHEA, DANGORA & NELSON, P.C.**

ATTORNEYS AT LAW  
566 BOSTON ROAD  
P.O. BOX 599  
BILLERICA, MASSACHUSETTS 01821

JAMES T. DANGORA, SR.  
STEPHEN A. NELSON  
JAMES T. DANGORA, JR.  
PHILIP R. SHEA (1938 – 2024)

(978) 667-2757  
(978) 667-2758  
FAX (978) 670-5763

*OF COUNSEL:*  
ANYA L. KENNEDY

May 4, 2026

Billerica Planning Board  
ATTN: Edward Giroux, Chairman  
365 Boston Road, Room 211  
Billerica, MA 01821

RE: Final Bond Release – Sumner Farms Subdivision

Dear Mr. Chairman:

Please be advised that this office represents Bedford Woods Development, LLC, the developer of the Sumner Farms Subdivision. Please accept this as a formal request that the Planning Board release the remaining \$590,624.09 being held under a Form K (Performance Security Agreement) dated December 20, 2016.

By Decision filed with the Billerica Town Clerk on November 12, 2015, the Billerica Planning Board approved a 60-lot subdivision under the Billerica Subdivision Rules and Regulations in effect at the time of the approval. On September 21, 2016, a Performance Bond was set at \$4,067,514.62 in order to guarantee the completion of the roadways and the completion of the installation of utilities. (See Bond at Exhibit A and see the Lender's Agreement – Form K dated December 20, 2016 also contained in Exhibit A).

The developer diligently pursued the installation of utilities and diligently pursued the construction of the subdivision roads. In or about November of 2022, the developer sold the last home in the subdivision.

As the subdivision was being constructed, the developer requested and the Planning Board approved certain Bond Releases thereby reducing the Bond from \$4,067,514.62 down to \$590,624.09. The last Bond Release reducing the Bond to \$590,624.09 was approved in July of 2024 (see Exhibit B). After the July 2024 Bond Release, the following amounts were held back:

1. \$7,755.00 for “water” as the DPW needed to confirm that they could operate the various water gates within the subdivision.

2. \$5,118.30 for “sewer” as DPW requested that certain sewer manhole covers be adjusted and/raised as needed.
3. \$101,549.14 for “street, curbing, and sidewalks”.
4. \$40,015.80 for “landscaping, signs, and utilities” and
5. \$74,347.70 for “as built plans and monuments”.  
\$228,785.94

The DPW added 10% for inflation (\$22,878.59) and demanded that an additional 10% of the original Bond (\$338,959.55) be held for “contingency”<sup>1</sup>

In <sup>Feb. 2025</sup> ~~May of 2024~~, the developer initiated a request for a final release bond release as all work in the subdivision had been completed. Since the developer’s request, the DPW and the developer’s engineer have exchanged multiple memos. For a running account of all comments to and from DPW and the developer’s engineer, please see Exhibit C. Although the cost related to the materials required to construct the drainage infrastructure were bonded by Planning Board, all other matters relating to drainage were bonded by the Billerica Board of Health under the Stormwater Management Permit.<sup>2</sup>

In the most recent DPW Memorandum dated March 12, 2026, DPW is holding up the release of the remaining \$590,624.09 as a result of post construction activity by homeowners unrelated to the work performed by the developer. DPW seeks to punish the developer for activities of others whom the developer has no control over.<sup>3</sup> In addition to trying to punish the developer, DPW continues to move the “goal posts” with respect to what needs to be included in the As-Built Plans and the Street Acceptance Plans. Although the developer has submitted a 23-page As-Built Plan for the subdivision (“Exhibit D”), DPW continues to ask for items to be included in the As-Built Plan that are not required under Section 5.K of the Planning Board’s Subdivision Rules and Regulations. The developer has attempted to work with the DPW on this issue and accordingly, the “As-Built” Plans contain far more information than required under the Planning Board Rules and Regulations. The developer has also provided sufficient information in the As-Built Plans to permit the Town to accept the subdivision roadways. The information provided relative to street acceptance greatly exceeds what has been required in the past.

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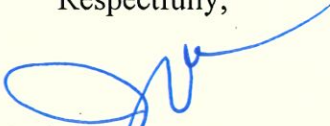
<sup>1</sup> While there is support in the Subdivision Rules and Regulations and the Subdivision Control Act permitting the Board to hold 10% for “inflation”, there is no authority in the Town’s Subdivision Rules and Regulations or the Subdivision Control Act permitting the Board to add another 10% for “contingency”. Accordingly, the \$338,959.55 presently being held is without authority and/or otherwise unlawful and this amount must immediately be released to the developer.

<sup>2</sup> Approximately \$240,000.00 was bonded by the Board of Health and the Board of Health has released all but \$5,000.00 of its Bond.

<sup>3</sup> The control of the subdivision was handed over to the Homeowner’s Association approximately 4 years ago. A copy of the Homeowner’s Association is attached at Exhibit E. One of the many purposes of the Homeowner’s Association is to permit the Trustees to “assess the cost of repair and/or replacement to any lot owner causing damage to or obstruction of subdivision roadways and their appurtenant drainage facilities and “to take steps, including the expenditure of funds, to protect and preserve the subdivision roadways and their appurtenant drainage facilities.” (See Page 10 of Exhibit E)

Please put this matter on your agenda for further discussion.

Respectfully,



James T. Dangora, Jr.

JTDjr/emp  
Enclosures

# EXHIBIT A



Department of Public Works – Engineering Division  
Town Hall, 365 Boston Road, Billerica, Massachusetts 01821  
PH: (978) 671-1300 FAX: (978) 671-0958

Abdul Alkhatib, Director  
Kelley Conway P.E., Town Engineer

MEMORANDUM

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To: Chris Reilly, Director of Planning  
From: Kelley Conway, Town Engineer *KC*  
Date: September 9, 2016  
Re: Sumner Farms – Initial Bond Calculation

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RECEIVED

SEP 21 2016

BILLERICA PLANNING BOARD

Attached is initial bond calculation for Sumner Farms subdivision (Covers both Phases 1 and 2).

Please be aware that Drainage items are bonded by the Board of Health, and are not included in this estimate.

Please be aware that wetland related items are bonded by the Conservation Commission, and are not included in this estimate.

If you have any questions, please do not hesitate to contact us.


# TOWN OF BILLERICA

DEPARTMENT OF PUBLIC WORKS  
Engineering Division

## Subdivision Cost Estimate for Bonding Purposes

Subdivision: Sumner Farms  
Streets: Fieldstone Lane, Hemlock Lane  
Lots:

Date:  
File:

Estimate: S. Robertson  
Review: 

1. Clearing and Grubbing	\$75,482.00	
2. Excavation	\$13,235.20	
3. Drainage (All except granite inlets covered by BOH bond)	13462.68	\$840,719.55
4. Water	\$1,044,525.62	
5. Sewer	\$652,919.30	
6. Street, Curbing, and Sidewalk	\$1,351,470.34	
7. Landscaping, Signs, and Utilities	\$164,152.67	
8. Asbuilt Plans and Monuments	\$74,347.70	
<b>SUBTOTAL.....</b>	<b>\$3,389,595.52</b>	

For Inflation..... 10%	ADD	\$338,959.55
Contingency..... 10%	ADD	\$338,959.55
<b>TOTAL.....</b>		<b>\$4,067,514.62</b>

### 9. NOTES

- 9.1 All of the above items are to be included in the original estimate.
- 9.2 An amount (Contingency) equal to 10% of cost of all aspects and phases of construction shall be withheld the completion of As-Built plans and the installation of bounds.

### Comments:

Estimate does not include work bonded separately by Board of Health (Drainage) and Conservation (Wetland work).  
Clearing and grubbing is for ROW only.

1. Clearing and Grubbing

1.1	Light	Acre	7238.00	0.00
1.2	Medium	Acre	8530.50	0.00
1.3	Heavy	7.30 Acre	10340.00	75482.00
1.4	Tree Removed under 24"	EA	697.95	0.00
1.5	Tree Removed 24" and over	EA	1240.80	0.00

Sub Total 1..... 75482.00

2. Excavation

2.1	Unclassified Excavation	100.00 cuyd.	28.95	2895.20
2.2	Ledge Excavation	100.00 cuyd.	103.40	10340.00
2.4	Excessive lot and Roadway fill	0.00 cuyd.	22.75	0.00

Sub Total 2..... 13235.20

3. Drainage - Culvert not included. Drainage items bonded through BOH, not inc in this estimate

3.1 Concrete Pipe

3.1.1	12 inch dia.	ft.	70.31	0.00
3.1.2	15 inch dia.	ft.	72.38	0.00
3.1.3	18 inch dia.	ft.	74.45	0.00

3.1A HDPE Pipe

3.1.1	12 inch dia.	4480.00 ft.	51.70	231616.00
3.1.2	18 inch dia.	1480.00 ft.	87.89	130077.20
3.1.3	24 inch dia.	340.00 ft.	103.40	35156.00

3.2 Ductile Iron Pipe

3.2.1	12 inch dia.	ft	93.06	
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3.3 Concrete Flared Ends

3.3.1	12 inch dia.	each	517.00	0.00
3.3.2	15 inch dia.	each	568.70	0.00
3.3.3	18 inch dia.	each	775.50	0.00

3.3 HDPE Flared Ends

3.3.1	12 inch dia.	24 each	594.55	14269.20
3.3.2	18 inch dia.	4.00 each	723.80	2895.20
3.3.3	24 inch dia.	3.00 each	899.58	2698.74

3.4 Subdrains

3.4.1	Subdrains	0.00 ft.	41.36	0.00
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3.5 Drain Structures

3.5.1	Catch Basins	48 each	2688.40	129043.20
3.5.2	Catch Basin Grates	71 each	620.40	44048.40
3.5.3	Grate Adjustments	44 each	284.35	12511.40
3.5.4	C.B. Hoods	48 each	429.11	20597.28
3.5.5	Granite Inlets	21 each	641.08	<del>13462.68</del>
3.5.6	Manholes	51 each	3102.00	158202.00
3.5.7	Manhole Covers	51 each	620.40	31640.40
3.5.8	DMH Cover Adjustments	51 each	284.35	14501.85

3.6 Drain H-walls, E-walls etc.

3.6.1	Regular Headwall(6ft)	0 each	1551.00	0.00
3.6.2	Large Headwall(9ft)	each	2068.00	0.00
3.6.4	Infiltrator	each	5376.80	0.00
3.6.5	Leaching Pits	each	537.68	0.00
3.6.6	Stormceptor	0.00 each	10753.60	0.00

Sub Total 3..... 840719.55

4.0	Water			
4.1	Ductile Iron Mains			
	4.1.1	6 inch diameter	240.00 ft.	82.72 19852.80
	4.1.2	8 inch diameter	ft.	124.08 0.00
	4.1.3	10 inch diameter	6692.00 ft.	132.35 885699.58
	4.1.4	12 inch diameter	ft.	144.76 0.00
4.2	Hydrants, inc gate and gate box		12 each	3877.50 46530.00
4.3	Fittings			
	4.3.1	6 inch diameter		
	4.3.1.1	gates	each	1240.80 0.00
	4.3.1.2	bends	each	409.16 0.00
	4.3.1.3	tees	each	444.89 0.00
	4.3.2	8 inch diameter		
	4.3.2.1	gates	0 each	1576.85 0.00
	4.3.2.2	bends	0 each	437.26 0.00
	4.3.2.3	tees	0 each	498.55 0.00
	4.3.3	10 inch diameter		
	4.3.3.1	gates	13 each	2274.80 29572.40
	4.3.3.2	bends	15 each	569.68 8545.24
	4.3.3.3	tees	4 each	677.08 2708.32
4.4	Service to Property line		60 each	860.29 51617.28
			Sub Total 4.....	1044525.62

5.	Sewer			
5.1	Sewer mains, PVC sewer pipe spec. Type PSM SDR-35			
	5.1.1	8 inch diameter	5740.00 ft.	69.80 400623.30
	5.1.2	10 inch diameter	ft.	124.08 0.00
	5.1.3	12 inch diameter	ft.	155.10 0.00
	5.1.4	Force Main	0.00 ft.	20.68 0.00
5.2	Sewer Structures			
	5.2.1	Regular Structures	36 each	3102.00 111672.00
	5.2.2	Deep Structures	0 each	5687.00 0.00
	5.2.3	Shaped Inverts	36 each	206.80 7444.80
	5.2.4	Manhole Covers	36 each	620.40 22334.40
	5.2.5	SMH Cover Adjustments	36 each	284.35 10236.60
5.3	Service to Property line		1946 ft	51.70 100608.20
			Sub Total 5.....	652919.30

6.	Street, Curbing, and Sidewalk			
6.1	Prepare Subgrade		19771.00 sqyd.	4.14 81772.86
6.2	Roadbox			
	6.2.1	8" Gravel	19771.00 sqyd.	9.65 190735.19
	6.2.2	4" Dense Graded Crushed Stone	19771.00 sqyd.	15.51 306648.21
6.4	Bituminous pavement			
	6.4.1	Residential Base	18358.00 sqyd.	14.35 263472.55
	6.4.2	Residential Top	16947.00 sqyd.	8.61 145968.24
	6.4.3	Com/Industrial Base	sqyd.	17.23 0.00
	6.4.4	Com/Industrial Top	sqyd.	11.49 0.00
6.5	Bituminous Berm		11500.00 ft.	8.27 95128.00

6.6 Granite Curb (Straight)	600.00 ft.	31.02	18612.00
6.6.1 Granite Curb (Curved)	360.00 ft.	41.36	14889.60
6.7 Bituminous Sidewalk (4" Thickness)	3110.00 sqyd.	34.46	107180.61
6.7.1 Concrete Sidewalk	289.00 sqyd.	62.04	17929.56
6.7.2 Dense Grade for Sub-Base	289.00 sqyd.	15.51	4482.39
6.7.3 Handicapped Ramps	6.00 Ea	517.00	3102.00
6.8 Retaining Walls			
6.8.1 6 Foot Height	427.00 ft.	237.82	101549.14
6.8.2 8 Foot Height	ft.	289.52	0.00
6.9 Patching 4" deep	sqyd	41.36	0.00
6.9.1 Patching 12" deep	sqyd	62.04	0.00
6.10 4" Reflectorized White Line	ft.	0.88	0.00
6.10.1 4" Reflectorized Yellow Line	ft.	0.88	0.00
Sub Total 6.....			1351470.34

7. Landscaping, Signs, and Underground Utilities.

7.1 Loam	100.00 cuyd	36.19	3619.00
7.1.1 Seeding	5000.00 sqyd	2.07	10340.00
7.2 Trees	120 each	465.30	55836.00
7.3 Street Lamps	14 each	2068.00	28952.00
7.4 Street Signs			
7.4.1 Sign and Post	4 each	361.90	1447.60
7.4.2 Sign Only	4 each	155.10	620.40
7.5 Traffic Signs	each	310.20	0.00
7.6 Guardrail	427.00 ft.	41.36	17660.72
7.6.1 CL Fence	300.00 ft.	24.82	7444.80
7.7 Underground Utilities	6355.00 ft.	5.17	32855.35
7.8 Bus Stop	2.00 each	2688.40	5376.80
7.9 Relocate Fence / Stone Wall	ft.	25.85	0.00
Sub Total 7.....			164152.67

8. Asbuilt Plans and Monuments

8.1 Bounds	78 each	403.26	31454.28
8.2 Asbuilt Plans	60.00 lots	430.14	25808.64
8.3 Street Plans	6355.00 ft.	2.69	17084.78
Sub Total 8.....			74347.702



3. Conditions included in the Road Construction Plan Decision by the Planning Board and dated November 12, 2015.
4. The plan as qualified by the Road Construction Plan Decision:
5. Other document(s) specifying construction or installation to be completed, namely:  
\_\_\_\_\_  
\_\_\_\_\_

The applicant hereby acknowledges and agrees that, for a period of 18 months after the completion of the construction and installation contemplated in this agreement, that the Planning Board retains the right to hold all undisbursed funds pending inspection and supplemental review by the Board as it deems necessary to confirm that all constructed systems/facilities are functioning, performing and operating as intended by the Planning Board and its peer review consultants at the time the plan for such construction and installation was approved. The applicant further acknowledges that in the event of a failure of the of the constructed and installed systems/ facilities to perform as intended, the Planning Board further reserves the right to use any and all funds remaining undisbursed under this agreement to inspect, construct, consult with its peer review consultants and/or repair any and all defects discovered in the constructed/ installed systems or facilities. The applicant hereby acknowledges and accepts that evidence of performance failure and/or defects within the constructed/installed system/facility trump the fact that the project was approved and built according to approved plans.

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all of the obligations contained herein.

Upon completion by the applicant of work within the subdivision and after a satisfactory inspection the interest of the (city/town) in such funds retained by the lender shall be released by a vote of the board, that portion of the agreement covering the specific work shall become void, and the lender may disburse such funds which have been held as security for the specific work, to the applicant. In the event the applicant should fail to complete any construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, or in the event that the completed roadways, services, systems and/or facilities are not functioning as intended by the Planning Board, any funds remaining undisbursed shall be made available in whole, or in part, by the lender to the Planning Board for the benefit of the (city/town) of Billerica, MA to the extent of the reasonable cost to the (city/town) of completing such construction or installation as specified in this agreement. Any unused portion of such funds will be released by the Planning Board and may be disbursed by the lender to the applicant upon completion of the work by said \_\_\_\_\_.

The (city/town) of Billerica, MA acting by and through its Planning Board hereby agrees to release the following lots 1-60 from the operation of the above-referenced covenant given pursuant to Section 81-U of Chapter 41, the Subdivision Control Law without receipt of a bond or deposit of money and further to accept this agreement and the funds in the amount specified herein to be retained by the lender as security for the performance of the project as aforesaid. Upon delivery of this agreement to the Planning Board, said lots shall be released as herein specified. The lender hereby agrees that none of the funds retained as security, as specified herein, shall be disbursed to the applicant without prior written release of said funds by the Planning Board.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hands and seals this

December 20, 2016.

Matthew Patton  
Marti Mahony  
Patrice Coleman  
\_\_\_\_\_  
Signatures of the majority of the Planning Board

Bedford Woods Development, LLC by:

Robert Murphy  
\_\_\_\_\_  
Signature of Applicant Robert Murphy

Stephen Bank A Co-operative Bank, by:

Michael P. Connelly  
\_\_\_\_\_  
Signature of Authorized Representative of the Lender  
Michael P. Connelly, E.V.P./C.L.O.

COMMONWEALTH OF MASSACHUSETTS


Middlesex, ss

December 12, 2016

Then personally appeared Patricia Fleming one of the above-named members of the Planning Board of Billerica, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said party before me.

Donna McCoy  
Notary Public

My Commission expires: June 29, 2023

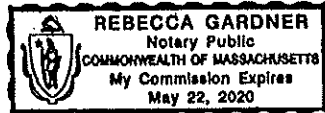
 **DONNA MCCOY**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
June 29, 2023

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

December 20, 2016

Then personally appeared Michael P. Connelly, the authorized representative of the lender, and acknowledged the foregoing instrument to be the free act and deed of the said parties before me.



  
\_\_\_\_\_  
Notary Public

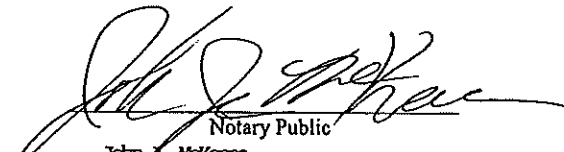
My Commission Expires 5/22/20

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

December, 2 016

Then personally appeared Robert Murphy, \_\_\_\_\_, the authorized applicant, and acknowledged the foregoing instrument to be the free act and deed of the said party before me.

  
Notary Public  
John J. McKenna  
My Commission Expires 10/30/20



JOHN J. MCKENNA  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires  
October 30, 2020

# **EXHIBIT B**



Department of Public Works - Engineering Division  
 Town Hall, 365 Boston Road, Danvers, Massachusetts, 01921  
 PH: (978) 671-1300 FAX: (978) 671-0958

Frederick W. Russell, P.E. Director  
 Kelley J. Conway, P.E. Town Engineer

MEMORANDUM

To: Planning Board

From: DPW - Engineering Division

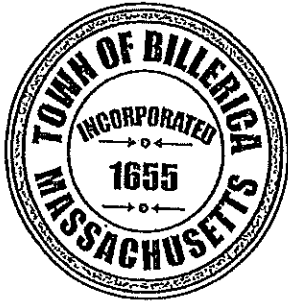
Date: July 03, 2024

Re: Summer Farms - Third Release Bond Calculation

Below is a summary of bond release calculations based on work completed to date.

	<u>Bond Amount</u>	
Initial Bond	\$ 4,067,514.62	
Amt Previously Released	\$ 2,546,961.89	Release 1, dated 12/04/2017
Amt Previously Released	\$ 677,716.93	Release 2, dated 02/01/2020
Amount Remaining	\$ 842,835.86	
<u>Amount to Release</u>	<u>\$ 252,211.77</u>	<u>Release 3</u>
Amount Remaining	\$ 590,624.09	

If you have any questions, please do not hesitate to contact us.



TOWN OF BILLERICA  
PLANNING BOARD  
CERTIFICATE OF APPROVAL

The undersigned, being a majority of the Planning Board of the Town of Billerica, hereby release:

Robert, Murphy, Bedford Woods Development, LLC and Stoneham Bank A Co-operative Bank under a Lenders Agreement dated December 22, 2014.

In the amount of \$4,067,514.62 for the performance relating to the construction of ways and installation of municipal services on a plan of land entitled "Sumner Farms, Fieldstone Lane/Acorn Drive, and Hemlock Lane, Billerica, MA." prepared by Dresser, Williams, & Way and dated July 14, 2014.

Total Amount Posted under Lenders Agreement: \$ 4,067,514.62

Total Amount Bonded: \$ 4,067,514.62

Previously Released (12/04/2017) \$ 2,546,961.83

Previously Released (02/01/2020) \$ 677,716.93

Amount Released By this Certificate: \$ 252,211.77

Total Amount Remaining Under Agreement Following Release: \$ 590,624.09

EXECUTED as a sealed instrument the 12th day of August 2024

RECEIVED  
2024 SEP - 4 PM 12:47  
TOWN OF BILLERICA

Majority of the Planning Board of the Town of Billerica

*Christopher Traloni*  
*Mark Henderson*  
*Edulph*  
*Keeley Sanchez*  
*[Signature]*

Commonwealth of Massachusetts, Middlesex, ss

Then Personally appeared Jane Merrill, on behalf of the above-named members of the Town of Billerica Planning Board and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Trisha A. Lott  
Notary Public



TRISHA A. LOTT  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
May 8, 2031

May 8, 2031  
My commission expires

Sumner Farms Bond Release

# TOWN OF BILLERICA

DEPARTMENT OF PUBLIC WORKS  
Engineering Division

## Subdivision Cost Estimate for Bonding Purposes

Subdivision: Sumner Farms  
Streets: Fieldstone Lane, Hemlock Lane  
Lots:

Date: 7/3/24

File: Bond Calc v Third Release 07-03-24

Estimate: S. Robertson / D. Doyle  
Review:

1. Clearing and Grubbing		
2. Excavation	\$0.00	
3. Drainage (All except granite inlets covered by BOH bond)	\$0.00	
4. Water	\$0.00	\$0.00
5. Sewer	\$7,755.00	
6. Street, Curbing, and Sidewalk	\$5,178.30	
7. Landscaping, Signs, and Utilities	\$101,549.14	
8. As-Built Plans and Monuments	\$40,015.80	
	\$74,247.70	

SUBTOTAL.....

**\$228,785.94**

For Inflation..... 10%	ADD	\$22,878.59
Contingency..... 10%	ADD	\$339,959.55
<b>TOTAL Bond Remaining to Hold.....</b>		<b>\$590,624.09</b>

### 9. NOTES

- 9.1 All of the above items are to be included in the original estimate.
- 9.2 An amount (Contingency) equal to 10% of cost of all aspects and phases of construction shall be withheld the completion of As-Built plans and the installation of bounds.

### Comments:

Estimate does not include work bonded separately by Board of Health (Drainage) and Conservation (Wetlands).  
Third release based on all lot frontage complete.  
Bridge is not bonded under DPW bond, covered by BOH bond. Needs DOT approval.  
Holding 10% of retaining wall for as-built of wall and culvert with footings.

1. Clearing and Grubbing

1.1	Light	Acres	7258.00	0.00
1.2	Medium	Acres	8930.50	0.00
1.3	Heavy	0.00 Acres	10340.00	0.00
1.4	Tree Removed under 24"	EA	697.95	0.00
1.5	Tree Removed 24" and over	EA	1249.80	0.00
Sub Total 1.....				0.00

2. Excavation

2.1	Unclassified Excavation	0.00 cuyd.	28.95	0.00
2.2	Ledge Excavation	0.00 cuyd.	103.40	0.00
2.4	Excessive lot and Roadway fill	0.00 cuyd.	22.75	0.00
Sub Total 2.....				0.00

3. Drainage - Culvert not included. Drainage items bonded through BOH, not inc in this estimate

3.1	Concrete Pipe			
3.1.1	12 inch dia.	ft.	70.31	0.00
3.1.2	15 inch dia.	ft.	72.38	0.00
3.1.3	18 inch dia.	ft.	74.45	0.00
3.1A	HDPE Pipe			
3.1.1	12 inch dia.	0.00 ft.	51.70	0.00
3.1.2	18 inch dia.	0.00 ft.	67.89	0.00
3.1.3	24 inch dia.	0.00 ft.	103.49	0.00
3.2	Ductile Iron Pipe			
3.2.1	12 inch dia.	ft.	93.06	
3.3	Concrete Flared Ends			
3.3.1	12 inch dia.	each	517.00	0.00
3.3.2	15 inch dia.	each	568.70	0.00
3.3.3	18 inch dia.	each	775.50	0.00
3.3	HDPE Flared Ends			
3.3.1	12 inch dia.	0 each	594.53	0.00
3.3.2	18 inch dia.	0.00 each	723.80	0.00
3.3.3	24 inch dia.	0.00 each	899.58	0.00
3.4	Subdrains			
3.4.1	Subdrains	0.00 ft.	41.36	0.00
3.5	Drain Structures			
3.5.1	Catch Basins	0 each	2888.40	0.00
3.5.2	Catch Basin Grates	0 each	620.70	0.00
3.5.3	Grate Adjustments	0 each	284.35	0.00
3.5.4	C.B. Floods	0 each	439.11	0.00
3.5.5	Granite Inlets	0 each	641.00	0.00
3.5.6	Manholes	0 each	3102.00	0.00
3.5.7	Manhole Covers	0 each	820.40	0.00
3.5.8	DMH Cover Adjustments	0 each	284.35	0.00
3.6	Drain H-walls, E-walls etc.			
3.6.1	Regular Headwall(9ft)	0 each	1851.00	0.00
3.6.2	Large Headwall(9ft)	each	2068.00	0.00
3.6.4	Infiltrator	each	6376.80	0.00
3.6.5	Leaching Pits	each	637.88	0.00
3.6.6	Stormceptor	0.00 each	10753.60	0.00
Sub Total 3.....				0.00

4.0	Water			
4.1	Ductile Iron Mains			
4.1.1	6 inch diameter	0.00 ft.	82.72	0.00
4.1.2	8 inch diameter	ft.	124.89	0.00
4.1.3	10 inch diameter	0.00 ft.	132.85	0.00
4.1.4	12 inch diameter	ft.	144.76	0.00
4.2	Hydrants, inc gate and gate box	2 each	3877.50	0.00
4.3	Fittings			7755.00 #9
4.3.1	6 inch diameter			
4.3.1.1	gates	each	1240.80	0.00
4.3.1.2	bends	each	408.16	0.00
4.3.1.3	tees	each	444.89	0.00
4.3.2	8 inch diameter			
4.3.2.1	gates	0 each	1576.85	0.00
4.3.2.2	bends	0 each	437.26	0.00
4.3.2.3	tees	0 each	498.55	0.00
4.3.3	10 inch diameter			
4.3.3.1	gates	0 each	2274.80	0.00
4.3.3.2	bends	0 each	569.68	0.00
4.3.3.3	tees	0 each	677.08	0.00
4.4	Service to Property line	0 each	860.29	0.00
Sub Total 4.....			860.29	0.00
				7755.00

DECK  
CALL  
GAS

5.	Sewer			
5.1	Sewer mains, PVC sewer pipe spec. Type RSM SDR-35			
5.1.1	8 inch diameter	0.00 ft.	69.80	0.00
5.1.2	10 inch diameter	ft.	124.89	0.00
5.1.3	12 inch diameter	ft.	155.10	0.00
5.1.4	Force Main	0.00 ft.	20.68	0.00
5.2	Sewer Structures			
5.2.1	Regular Structures	0 each	3702.00	0.00
5.2.2	Deep Structures	0 each	5687.00	0.00
5.2.3	Shaped Inverts	0 each	206.80	0.00
5.2.4	Manhole Covers	0 each	620.40	0.00
5.2.5	SMH Cover Adjustments	10 each	284.38	0.00
5.3	Service to Property line	0 ft	51.70	0.00
Sub Total 5.....			51.70	0.00
				5118.30

#8  
MANHOLE  
CROSS  
CONTR

6.	Street, Curb, and Sidewalk			
6.1	Prepare Subgrade			
6.2	Roadbox	0.00 sqyd.	4.14	0.00
6.2.1	0" Gravel			
6.2.2	4" Dense Graded Crushed Stone	0.00 sqyd.	9.85	0.00
6.4	Bituminous pavement	0.00 sqyd.	15.61	0.00
6.4.1	Residential Base			
6.4.2	Residential Top	0.00 sqyd.	14.35	0.00
6.4.3	Com/Industrial Base	0.00 sqyd.	8.61	0.00
6.4.4	Com/Industrial Top	sqyd.	17.23	0.00
6.5	Bituminous Beem	sqyd.	11.49	0.00
6.6	Granite Curb (Straight)	0.00 ft.	8.27	0.00
6.6.1	Granite Curb (Curved)	0.00 ft.	31.82	0.00
6.7	Bituminous Sidewalk (4" Thickness)	0.00 ft.	41.36	0.00
		0.00 sqyd.	34.25	0.00

6.7.1	Concrete Sidewalk				
6.7.2	Dense Grade for Sub-Base	0.00 sqyd	82.84	0.00	
6.7.3	Handicapped Ramps	0.00 sqyd	15.53	0.00	
		0.00 Ea.	517.00	0.00	
6.8	Retaining Walls				
6.8.1	6 Foot Height				
6.8.2	6 Foot Height	427.00 ft.	237.82	101549.14	
6.9	Patching 4" deep	ft.	289.52	0.00	
6.9.1	Patching 12" deep	sqyd	41.86	0.00	
6.10	4" ReflectORIZED White Line	sqyd	52.04	0.00	
6.10.1	4" ReflectORIZED Yellow Line	ft.	0.88	0.00	
		ft.	0.88	0.00	
Sub Total 6.....				101549.14	

no plant on curb  
ASPH  
CULVERT

7. Landscaping, Signs, and Underground Utilities.					
7.1	Loam				
7.1.1	Spading	0.00 cuyd	38.18	0.00	
7.2	Trees	0.00 sqyd	2.07	0.00	
7.3	Street Lamps	54 each	465.00	25126.20	
7.4	Street Signs	1 each	2068.00	2068.00	
7.4.1	Sign and Post				
7.4.2	Sign Only	0 each	361.00	0.00	
7.5	Traffic Signs	0 each	155.10	0.00	
7.6	Guardrail	each	310.20	0.00	
7.6.1	CL Fence	0.00 ft.	41.38	0.00	
7.7	Underground Utilities	300.00 ft.	24.82	7444.80	
7.8	Bus Stop	0.00 ft.	5.17	0.00	
7.9	Recessed Fence / Stone Wall	2.00 each	2688.40	5376.80	
		ft.	25.85	0.00	
Sub Total 7.....				40815.80	

no ISSUED  
TREES  
#6

CHAIN See #4  
#5

8. Asphalt Plans and Monuments					
8.1	Bounds				
8.2	Asphalt Plans	78 each	400.26	31454.28	
8.3	Street Plans	80.00 lots	430.14	25808.64	
		8355.00 ft.	2.69	17084.78	
Sub Total 8.....				74347.70	

on plan  
STEVE  
COMMENTS

# EXHIBIT C

BILLERICA PLANNING BOARD  
REQUEST FOR RELEASE OF SECURITY

Date: 5/20/24

I, ROBERT MURPHY, acting on behalf of  
BEDFORD WOODS DEVELOPMENT LLC 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, 01821  
Town

978-621-7299  
Phone



Department of Public Works – Engineering Division  
Town Hall, 365 Boston Road, Billerica, Massachusetts 01821  
PH: (978) 671-1300

Frederick W. Russell, PE, Director  
Kelley J. Conway, PE, Town Engineer

**MEMORANDUM**

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To: Planning Board  
From: DPW – Engineering Division  
Date: March 12, 2026  
Re: Sumner Farms Closeout Review

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The Engineering Division has inspected the subdivision and reviewed the as-built plans dated November 7, 2023, last revised December 8, 2025 provided to DPW on January 16, 2026 and Street Acceptance Plans dated February 24, 2025 with respect to closing out the project. DPW previous comments dated July 3, 2024 and June 6, 2025 are in regular text, Dresser, Williams & Way, Inc. (DWW), responses dated February 25, 2025 and December 17, 2025 are in Italics and latest DPW comments in bold.

**Subdivision Issues:**

1. DPW 7/3/24: 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

*DWW 2/25/25: 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.*

DPW 6/6/25: These issues must be resolved by Developer before any additional bonding is released and prior to DPW recommendation for acceptance of Fieldstone Lane.

*DWW 12/17/25: Bedford Woods, LLC stands by the 2/25/2025 response relative to the origin of the drainage issue, which is not related to the bond.*

**DPW 3/12/26:**

- a. 32-34 Fieldstone Lane: The 2/25/2025 DWW response indicated that further investigation was required and would be conducted. Please provide the findings of that investigation for each of the three identified areas of concern, and specify what corrective actions have been completed to date, including the timeline of completion and any remaining outstanding items.
  - b. 47-49 Fieldstone Lane: The 2/25/2025 DWW response states that recent activity within the abutting subdivision is contributing to the drainage issues at this location. Please clarify what specific recent activity has occurred within the abutting subdivision and how it has altered drainage patterns. Drainage flows from the abutting subdivision should have been accounted for in the original design of Sumner Farms. The DPW recommends that the Developer evaluate and design appropriate mitigation measures to address this condition and obtain any necessary easements to implement those improvements.
  - c. 38-41 Fieldstone Lane: This location was not addressed in the 2/25/2025 DWW response. This matter remains outstanding and must be reviewed and formally addressed, including identification of the issue, proposed corrective measures, and an anticipated schedule for resolution.
2. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

DPW 6/6/25: This issue must be resolved by Developer before any additional bonding is released and prior to DPW recommendation for acceptance of Fieldstone Lane.

*DWW 12/17/25: Bedford Woods, LLC stands by the 2/25/2025 response relative to planting of the trees, which should not be related to the Acceptance of the Road.*

**DPW 3/12/26: Comment remains.** DPW recommends that the Developer, as the original Trustee of the Homeowners Association, contact the Association to advise them of the applicable requirements and provide a copy of that correspondence to the Town. The issue needs to be resolved before any additional bonding is released.

3. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

DPW 6/6/25: This issue must be resolved by Developer before any additional bonding is released and prior to DPW recommendation for acceptance of Fieldstone Lane.

*DWW 12/17/25: Bedford Woods, LLC stands by the 2/25/2025 response relative to planting of the trees, which should not be related to the Acceptance of the Road.*

**DPW 3/12/26: Comment remains.** DPW recommends that the Developer, as the original Trustee of the Homeowners Association, contact the Association to advise them of the applicable requirements and provide a copy of that correspondence to the Town. The issue needs to be resolved before any additional bonding is released.

4. DPW 7/3/24: Chain link fence must be installed on the retaining wall from approximately Station 19+90 Left to 21+75 Left per MassDOT approved plan.

*DWW 2/25/25: 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 not protected from the wall by the guard rail.*

DPW 6/6/25: See memorandum dated December 19, 2017 sent to Bedford Woods Development emailed on December 19, 2017 to Robert Murphy and William Cooke. Provide documentation that DPW approved of change. If no documentation is presented, then the comment remains.

*DWW 12/17/25: As stated, the realignment of the sidewalk/guard rail system was based upon the relocation of the guard rail and the sidewalk which, regardless of*

*the memorandum was witnessed by the DPW inspectors. The Inspector of Buildings has confirmed that under the current alignment, the chain link fence is not required. (See below Email dated 9/10/25).*

*From: Mark LaLumiere mlalumiere@billerica.gov*

*To: Steve Robertson <vrobertson@billerica.gov>, Christina Papadopoulos <cpapadopoulos@billerica.gov>*

*Cc: "rem1093@comcast.net" <rem1093@comcast.net>*

*Date: 09/10/2025 1:32 PM EDT*

*Subject: Fence/ Guard rail Fieldstone Lane (Sumner Farms)*

*Steve,*

*I looked at the field condition on Fieldstone Lane where it was suggested that a fence/ guardrail may be needed. The field condition observed does not require a fence/ guardrail under the Massachusetts State Building Code (780 CMR).*

*Mark LaLumiere, CBO, Director of Permitting*

*Building Zoning Conservation Health*

*Sealer of Weights & Measures*

*Town of Billerica*

*365 Boston Road*

*Billerica, MA 01821*

*Phone: (978) 671-0970*

**DPW 3/12/26: No further comment.**

5. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

**DPW 6/6/25: No further comment.**

6. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

DPW 6/6/25: Provide documentation/confirmation from National Grid that the lights and light bases are approved by National Grid.

*DWW 12/17/25: Bedford Wood has provided all documentation related to the National Grid design to Mr. Derek Doyle at the Town of Billerica Engineering Department.*

**DPW: No further comment.**

7. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

DPW 6/6/25: This issue must be resolved by Developer before any additional bonding is released and prior to DPW recommendation for acceptance of Fieldstone Lane.

*DWW 12/17/25: Bedford Woods, LLC stands by the 2/25/2025 response relative to planting of the trees, which should not be related to the Acceptance of the Road.*

**DPW 3/12/26: Comment remains. DPW recommends that the Developer, as the original Trustee of the Homeowners Association, contact the Association to advise them of the applicable requirements and provide a copy of that correspondence to the Town. The issue needs to be resolved before any additional bonding is released.**

8. DPW 7/3/24: 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.

*DWW 2/25/25: All manholes have been raised and are shown on the plan.*

DPW 6/6/25: No further comments.

9. DPW 7/3/24: 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.

*DWW 2/25/25: It is unknown if the Water Department has verified that they are able to turn the valves.*

DPW 6/6/25: No further comment. Water Division has verified they can get their wrenches on the gates and 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. DPW 7/3/24: 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.

*DWW 2/25/25: As Built information regarding the retaining wall and culvert are shown on the plan. There was no condition by the Planning Board requiring an asbuilt 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.*

DPW 6/6/25: An as-built of the wall and footings as described above, must be submitted to DPW for review and approval. Additional peer review will not be required.

*DWW 12/17/25: he requirements of the Billerica Planning Board Rules and Regulations Governing Subdivision of Land - Section 5.K - Record Plan of Utilities/As-Built Plan do not require an As-Built Plan similar to the format of the design plans. As noted, the design engineering firm inspected and submitted a report relative to the construction of the retaining wall. All information needed to accurately depict the locations of the walls are reflected on the plan.*

DPW 3/12/26: Comment from 6/6/25 remains. DPW is including all parts of Billerica Planning Board Rules and Regulations Governing Subdivision of Land - Section 5.K - Record Plan of Utilities/As-Built to show exactly what is required. Section 5.K starts with 'As-built Plans shall be prepared in a similar format as the Plan\Profile for the Definitive Subdivision, and shall include the following:'

**5. K. RECORD PLAN OF UTILITIES \ AS-BUILT PLAN**

As-built Plans shall be prepared in a similar format as the Plan\Profile for the Definitive Subdivision, and shall include the following:

- (1) Two (2) Benchmarks within the subdivision
- (2) Plan and Profile of the road
- (3) Road centerline-grade elevations at fifty (50) foot intervals
- (4) Invert and Rim elevations for all catch basins and sewer and drainage manholes
- (5) Numbering of all manholes and catch basins on the Plan\Profile
- (6) Slope of all drainage and sewer pipe
- (7) Gates for water and gas mains as well as all water and gas mains
- (8) A minimum of two (2) ties for all Sewer, Water, and Gas services off of house corners
- (9) House numbers
- (10) Any subdrains within project limits
- (11) Typical R.O.W. cross-sections
- (12) Topography for any and all Detention and Retention ponds
- (13) All street signs and bus stops
- (14) R.O.W. bearings and distances
- (15) Sidewalks and grass strips

(16) Hydrants and gates with ties

(17) All bounds

(18) All outlets labeled with respect to type

As-built of the wall and footing must be provided to determine if structures are located completely within the designated easement area. DPW will not accept roads without complete as-builts. Scale of as-built should be sufficient to show structural component of the culvert/walls/footing with respect to right of way and easement location.

2. DPW 7/3/24: 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.

*DWW 2/25/25: Vertical datum has been added to the plans. Coordinates are shown on the Street Acceptance Plan on Fieldstone Lane.*

DPW 6/6/25: No further comment.

3. DPW 7/3/24: Include plan references within survey notes.

*DWW 2/25/25: Plan references are provided on the Street Acceptance Plan.*

DPW 6/6/25: No further comment.

4. DPW 7/3/24: Add a legend.

*DWW 2/25/25: A legend has been added to the As Built Plan*

DPW 6/6/25: No further comment.

5. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

DPW 6/6/25: No further comment.

6. DPW 7/3/24: 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.

*DWW 2/25/25: Survey monuments have been added to the plan. A bound certification letter is included.*

DPW 6/6/25: No further comment.

7. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

DPW 6/6/25: No further comment.

8. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

DPW 6/6/25: No further comment.

9. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

DPW 6/6/25: Easements for electric, communication and CATV that are on private property adjacent to right of way line must be shown.

*DWW 12/17/25: Easements for electric, communication and CATV are documented easements that do not have specified locations showing metes and bounds. Record information for said utility easements has been added to the As-Built Plan. The placement of these easements is not required under Billerica Planning Board Rules and Regulations Governing Subdivision of Land - Section 5.K - Record Plan of Utilities/As-Built Plan.*

**DPW 03/06/26: Comment remains. In accordance with the Billerica Planning Board Rules and Regulations Governing the Subdivision of Land, Section 5.K, which states that "As-built Plans shall be prepared in a similar format as the Plan/Profile for the Definitive Subdivision, and shall include the following," the as-built plans must reflect all utilities shown on the approved Definitive Subdivision plans.**

**Because the Definitive Subdivision plans require electric, cable, and telephone utilities to be depicted, these utilities -- including handholds and transformers -- shall also be shown on the as-built plans. Please clearly label these items or provide appropriate symbols with a corresponding legend.**

10. DPW 7/3/24: Show existing fences, walls, structures, utility boxes, walkways, etc. within or directly adjacent to right of way and within easements.

*DWW 2/25/25: 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.*

DPW 6/6/25: Show gas gates, all unground cable handholds and electric transformers within or directly adjacent to the right of way.

*DWW 12/17/25: Gas gates have been added to the Plan Set. Cable handholds and electric transformers within or directly adjacent to the right of way are not required under Billerica Planning Board Rules and Regulations Governing Subdivision of Land - Section 5.K - Record Plan of Utilities/As-Built Plan.*

**DPW 03/12/26: Comment remains. See DPW response comment for #9 above.**

11. DPW 7/3/24: Provide top and bottom of wall spot elevations.

*DWW 2/25/25: This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.*

DPW 6/6/25: Comment remains.

DPW 3/12/26: Need a response as the "DPW: Comment remained" not "DPW: No further comment" in DWW response.

12. DPW 7/3/24: Show limits of boulder slopes.

*DWW 2/25/25: This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.*

DPW 6/6/25: Comment remains.

DPW 3/12/26: Need a response as the "DPW: Comment remained" not "DPW: No further comment" in DWW response.

13. DPW 7/3/24: Show FEMA and Green Engineering Flood Plains.

*DWW 2/25/25: This information has been added to the plans.*

DPW 6/6/25: No further comment.

14. DPW 7/3/24: 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.

*DWW 2/25/25: The bearing information has been removed from the As Built Plan.*

DPW 6/6/25: No further comment.

15. DPW 7/3/24: Show gas main and gates with ties if gas was installed in this subdivision.

*DWW 2/25/25: 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.*

DPW 6/6/25: Comment remains. As-builts must reflect all infrastructure within and directly adjacent to the right of way.

*DWW 12/17/25: Gas mains and gates have been added to the Plan Set. It should be noted that under Billerica Planning Board Rules and Regulations Governing Subdivision of Land - Section 5.K -Record Plan of Utilities/As-Built Plan ties are required for service gates only.*

DPW 3/12/26: Part of gas line is missing at Fieldstone Lane intersection in front of #29 Fieldstone Lane.

16. DPW 7/3/24: Show/label underground electric lines.

*DWW 2/25/25: This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.*

**DPW 6/6/25:** Comment remains. As-builts must reflect all infrastructure within and directly adjacent to the right of way.

*DWW 12/17/25: The location of underground electric lines has been shown on the Plan. Electric services are not required under Billerica Planning Board Rules and Regulations Governing Subdivision of Land - Section 5.K - Record Plan of Utilities/As-Built Plan.*

**DPW 3/12/26:** Comment remains. Electric/cable/telephone lines are not shown and labeled. See Section 5.K in response comment #1 and response comment #9.

17. **DPW 7/3/24:** Show and label any subdrains that were installed (both plan and profile if applicable).

*DWW 2/25/25: Subdrains were not required for the subdivision.*

**DPW 6/6/25:** Show any subdrains that were installed or provide statement that no subdrains were installed.

*DWW 12/17/25: A note was added on the roadway cross-section that no underdrains were installed.*

**DPW: No further comment.**

18. **DPW 7/3/24:** Provide a typical right of way cross section.

*DWW 2/25/25: A typical cross section has been added to the plan.*

**DPW 6/6/25:** No further comment.

19. **DPW 7/3/24:** Show ties to all water gates (both hydrant gates and main line gates).

*DWW 2/25/25: Ties to additional gates have been shown on the plan.*

**DPW 6/6/25:** The ties for the water gates and hydrant gates within the subdivision are not shown on the plans.

*DWW 12/17/25: Additional ties have been added to the plan. It should be noted that under Billerica Planning Board Rules and Regulations Governing Subdivision of Land - Section 5.K - Record Plan of Utilities/As-Built Plan ties are required for service gates only.*

**DPW 3/12/26:** Comment remains.

20. **DPW 7/3/24:** Provide ties to the water stub that was constructed near Station 20+00. Label size, type and length of stub.

*DWW 2/25/25: Ties, size, type and length of the water stub have been shown.*

DPW 6/6/25: No further comment.

21. DPW 7/3/24: Show and label street signs, stop signs, and bus stop signs.

*DWW 2/25/22: The signs have been shown and labeled on the plan.*

DPW 6/6/25: Need to show street signs at Fieldstone Lane and Hemlock Lane.

*DWW 12/17/25: The signs have been added to the plan.*

**DPW: No further comment.**

22. DPW 7/3/24: Label sidewalks and grass strips, including sidewalk that was constructed along Nashua Road as part of this project.

*DWW 2/25/25: Labels have been added and the sidewalk on Nashua Road has been added to the plan.*

DPW 6/6/25: No further comment.

23. DPW 7/3/24: Show water and sewer services from mains to house. Include label or general note for type of pipe and size.

*DWW 2/25/25: 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.*

DPW 6/6/25: Comment remains.

*DWW 12/17/25: Showing the water and sewer services from the main to the house is not required under Billerica Planning Board Rules and Regulations Governing Subdivision of Land - Section 5.K - Record Plan of Utilities/As-Built Plan. Ties are required for service gates only.*

**DPW 3/12/26: Comment remains. The Town would like the as-built tie locations for water and sewer at each property compiled in a binder, in lieu of requiring documentation of the full water and sewer service connections from the mains to each house.**

24. DPW 7/3/24: Show location street trees planted on each lot and trees planted within each easement.

*DWW 2/25/25: 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.*

DPW 6/6/25: No further comment.

25. DPW 7/3/24: Show and label vertical granite curb locations transitioning to berm including curb at the catch basins.

DWW 2/25/25: *Curbing types have been labeled.*

DPW 6/6/25: No further comment.

26. DPW 7/3/24: Show mailboxes.

DWW 2/25/25: *Although not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations, the mailboxes have been added to the plan.*

DPW 6/6/25: No further comment.

27. DPW 7/3/24: Label drainage basins in plan view to correspond with profile. Labels should match definitive plan, drainage calculations and Operation and Maintenance Plan.

DWW 2/25/25: *This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.*

DPW 6/6/25: Comment remains.

DWW 12/17/25: *The Basin numbers have been added to the Plan View.*

DPW: Labels for drainage basins 81 through 87 are missing from the plans.

28. DPW 7/3/24: 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.

DWW 2/25/25: *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.*

DPW 6/6/25: Comment remains.

DWW 12/17/25: *This information is not required under Billerica Planning Board Rules and Regulations Governing Subdivision of Land - Section 5.K - Record Plan of Utilities/As-Built Plan.*

**DPW: Comment remains. This information is required to confirm that the constructed stormwater systems will perform as originally proposed during the subdivision approval process.**

29. DPW 7/3/24: Verify that all sewer and drain manhole covers within cross country areas are at grade and provide ties to the structures.

*DWW 2/25/25: 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.*

DPW 6/6/25: No further comment.

30. DPW 7/3/24: Review plan vs field conditions for location of double grate catch basins and revise plans as needed.

*DWW 2/25/25: The field conditions for the catch basins have been reviewed and plans have been revised where appropriate.*

DPW 6/6/25: No further comment.

31. DPW 7/3/24: The conservation signs for detention basins should be shown on the as-built plans.

*DWW 2/25/25: This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.*

DPW 6/6/25: Comment remains.

**DPW: Need a response as the "DPW: Comment remained" not "DPW: No further comment" in DWW response.**

32. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

DPW 6/6/25: This issue must be resolved by Developer before any additional bonding is released and prior to DPW recommendation for acceptance of Fieldstone Lane.

*DWW 12/17/25: 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.*

*The developer has no control over lot improvements once the lot is conveyed. If the DPW has an issue with the property at 7 Fieldstone Lane, they should contact the homeowner of 7 Fieldstone Lane.*

**DPW 3/12/26: Comment remains. DPW recommends that the Developer, as the original Trustee of the Homeowners Association, contact the Association to advise them of the applicable requirements and provide a copy of that correspondence to the Town. The issue needs to be resolved before any additional bonding is released.**

33. DPW 7/3/24: 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.

*DWW 2/25/25: The plans have been revised.*

DPW 6/6/25: No further comment.

34. DPW 7/3/24: Provide copies of all easement documents related to this subdivision.

*DWW 2/25/25: 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.*

DPW 6/6/25: No further comment.

35. DPW 7/3/24: Provide a more detailed plan view of the infiltration structure at Station 23+00 showing pipes, limit and elevations of level spreader.

*DWW 2/25/25: 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.*

DPW 6/6/25: No further comment.

36. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

DPW 6/6/25: Comment remains.

*DWW 12/17/25: The Operation and Maintenance Plan and the HOA documents provide for the maintenance of these drainage areas. The area falls outside of the right-of-way and the individual homeowners are responsible for the drainage areas.*

**DPW 3/12/26: Comment remains. Easements are required wherever utilities cross lot lines. Please refer to Section 6.E of the Town of**

**Billerica Subdivision Rules and Regulations and the Engineering Memorandum to the Planning Board dated February 5, 2015, Comment #67.**

37. DPW 7/3/24: Show existing drain line from Dolly Brook Circle to the outlet on Lot 55, including rim and invert information.

*DWW 2/25/25: This drain line is not associated with this project.*

DPW 6/6/25: Comment remains Any drainage (drain line, manhole, and outlet) that comes from Dolly Brook Circle, that is within the property of #45 Fieldstone Lane, must be shown on the plan.

*DWW 12/17/25: The information has been added to the plan.*

**DPW: No further comment.**

38. DPW 7/3/24: All profiles: add 5-foot vertical gridlines with elevations and change gridlines from black to grey. Verify that existing grades are shown elevation.

*DWW 2/25/25: 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.*

DPW 6/6/25: No further comment.

39. DPW 7/3/24: Confirm scale of all profiles. Profiles for Drainage Area 82, and 83-87 are not to scale.

*DWW 2/25/25: The scales have been revised where appropriate.*

DPW: Scale on sheet 18 (drainage 82), sheet 19 and sheet 20 (drainage 83 to 87) need to be revised. The scale is Off, does not match 1"=40' or 1"=4'.

*DWW 12/17/25: The scaling has been corrected on Sheet 18.*

**DPW: No further comment.**

40. DPW 7/3/24: Label existing center line on profile.

*DWW 2/25/25: The existing centerline has been labeled.*

DPW 6/6/25: No further comment.

41. DPW 7/3/24: Label existing slopes of drainage and sewer pipes on profile.

*DWW 2/25/25: Elevations and slopes are shown on the profile sheets.*

DPW 6/6/25: No further comment.

42. DPW 7/3/24: Show water main on profile: location size and type.

*DWW 2/25/25: 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.*

DPW 6/6/25: No further comment.

43. DPW 7/3/24: Show ledge on profiles where information is available.

*DWW 2/25/25: 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.*

DPW 6/6/25: No further comment.

44. DPW 7/3/24: Where profile of a connecting utility continues along a different alignment/sheet indicate connecting structure and sheet where profile continues.

*DWW 2/25/25: Grid lines/stationing should be able to be used to follow the connections of utilities. Regardless, the information has been added to the plan.*

DPW 6/6/25: No further comment.

45. DPW 7/3/24: For cross country profiles, include plan view on same sheet.

*DWW 2/25/25: This information is not required under Section 5.K of the Town of Billerica Subdivision Rules and Regulations.*

DPW 6/6/25: Comment remains. The original approved subdivision plans had plans and profiles of drainage on same page.

*DWW 12/17/25: Regardless of the setup of the original approved subdivision plans, all information is provided and the presentation of said information is not specified under Billerica Planning Board Rules and Regulations Governing Subdivision of Land - Section 5.K - Record Plan of Utilities/As-Built Plan.*

**DPW 03/12/26: Comment remains. In accordance with the Billerica Planning Board Rules and Regulations Governing the Subdivision of Land, Section 5.K, which states that "As-built Plans shall be prepared in a similar format as the Plan/Profile for the Definitive Subdivision**

46. DPW 7/3/24: Please refer to attached marked-up plans and revise as-built plans as indicated.

*DWW 2/25/25: The text of this response covers the information shown on the marked-up plans.*

DPW 6/6/25: No further comment.

### 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:

*DWW 2/25/25: 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.*

**DPW 3/12/26: Comment remains.**

- a. DPW 7/3/24: 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.

*DWW 2/25/25: 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.*

**DPW 6/6/25: No further comment**

- 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.

*DWW 2/25/25: This certification has been added to the Street Acceptance Plan.*

DPW 7/3/24: The Registered Professional Land Surveyor needs to stamp and sign the plans.

*DWW 12/17/25: The Registered Professional Land Surveyor will stamp and sign the final plans.*

**DPW 3/12/26: No further comment.**

- 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.

*DWW 2/25/25: This certification has been added to the Street Acceptance Plan.*

DPW 6/6/25: The Registered Professional Land Surveyor needs to stamp and sign the plans.

*DWW 12/17/25: The Registered Professional Land Surveyor will stamp and sign the final plans.*

**DPW 3/12/26: No further comment.**

- b. DPW 7/3/24: Boundary descriptions of the layout of the roadways to be accepted.

*DWW 2/25/25: This information has been added to the Street Acceptance Plan.*

DPW 6/6/25: No further comment.

- c. DPW 7/3/24: Boundary descriptions of the easements that will be granted to the Town.

*DWW 2/25/25: This information has been added to the Street Acceptance Plan.*

DPW 6/6/25: No further comment.

- d. DPW 7/3/24: Certificate of compliance with conditions imposed on the development by the Conservation Commission under the Wetlands Protection Act.

*DWW 2/25/25: The Conservation Certificate of Compliance information is not relevant to the Street Acceptance Plan.*

DPW 6/6/25: DPW will not recommend a street for acceptance without having the Conservation Certificate of Compliance.

*DWW 12/17/25: The Conservation Certificate of Compliance has been applied for.*

**DPW 3/12/26: No further comment.**

- e. DPW 7/3/24: Certificate of compliance with conditions imposed on the development by the Board of Health with respect to the Stormwater Bylaw.

*DWW 2/25/25: The Board of Health Certificate of Compliance information is not relevant to the Street Acceptance Plan.*

DPW 6/6/25: DPW will not recommend a street for acceptance without having the Board of Health Certificate of Compliance.

*DWW 12/17/25: The Board of Health Certificate of Compliance has been applied for.*

**DPW 3/12/26: No further comment.**

- f. DPW 7/3/24: 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.

*DWW 2/25/25: The street pole leasing information is not relevant to the Street Acceptance Plan.*

DPW 6/6/25: DPW will need this information before the streets are accepted and for the Town to take over responsibility of the street lights once streets are accepted.

*DWW 12/17/25: The Leasing information has been provided to the DPW.*

**DPW 3/12/26: No further comment.**

#### New Comments on As-built Plans 6/6/25

##### Sheet 1

1. #1 Fieldstone Lane sewer service missing a sewer tie.

2. House #8 Fieldstone Lane add a line to identify water service at 65.7 feet.
3. SMH at Nashua Road should show as SMH 1F.
4. North Arrow not shown.

*DWW 12/17/25: All items added to Plan*

**DPW 3/12/26: There is still a tie line missing for the 65.7 length. Item #2 above.**

Sheet 2

1. #1 Fieldstone Lane sewer service missing a sewer tie.
2. Remove the name Hemlock Lane at house #2 Hemlock and at house #6.
3. Hydrant located at house #6 Hemlock Lane does not show the hydrant gate.

*DWW 12/17/25: All items added to Plan*

**DPW 3/12/26: No further comment.**

Sheet 3

1. Remove the name Hemlock Lane at house #6 Hemlock Lane to be able to see all utilities and stationing.

*DWW 12/17/25: Item added to Plan*

**DPW 3/12/26: No further comment.**

Sheet 4

1. Too many Fieldstone Lane names, remove them at culvert location Station 21+00 and at House #26. Reposition the Hemlock Lane name where is not affecting the utilities and stationing and possible to see.
2. Show SMH at #12 Hemlock Lane as SMH 6H.
3. Fieldstone Lane DMH F15 shall be connected to CB F15 and show CB F1 description lettering.

*DWW 12/17/25: All items added to Plan*

**DPW 3/12/26: No further comment.**

Sheet 5

1. House #14 Fieldstone Lane missing ties for water and sewer services.
2. House # 18 Fieldstone Lane missing ties for water and sewer services.
3. Show CBF15 connected to DMHF15.

4. Show flared end as FESH53D on Lot 21 at intersection of Hemlock Lane and Fieldstone Lane.

*DWW 12/17/25: All items added to Plan*

**DPW 3/12/26: No further comment.**

Sheet 6

1. Remove the street name Fieldstone Lane at house #38 Fieldstone Lane as to minimize being too crowded and to make it possible to see the utilities and stationing on the plan.
2. Show CB F27A as a DCB and show the two frames at about Sta 36+60 on Fieldstone Lane.

*DWW 12/17/25: All items added to Plan*

**DPW 3/12/26: No further comment.**

Sheet 7

1. Remove street names at house #53 and #45 Fieldstone Lane to allow the stationing and utilities to be clearer to see on the plan.
2. Show DCB F27A with two frames as shown throughout the plan set.
3. Lots 51 and 53 to Basin 86 show FES86A and FES86B on the proper location.

*DWW 12/17/25: All items added to Plan*

**DPW 3/12/26: No further comment.**

Sheet 9

1. Station 20+30 F17ADCB and F17B is a single CB.
2. Station 15+25 show as DMH F11. The description is not that clear on the profile.
3. Station 25+00 show CB F19B as single CB.

*DWW 12/17/25: All items added to Plan*

**DPW 3/12/26: No further comment.**

Sheet 10

1. Station 36+55 show F27A as DCB and F27 B as single CB on profile and horizontal plan.

*DWW 12/17/25: Item added to Plan*

**DPW 3/12/26: No further comment.**

Sheet 11

1. Add SMH 26F, is missing on the profile.

*DWW 12/17/25: There is no SMH 26F*

**DPW 3/12/26: No further comment.**

2. Remove SMH at approximately Sta 46+73 shows as SMH3 with a wrong Stationing.

*DWW 12/17/25: Removed*

**DPW 3/12/26: No further comment.**

Sheet 16

1. Profile for Drainage Area 20 shows stationing that don't match the lengths on the profile.

*DWW 12/17/25: Stations have been revised*

**DPW 3/12/26: No further comment.**

Sheet 17

1. Drainage Basin 87, show station 1+00 DMH 87-3 12 inch inv in from DMH 87-2 not DMH 41.

2. Missing Profile for DRAIN to BASIN 87 that shows DMH F23 to FES 87A and to forebay pond 87 bottom invert and the retaining wall elevation of top wall.

*DWW 12/17/25: All items added to Plan*

**DPW 3/12/26: Missing profile for drainage to basin #87 starting at DCBF24A & CBF24B to DMHF24 to DMHF23 to FES87A. item #2 above.**

Sheet 20

1. Drainage Area 83 to Drainage Area 87 Structure at Station 9+02 should show the FES as FES87B.

*DWW 12/17/25: Plan revised.*

**DPW 3/12/26: No further comment.**

Sheet 21

1. Lots 51 and 53 to Basin 86 shows FES 53 invert not clear.

*DWW 12/17/25: Plan revised.*

**DPW 3/12/26: No further comment.**

Sheet 22

1. Drainage Lot 15 to Basin 45, remove the proposed grade on the road elevation.

*DWW 12/17/25: Plan revised.*

**DPW 3/12/26: No further comment.**

2. Elevations of the structures don't match the profile.

*DWW 12/17/25: The higher structures represent the catch basins in the driveways which do not fall along the profile line. Leaders were added to the plan for clarification.*

**DPW 3/12/26: No further comment.**

3. Show the scale on the bottom of the profile horizontal and vertical scale.

*DWW 12/17/25: Plan revised.*

**DPW 3/12/26: No further comment.**

Sheet 23

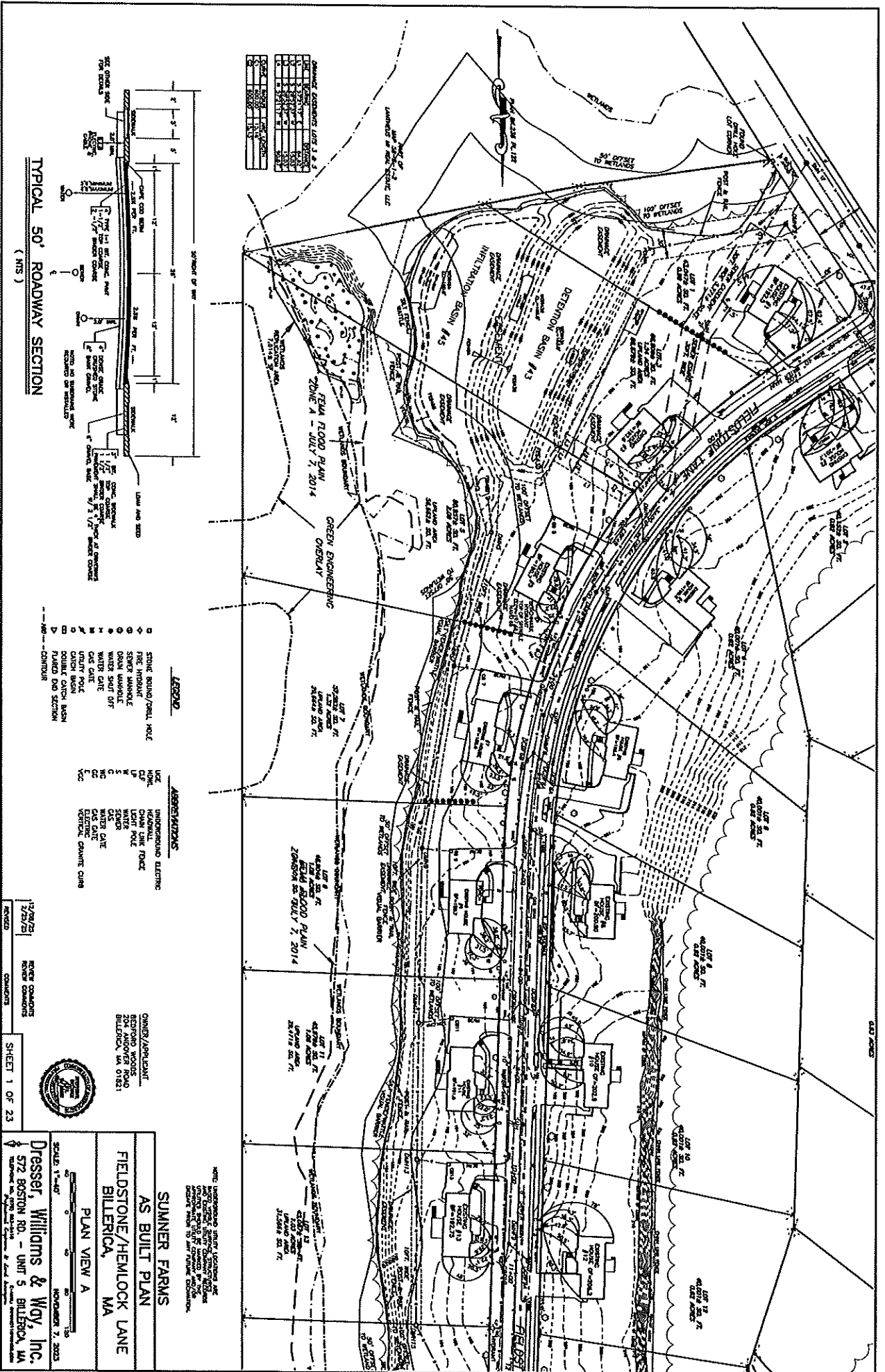
1. Show all information for the pipe runs, lengths, slope, pipe size and material for each profile shown.

*DWW 12/17/25: Information has been added to the plans.*

**DPW 3/12/26: No further comment.**

**Prior to any further action on this project, revised plans and response to comments must be submitted to Planning Board and forwarded to DPW for review.**

# EXHIBIT D



DATE	DESCRIPTION
11/15/13	ISSUED FOR PERMITS
10/15/13	ISSUED FOR PERMITS
09/15/13	ISSUED FOR PERMITS
08/15/13	ISSUED FOR PERMITS
07/15/13	ISSUED FOR PERMITS
06/15/13	ISSUED FOR PERMITS
05/15/13	ISSUED FOR PERMITS
04/15/13	ISSUED FOR PERMITS
03/15/13	ISSUED FOR PERMITS
02/15/13	ISSUED FOR PERMITS
01/15/13	ISSUED FOR PERMITS

TYPICAL 50' ROADWAY SECTION  
(MNS)

- LEGEND**
- STONE BOUND/SMALL HOLE
  - FIRE THROUGH
  - SEWER MANHOLE
  - WIND SIGNIFICANT
  - WATER CISTN
  - GAS CISTN
  - UTILITY POLE
  - SOLID CATCH BASIN
  - FLOOR TO SECTION
  - CONTROL

- ABBREVIATIONS**
- H/MK UNDERGROUND ELECTRIC
  - LDY HEADWALL
  - W WATER
  - WC WATER CISTN
  - WC GAS CISTN
  - WC UTILITY POLE
  - WC SOLID CATCH BASIN
  - WC FLOOR TO SECTION
  - WC CONTROL

OWNER/APPLICANT:  
 SUMNER FARMS  
 224 ANOVER ROAD  
 BILLERICA, MA 01821

DATE: 11/20/13  
 REVISIONS:  
 1/20/13  
 2/20/13

DATE: 11/20/13  
 REVISIONS:  
 1/20/13  
 2/20/13

DATE: 11/20/13  
 REVISIONS:  
 1/20/13  
 2/20/13

DATE: 11/20/13  
 REVISIONS:  
 1/20/13  
 2/20/13



SCALE: 1"=40'

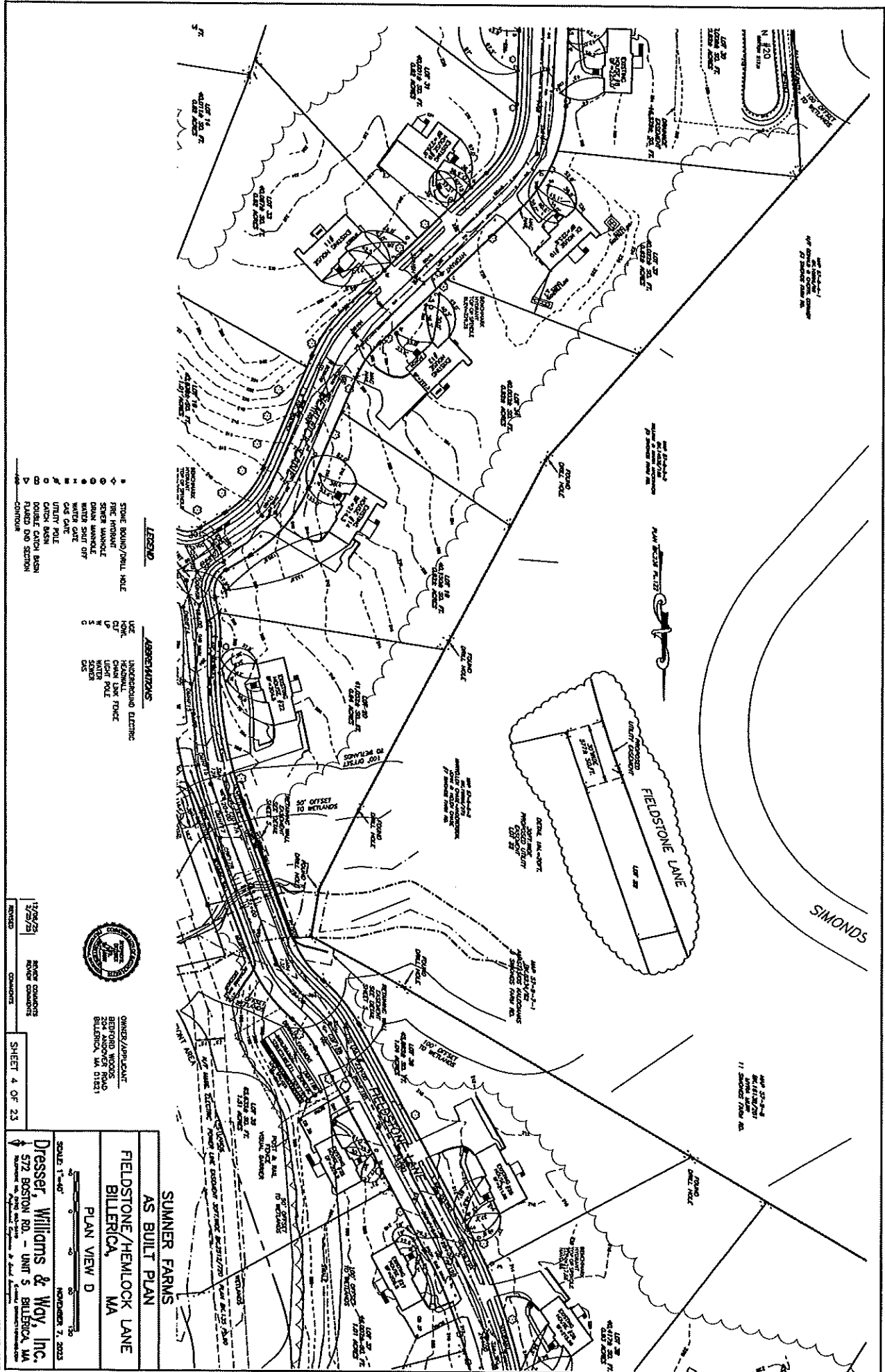
NOVEMBER 2, 2013

Dresser, Williams & Woy, Inc.  
 572 BOSTON RD - UNIT 5  
 BILLERICA, MA 01821

DATE: 11/20/13  
 REVISIONS:  
 1/20/13  
 2/20/13







- LEGEND**
- ▲ STONE BOUND/DRILL HOLE
  - FIRE HYDRANT
  - SEWER MANHOLE
  - WATER MANHOLE
  - WATER SHUT OFF
  - WATER GATE
  - GAS GATE
  - UTILITY POLE
  - CATCH BASIN
  - DOUBLE CATCH BASIN
  - MANHOLE AND SECTION
  - CONDUIT

- ABBREVIATIONS**
- LOC UNDERGROUND ELECTRIC
  - LOC UNDERGROUND FIBER
  - LOC UNDERGROUND WATER
  - LOC UNDERGROUND GAS
  - LOC UNDERGROUND UTILITY POLE
  - LOC UNDERGROUND WATER SHUT OFF
  - LOC UNDERGROUND WATER GATE
  - LOC UNDERGROUND GAS GATE
  - LOC UNDERGROUND UTILITY POLE
  - LOC UNDERGROUND CATCH BASIN
  - LOC UNDERGROUND DOUBLE CATCH BASIN
  - LOC UNDERGROUND MANHOLE AND SECTION
  - LOC UNDERGROUND CONDUIT



DATE: 12/20/23  
 REVISION: 12/20/23  
 ENGINE COMMENTS: SEE COMMENTS  
 COMMENTS: SEE COMMENTS  
 SHEET 4 OF 23

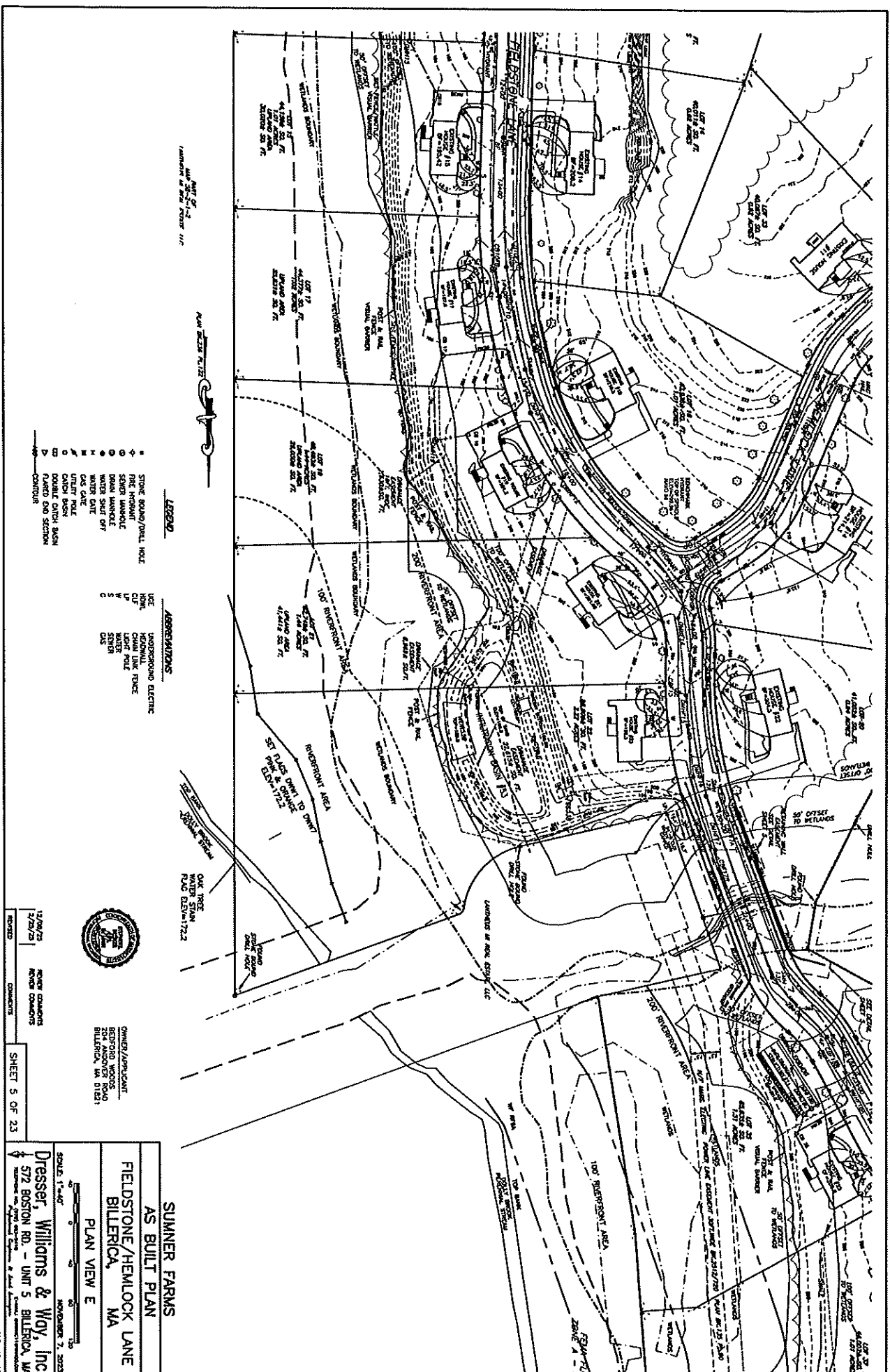
**SUMNER FARMS  
 AS BUILT PLAN**

**FIELDSTONE/HEMLOCK LANE  
 BILLERICA, MA**

PLAN VIEW D

SCALE: 1"=40'  
 0 20 40  
 NOVEMBER 7, 2023

**Dresser, Williams & Woy, Inc.**  
 572 BOSTON RD. - UNIT 3, BILLERICA, MA



UNIT 5 OF 5  
 UNIT 5 OF 5  
 UNIT 5 OF 5

ST. JAMES ST.  
 ST. JAMES ST. EXT.  
 ST. JAMES ST. EXT. TO DOWRY  
 ST. JAMES ST. EXT. TO BULLOCK LANE  
 ST. JAMES ST. EXT. TO BULLOCK LANE

100' SUSPENSION AREA  
 100' INDEPENDENT AREA

WATER MAIN  
 WATER SERVICE  
 GAS MAIN  
 GAS SERVICE  
 SEWER MAIN  
 SEWER SERVICE  
 ELECTRIC MAIN  
 ELECTRIC SERVICE

LOT 1  
 LOT 2  
 LOT 3  
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 LOT 96  
 LOT 97  
 LOT 98  
 LOT 99  
 LOT 100

LEGEND

- ▲ STONE BOUND/DRILL HOLE
- TREE FOUND
- BRUSH WAREHOUSE
- WATER SHUT OFF
- GAS GATE
- UTILITY POLE
- CHASE AT CORNER BASH
- PAVED DRIV SECTION
- CURBLINE

ABBREVIATIONS

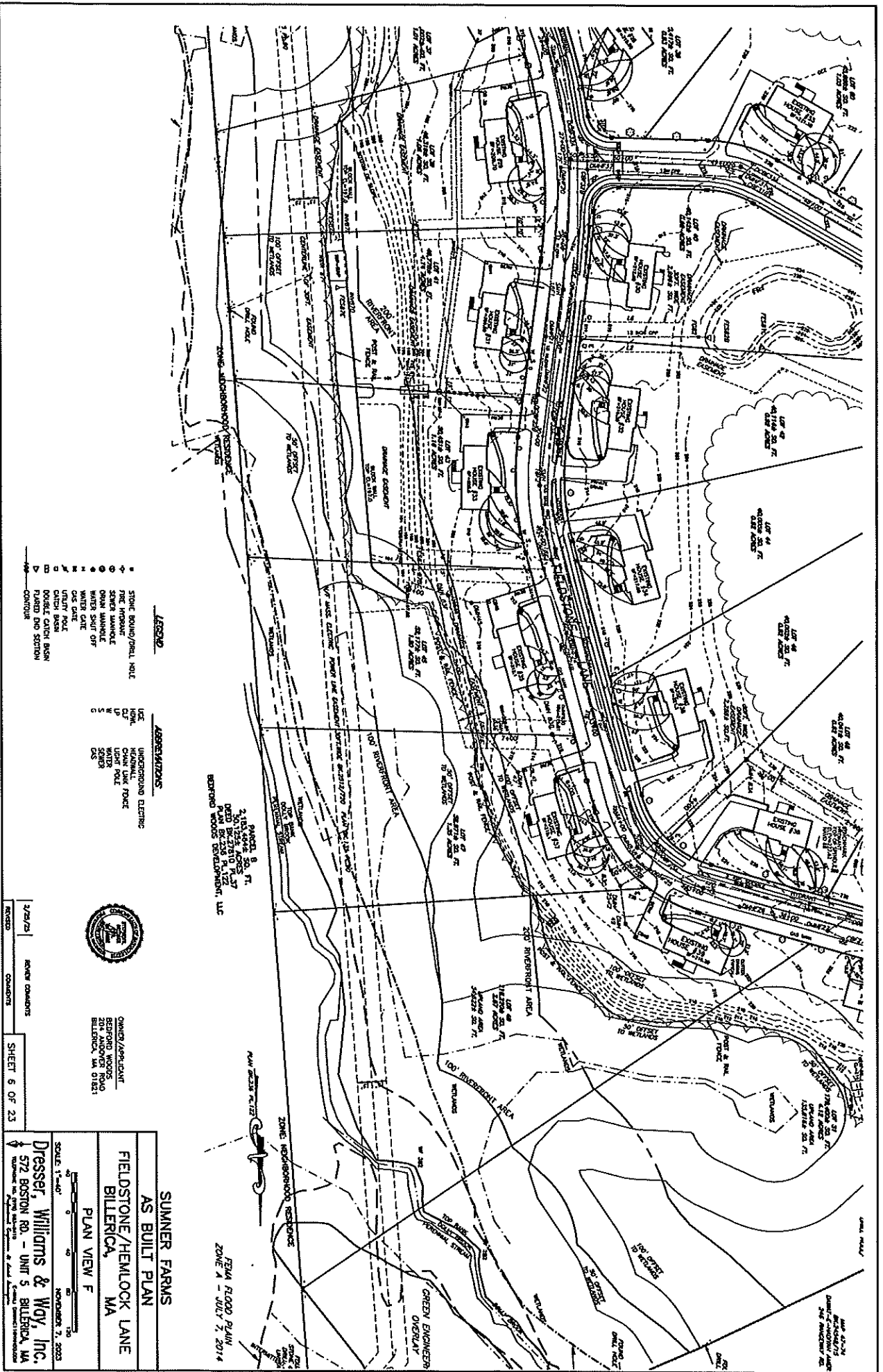
- USE
- DRILL
- LP
- W
- G
- U
- CB

LOAD/ROUND ELECTRIC  
 CHAIN LINK FENCE  
 LIGHT POLE  
 WATER  
 GAS  
 UTILITY

OWNER/ARCHITECT  
 BEDFORD WOODS  
 234 ANSOVER ROAD  
 BILLERICA, MA 01821

DATE: 12/20/23  
 REVISION: 1/25/23  
 SHEET 5 OF 23

SCALE: 1"=40'  
 NOVEMBER 7, 2023  
 Dresser, Williams & Woy, Inc.  
 572 BOSTON RD. - UNIT 5 BILLERICA, MA



- LEGEND**
- STONE BOUND/DRILL HOLE
  - FIRE HYDRANT
  - SEWER MANHOLE
  - WATER SHUT OFF
  - GAS LINE
  - UTILITY POLE
  - EXISTING POLE
  - BOUNDARY TO SECTION
  - CONDUIT

- ABBREVIATIONS**
- UC UNDERGROUND UTILITY
  - HW HIGHWAY
  - UP UNDERPASS
  - W WATER
  - SC SEWER
  - CG GAS



OWNER/APPLICANT  
BEDFORD WOODS  
BILLERICA, MA 01821

3/29/23 REVIEW COMMENTS  
CORRECTIONS  
SHEET 6 OF 23

**SUMNER FARMS  
AS BUILT PLAN**

**FIELDSTONE/HEMLOCK LANE  
BILLERICA, MA**

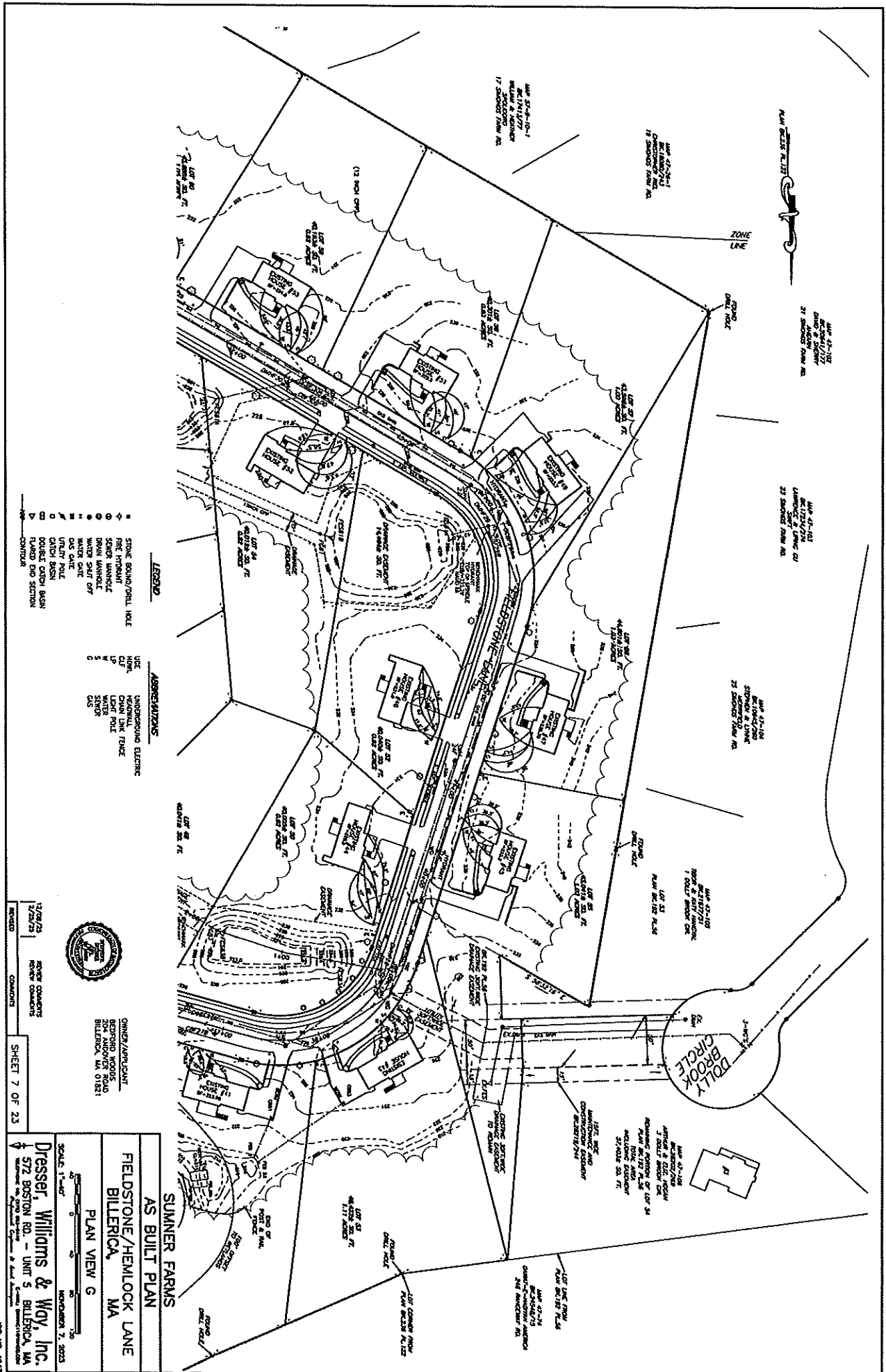
**PLAN VIEW F**

SCALE: 1"=40'  
NOVEMBER 7, 2023

**Dresser, Williams & Woy, Inc.**  
572 BOSTON RD. - UNIT 5, BILLERICA, MA

DATE: 7/7/2014

JOB NO. 4045



- LEGEND**
- STONE BOUND/DELL HOLE
  - ◆ FIRE HYDRANT
  - SINKS MANHOLE
  - DRAIN MANHOLE
  - WATER SPLIT OFF
  - WATER CISTN
  - UTILITY POLE
  - CATCH BASIN
  - DOUBLE CATCH BASIN
  - FLARED END SECTION
  - CONTROL
- ABBREVIATIONS**
- USC HWM
  - CLP CHAIN LINK FENCE
  - LP LANDSCAPING
  - S SIDEWALK
  - C CURB
- LANDSCAPING ELECTRIC**
- HEDGEMAN
  - LIGHT POLE
  - SIGN
  - SWS
  - GCS

12/28/23  
2/28/23

REVISIONS  
REVIEW COMMENTS  
REVIEW COMMENTS

OWNER/APPLICANT  
DRESSER WILLIAMS & WAY  
SECOND WOODS  
BILLERICA, MA 01821

DATE: 12/28/23

SCALE: 1"=40'

PROJECT: SHEET 7 OF 23

**SUNNER FARMS  
AS BUILT PLAN**

**FIELDSTONE/HEMLOCK LANE  
BILLERICA, MA**

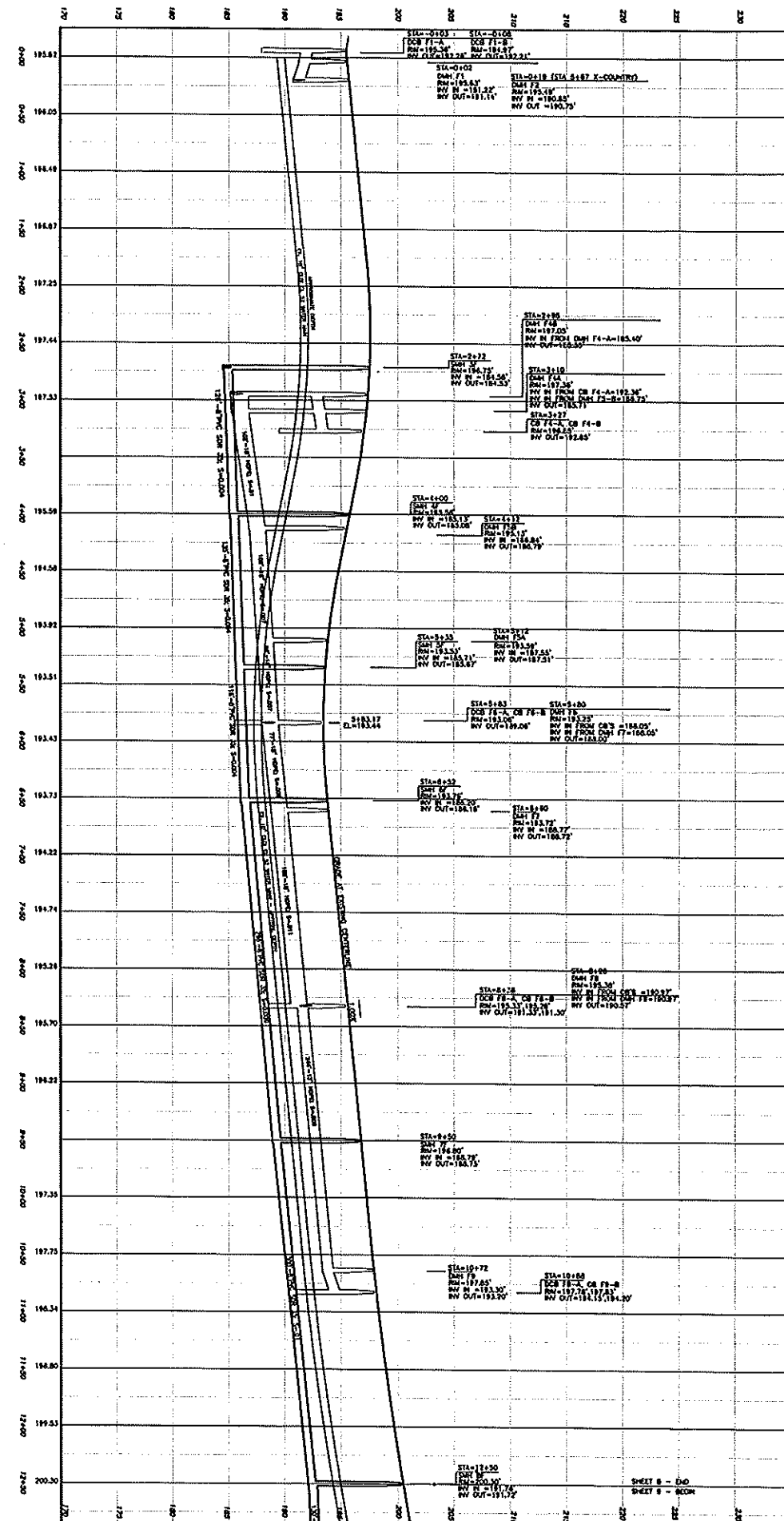
**PLAN VIEW G**

DATE: 12/28/23

PROJECT: SHEET 7 OF 23

**Dresser, Williams & Way, Inc.**  
572 BOSTON RD. - UNIT 5  
BILDERICA, MA 01821

FIELDSTONE LANE SCALE HORIZ: 1" = 40'  
 VERT: 1" = 40'



OWNER/APPLICANT  
 BEDFORD WOODS  
 254 ANDOVER ROAD  
 BILLERICA, MA 01821

REVISIONS  
 12/26/23  
 7/25/23  
 REVISION COMMENTS  
 REVISION COMMENTS

CONTRACTOR  
 SHEET 8 OF 23

NOVEMBER 7, 2023

SCALE 1"=40'

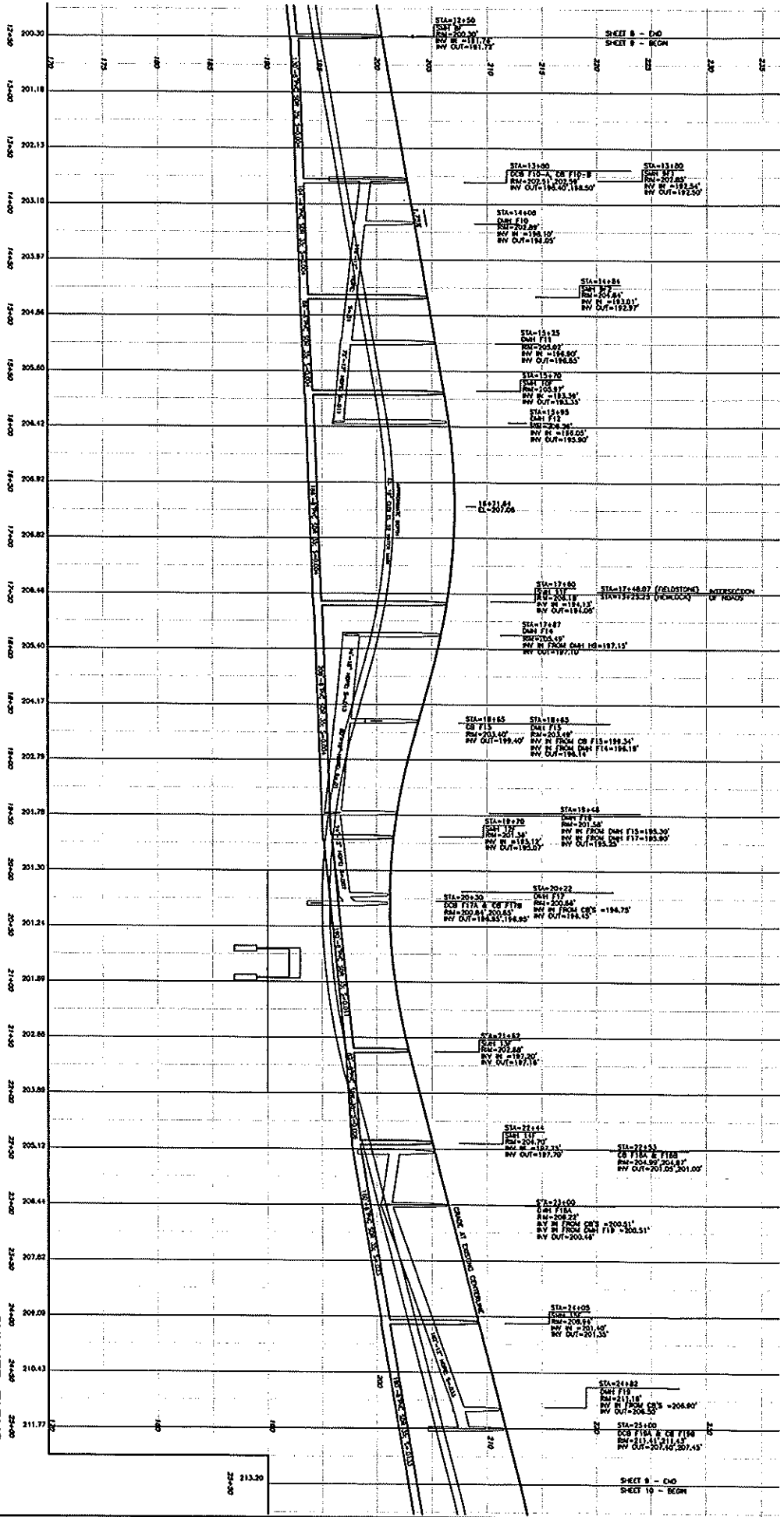
FIELDSTONE/HENLOCK LANE  
 BILLERICA, MA

PROFILE FIELDSTONE LANE STA 0+00 TO 12+50

Dresser, Williams & Woy, Inc.  
 572 BOSTON RD. - UNIT 5  
 BILLERICA, MA

JOB NO. 4043

FIELDSTONE LANE: SOLID HORIZ. 1" = 40'  
VERT. 1" = 4'



1/28/23  
2/25/23  
REVISED  
CONTRACT  
SHEET 9 OF 23



OWNER/APPLICANT  
DRESSER, WILLIAMS & WAY, INC.  
200 WINDSOR ROAD  
BILERICA, MA 01821

**AS BUILT PLAN**  
**SUNNER FARMS**  
**FIELDSTONE/HEMLOCK LANE**  
**BILERICA, MA**  
PROFILE FIELDSTONE LANE STA 12+50 TO 25+00  
SCALE: 1" = 40'  
NOVEMBER 7, 2023  
**Dresser, Williams & Way, Inc.**  
572 BOSTON RD. - UNIT 5  
BILERICA, MA

FIELDSTONE LANE SCALE HORIZ. 1" = 40'  
VERT. 1" = 4'

12/09/23  
2/28/24  
REVISIONS  
NO. 1  
NO. 2  
NO. 3  
NO. 4  
NO. 5  
NO. 6  
NO. 7  
NO. 8  
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NO. 49  
NO. 50



OWNER/APPROVER  
SEBASTIAN WOODS  
BILERICA, MA 01821

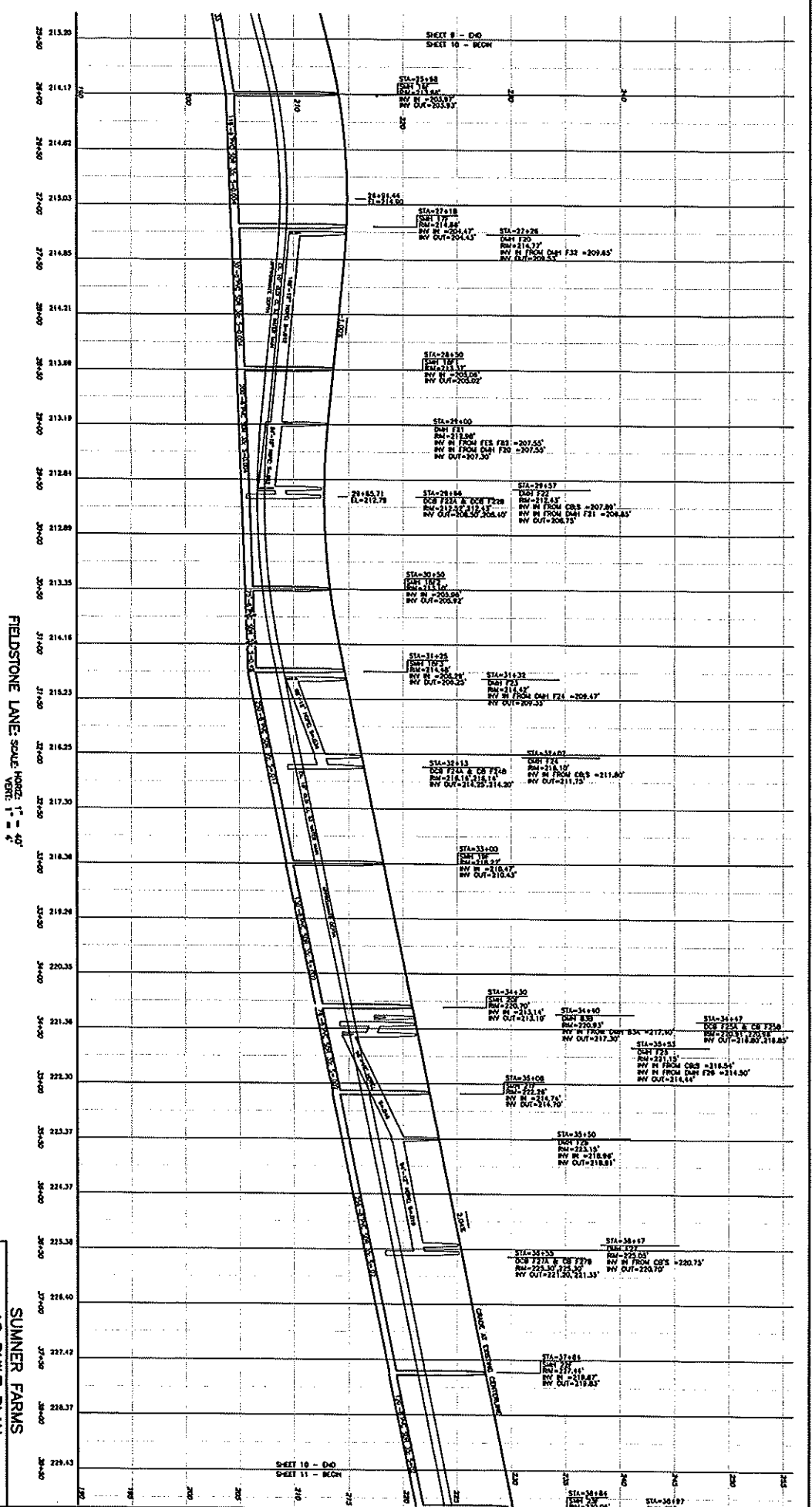
**SUNNER FARMS**  
**AS BUILT PLAN**  
**FIELDSTONE/HEMLOCK LANE**  
**BILERICA, MA**

PROFILE FIELDSTONE LANE STA 25+00 TO 38+50

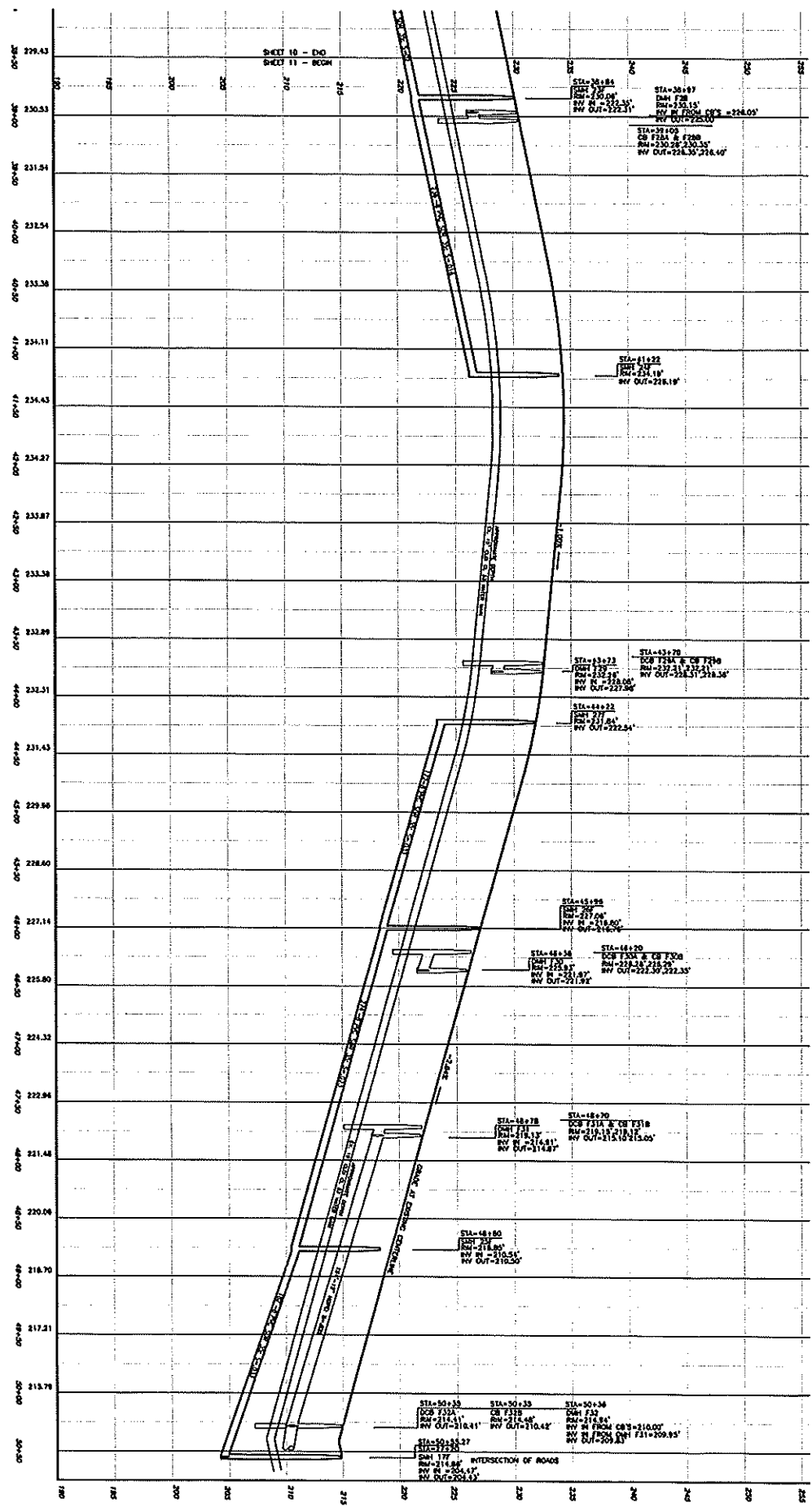
SCALE: 1"=40'  
HORIZONTAL 1"=40'  
VERTICAL 1"=4'

NOVEMBER 2, 2023

**Dresser, Williams & Woy, Inc.**  
572 BOSTON RD. - UNIT 5  
BILERICA, MA 01821



FIELDSTONE LANE SCALE: HORIZ. 1" = 40'  
VERT. 1" = 40'



OWNER/APPLICANT  
BERNARD WOODS  
254 ANDOVER ROAD  
BILLERICA, MA 01821

REVISIONS  
12/21/75  
2/22/76

DESIGNED BY  
CHECKED BY

DATE  
NOVEMBER 7, 2023

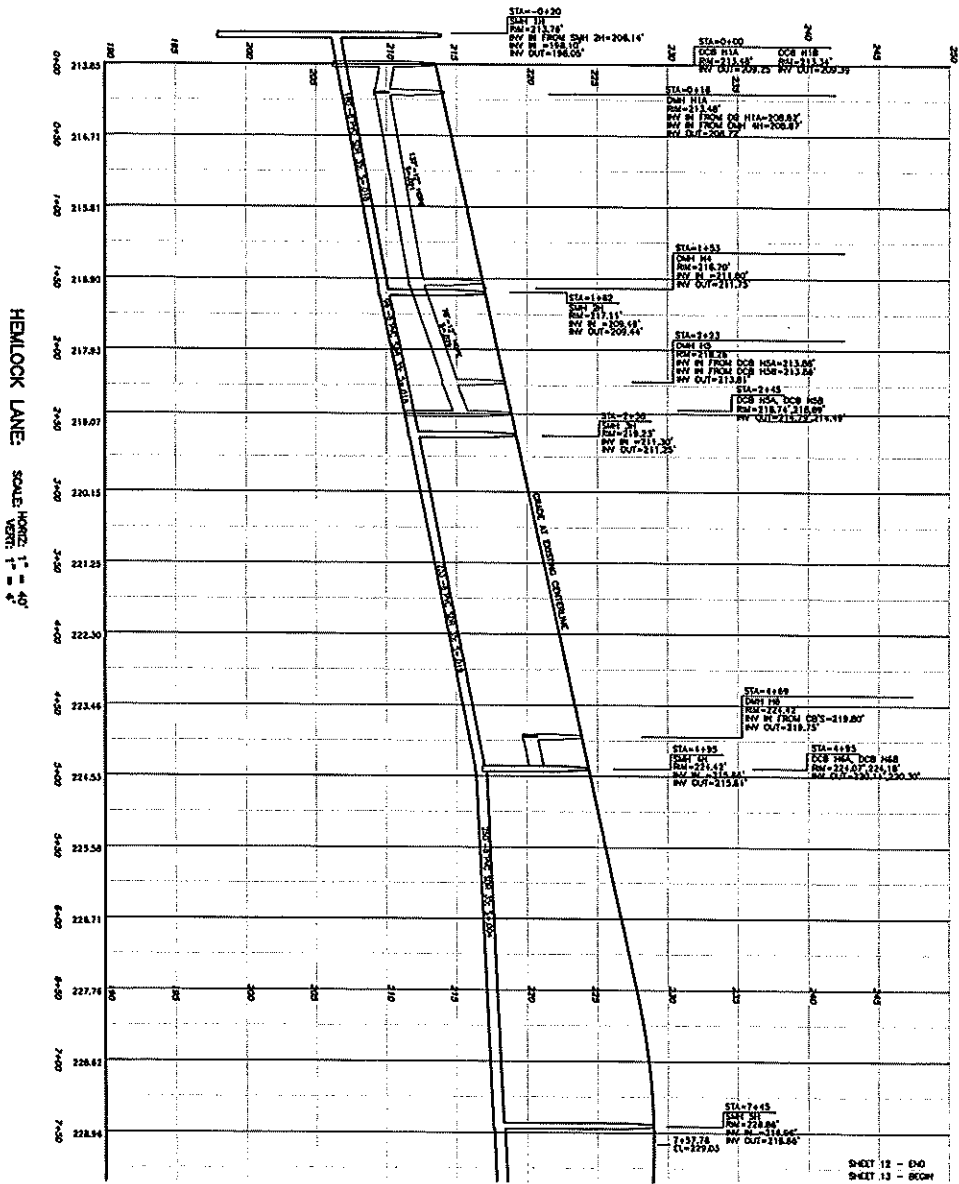
SUMNER FARMS  
AS BUILT PLAN  
FIELDSTONE/HEMLOCK LANE  
BILLERICA, MA

PROFILE FIELDSTONE LANE STA 39+50 TO 50+50


SCALE 1"=40'

Dresser, Williams & Woy, Inc.  
572 BOSTON RD. - UNIT 5, BILLERICA, MA

NOVEMBER 7, 2023



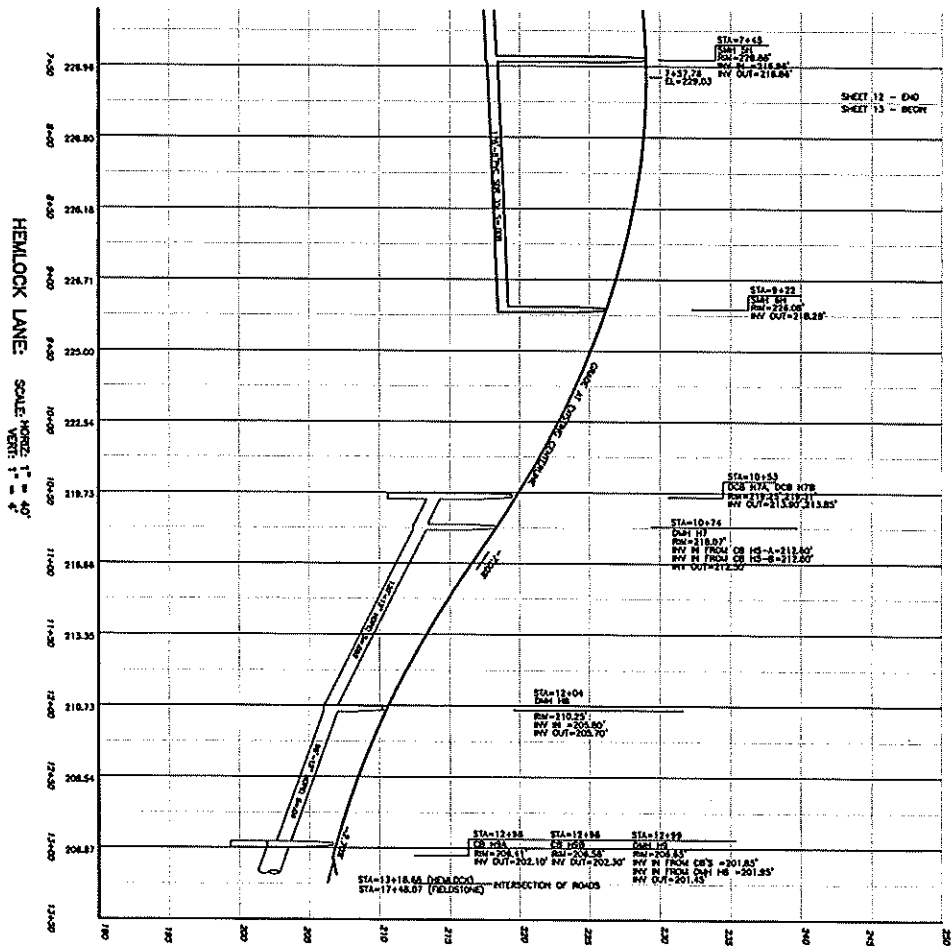
HEMLOCK LANE SCALE HORIZ: 1" = 40'  
SCALE VERT: 1" = 4'

  
 GREGORY J. GAGNIER  
 REGISTERED PROFESSIONAL ENGINEER  
 BILLERICA, MA 01821

12/08/25  
 7/23/25  
 REVISIONS  
 RIVER CHANNELS  
 COMMENTS  
 SHEET 12 OF 23

**SUMNER FARMS**  
**AS BUILT PLAN**  
 FIELDSTONE/HEMLOCK LANE  
 BILLERICA, MA  
 PROFILE HEMLOCK LANE STA 0+00 TO 7+50  
 SCALE: 1"=40'  
 NOVEMBER 7, 2023

**Dresser, Williams & Woy, Inc.**  
 572 BOSTON RD - UNIT 5, BILLERICA, MA  
 Telephone: 978-662-2118  
 Fax: 978-662-2119  
 www.dresserwilliamswoy.com



OWNER/APPLICANT:  
 REDFORD WOODS  
 BILERICA, MA 01821

12/27/23  
 12/27/23  
 REVIEW COMMENTS  
 REVIEW COMMENTS  
 SHEET 13 OF 23

**SUMNER FARMS**  
**AS BUILT PLAN**  
**FIELDSTONE/HEMLOCK LANE**  
**BILERICA, MA**

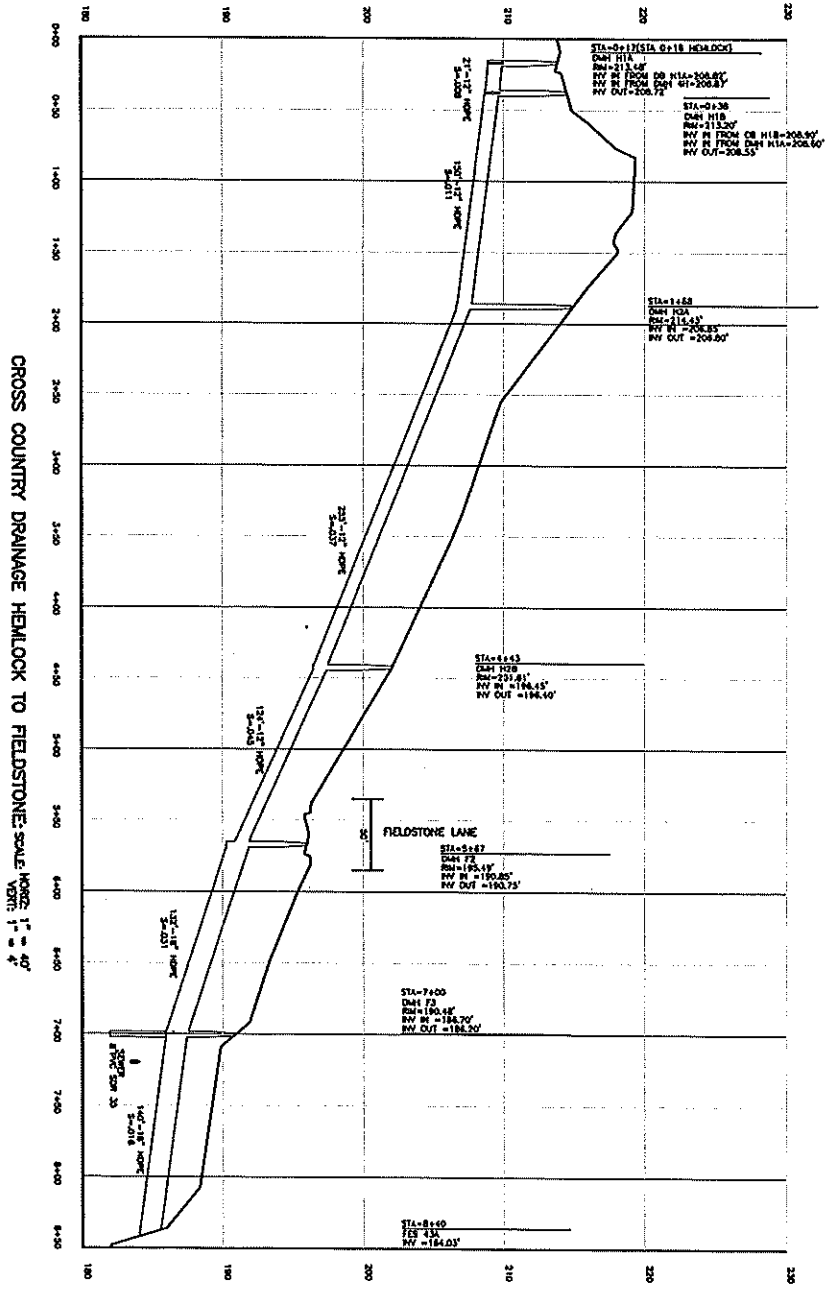
PROFILE HEMLOCK LANE STA 7+50 TO 13+50

SCALE: 1"=40'

NOVEMBER 7, 2023

**Dresser, Williams & Way, Inc.**  
 572 BOSTON RD. - UNIT 5  
 BILERICA, MA

JOB NO. 4043



CROSS COUNTRY DRAINAGE HEMLOCK TO FIELDSTONE SCALE HORZ: 1" = 40'



OWNER/ARCHITECT  
 SUNNER FARMS  
 572 BOSTON RD. - UNIT 5  
 BILLERICA, MA 01821

12/06/23  
 7/23/23  
 REVISIONS  
 COMMENTS  
 SHEET 14 OF 23

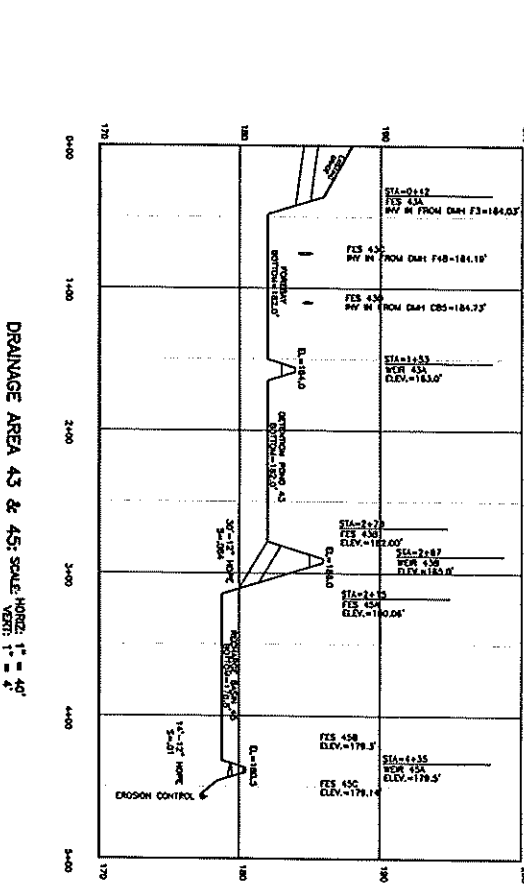
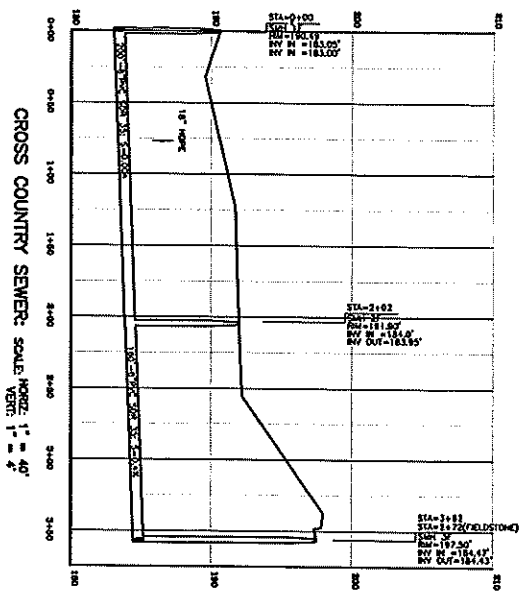
**SUNNER FARMS**  
**AS BUILT PLAN**  
**FIELDSTONE/HEMLOCK LANE**  
**BILLERICA, MA**

DRAINAGE PROFILE

SCALE: 1" = 40'

NOVEMBER 7, 2023

**Dresser, Williams & Woy, Inc.**  
 572 BOSTON RD. - UNIT 5  
 BILLERICA, MA 01821



CROSS COUNTRY SEWER: SCALE: HORIZ. 1" = 40'  
VERT. 1" = 4'

DRAINAGE AREA 43 & 45: SCALE: HORIZ. 1" = 40'  
VERT. 1" = 4'

12/28/23  
2/21/23  
REVISOR COMMENTS  
REVISOR COMMENTS

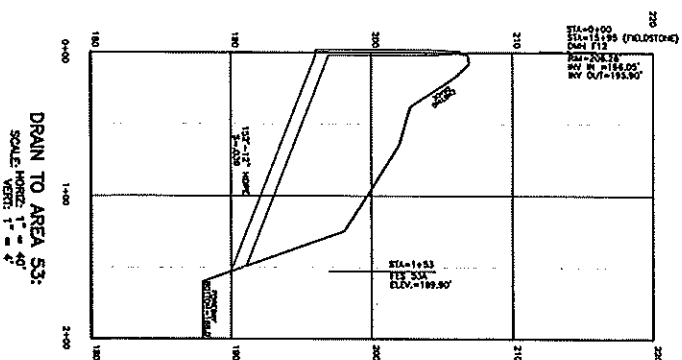
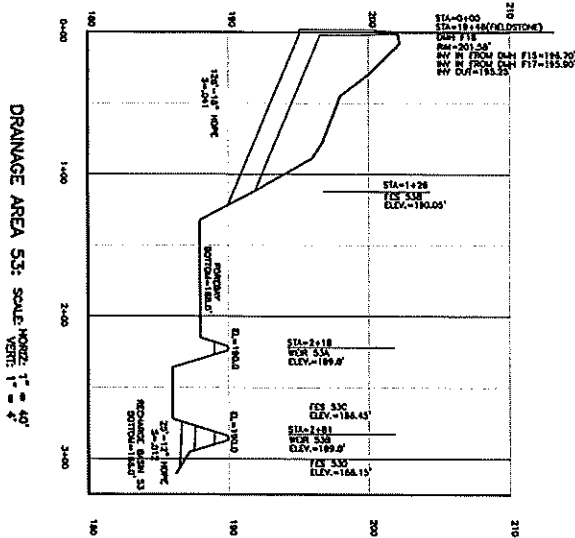
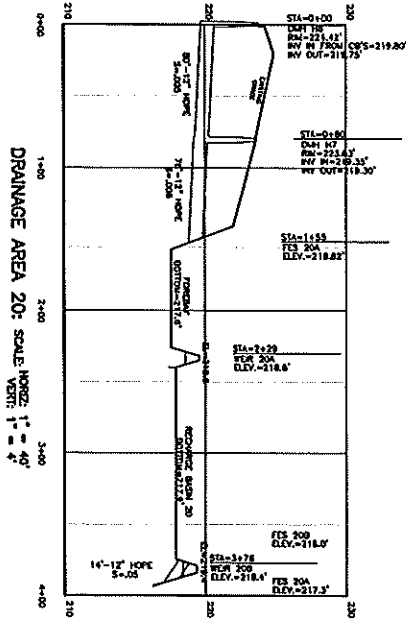
OWNER/APPLICANT  
BERNARD WOODS  
204 ANDOVER ROAD  
BILLERICA, MA 01821

SHEET 15 OF 23

**SUNNER FARMS**  
DEFINITIVE SUBDIVISION PLAN  
FIELDSTONE/HEMLOCK LANE  
BILLERICA, MA

SEWER AND DRAINAGE PROFILES  
SCALE: 1"=40'  
MONUMENTS 7, 2023

**Dresser Williams & Woy, Inc.**  
572 BOSTON RD. - UNIT 5, BILLERICA, MA



OWNER/APPPLICANT:  
 BOSTON WORKS  
 3074 AUBURN ROAD  
 BILLERICA, MA 01821

DESIGNED BY:  
 RAYMOND COLEMAN  
 12/20/22

CHECKED BY:  
 RAYMOND COLEMAN  
 1/25/23

REVISIONS:

SHEET 16 OF 23

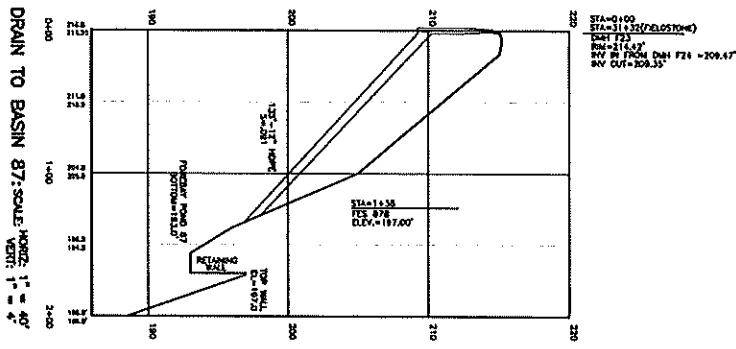
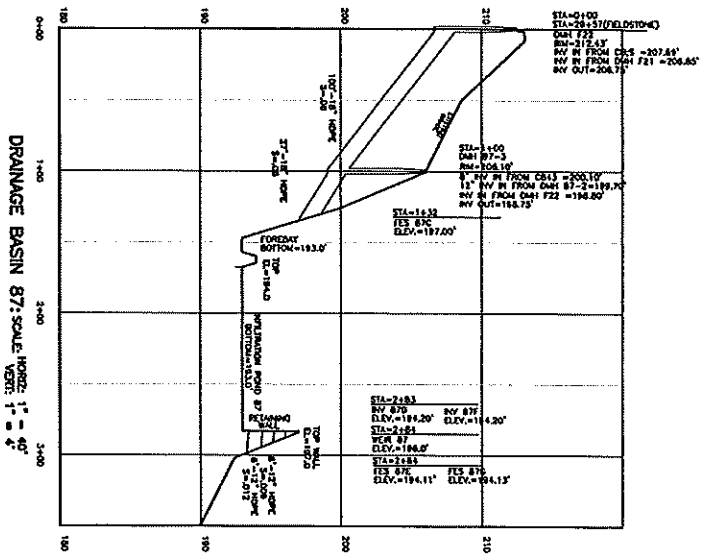
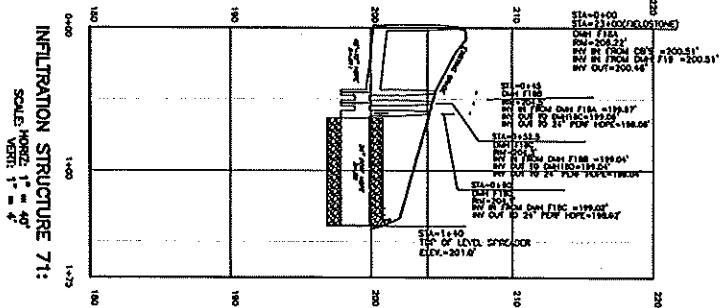
**SUMNER FARMS**  
**AS BUILT PLAN**  
 FIELDSTONE/HEMLOCK LANE  
 BILLERICA, MA

**DRAINAGE PROFILES**

SCALE: 1"=40'  
 NOVEMBER 7, 2023

**Dresser, Williams & Woy, Inc.**  
 572 BOSTON RD. - UNIT 5  
 BILLERICA, MA

208 NO. 4003



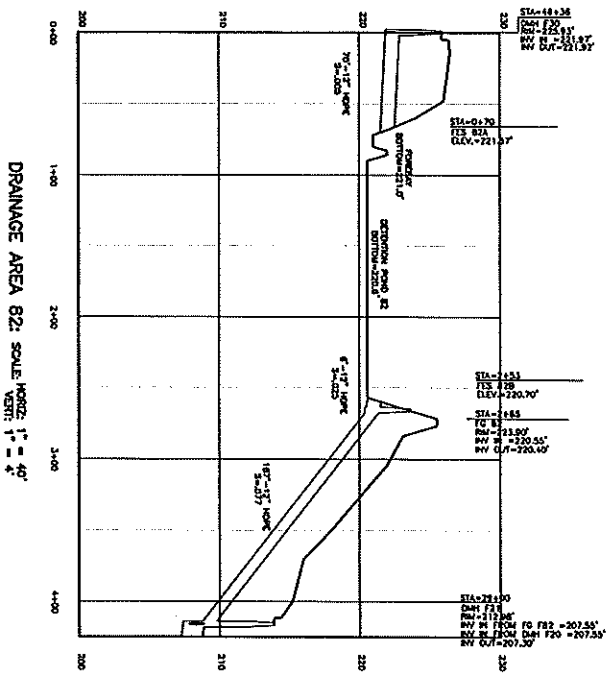
INfiltration STRUCTURE 71:  
 SCALE: HORIZ. 1" = 40'  
 VERT. 1" = 4'

DRAINAGE BASIN 87: SCALE: HORIZ. 1" = 40'  
 VERT. 1" = 4'

DRAIN TO BASIN 87: SCALE: HORIZ. 1" = 40'  
 VERT. 1" = 4'

12/24/75  
 2/29/75  
 RIVER CHANNELS  
 RIVER CHANNELS  
 COMMENTS  
 SHEET 17 OF 23

SUMNER FARMS  
 AS BUILT PLAN  
 FELDSTONE/HEMLOCK LANE  
 BILLERICA, MA  
 DRAINAGE PLAN AND PROFILES  
 SCALE: 1"=40'  
 DRESSER, WILLIAMS & WOV, INC.  
 572 BOSTON RD. - UNIT 5 BILLERICA, MA  
 MONDAY, 2, 2023



12/08/25  
2/23/25

REVISIONS

OWNER/APPROVE

REGISTERED PROFESSIONAL ENGINEER

STATE OF MASSACHUSETTS

NO. 01821

12/08/25  
2/23/25

REVISIONS

OWNER/APPROVE

REGISTERED PROFESSIONAL ENGINEER

STATE OF MASSACHUSETTS

NO. 01821

REVISIONS

OWNER/APPROVE

REGISTERED PROFESSIONAL ENGINEER

STATE OF MASSACHUSETTS

NO. 01821

SHEET 18 OF 23

OWNER/APPROVE

REGISTERED PROFESSIONAL ENGINEER

STATE OF MASSACHUSETTS

NO. 01821

12/08/25  
2/23/25

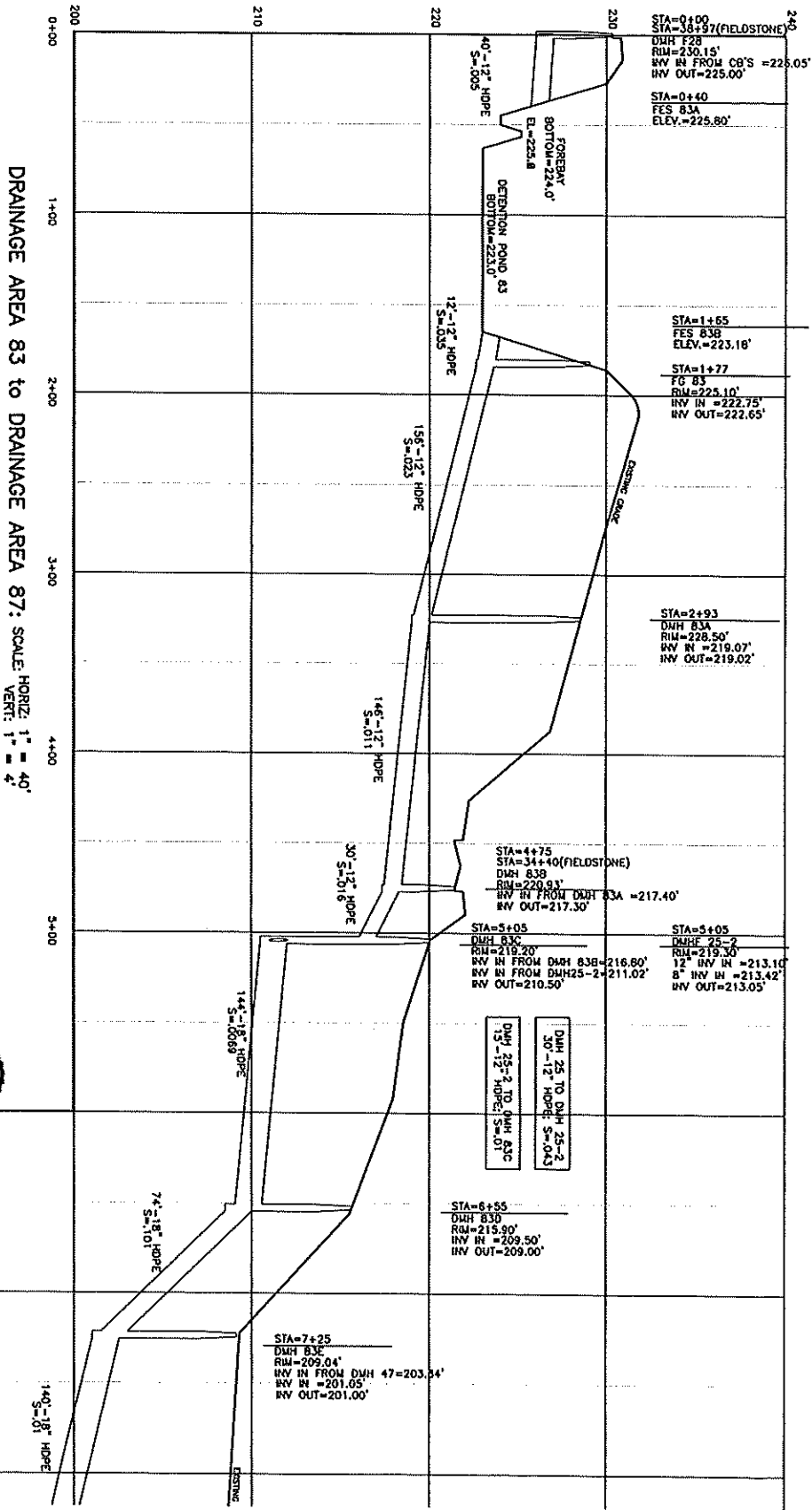
REVISIONS

OWNER/APPROVE

REGISTERED PROFESSIONAL ENGINEER

STATE OF MASSACHUSETTS

NO. 01821



DRAINAGE AREA 83 TO DRAINAGE AREA 87: SCALE: HORIZ. 1" = 40' VERT. 1" = 4'



OWNER/APPRAISER  
 BROWN AND WOODS  
 BILERICA, MA 01821

DATE: 12/08/23  
 12/21/23  
 REVISIONS  
 REVISIONS  
 COMMENTS

SHEET 19 OF 23

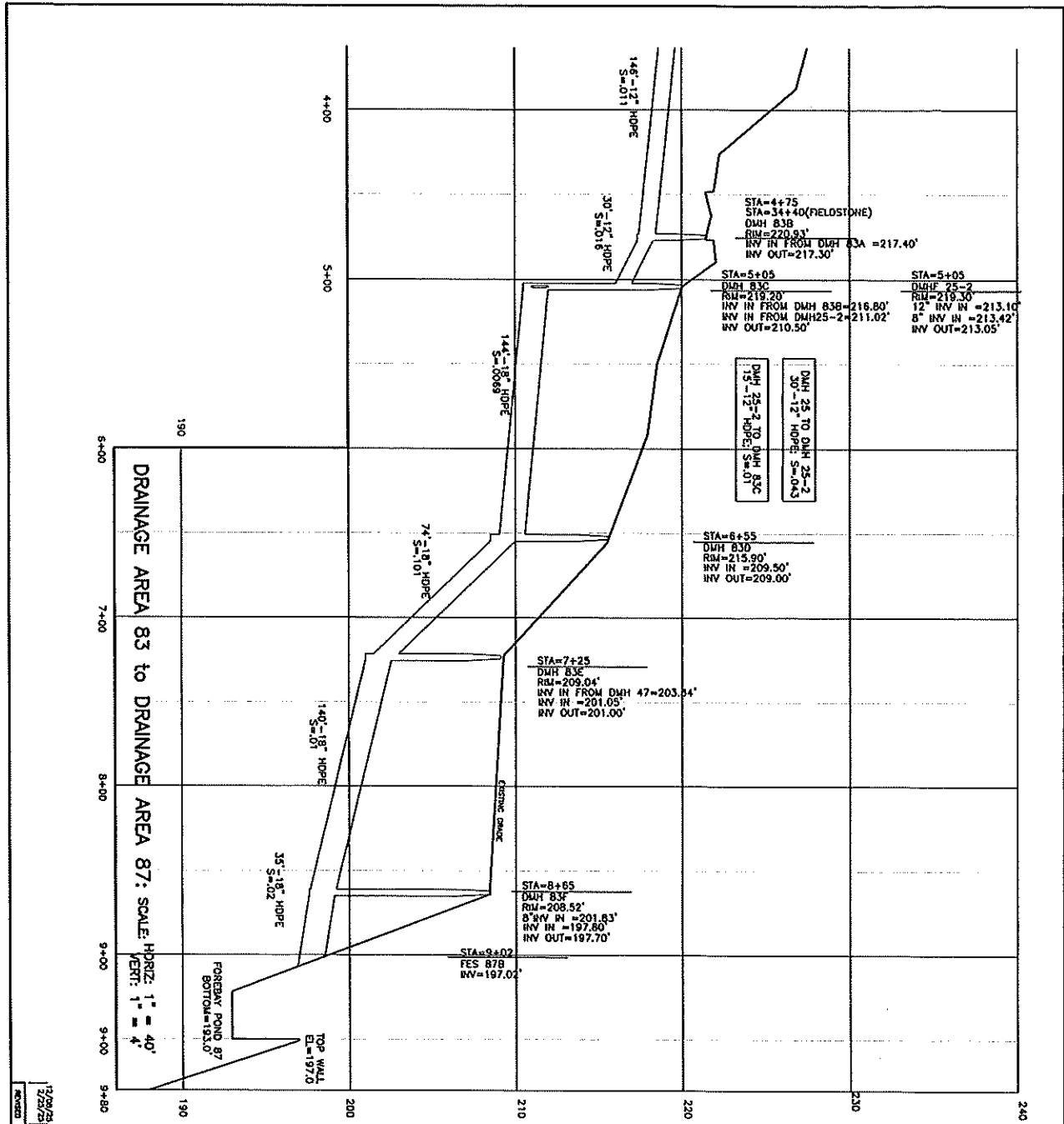
**SUMNER FARMS**  
**AS BUILT PLAN**  
 FIELDSTONE/HEMLOCK LANE  
 BILERICA, MA

**DRAINAGE PROFILES**

SCALE: 1" = 40'  
 1" = 40'  
 1" = 40'

DATE: NOVEMBER 7, 2023

**Dresser, Williams & Woy, Inc.**  
 572 BOSTON RD. - UNIT 5, BILERICA, MA 01821  
 TEL: 978-261-1111 FAX: 978-261-1112  
 WWW.DRESSERWILLIAMSWOY.COM



1/26/23  
1/23/23  
REVISION  
OWNER/ARCHITECT  
ENGINEER  
204 ANDOVER ROAD  
BILLERICA, MA 01821



SUNNER FARMS  
AS BUILT PLAN  
FIELDSTONE/HEMLOCK LANE  
BILLERICA, MA

DRAINAGE PROFILES

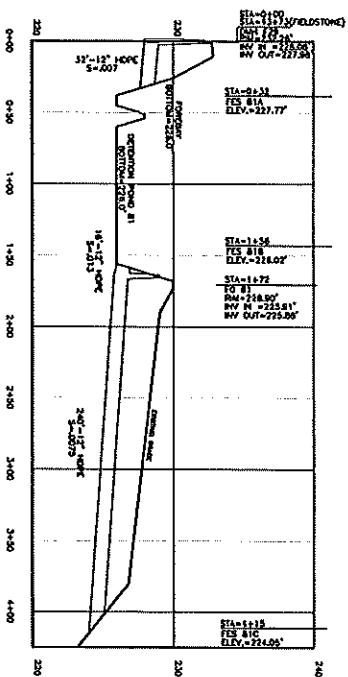
SCALE: 1"=40'  
OCTOBER 3, 2014

Dresser, Williams & Woy, Inc.  
572 BOSTON RD. - UNIT 5 BILLERICA, MA

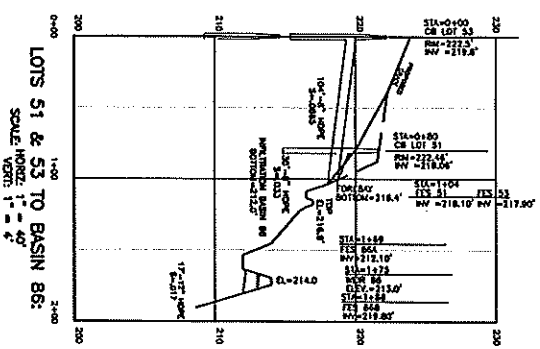
1/26/23  
1/23/23  
REVISION  
OWNER/ARCHITECT  
ENGINEER  
204 ANDOVER ROAD  
BILLERICA, MA 01821

SHEET 20 OF 23

JOB NO. 4430



DRAINAGE AREA 81: SCALE: HORIZ: 1" = 40' VERT: 1" = 4'



LOTS 51 & 53 TO BASIN 86: SCALE: HORIZ: 1" = 40' VERT: 1" = 4'

OWNER/APPLICANT:  
 EQUIPARD WOODS  
 204 ANDOVER ROAD  
 BILLERICA, MA 01821

REVISIONS:  
 12/08/23  
 2/29/23

REVISIONS:  
 REVISIONS

RECORDS:  
 SHEET 21 OF 23

SUNNER FARMS  
 AS BUILT PLAN  
 FIELDSTONE/HEMLOCK LANE  
 BILLERICA, MA

DRAINAGE PROFILES

NOVEMBER 7, 2023

Dresser Williams & Woy, Inc.  
 572 BOSTON RD. - UNIT 5  
 BILLERICA, MA

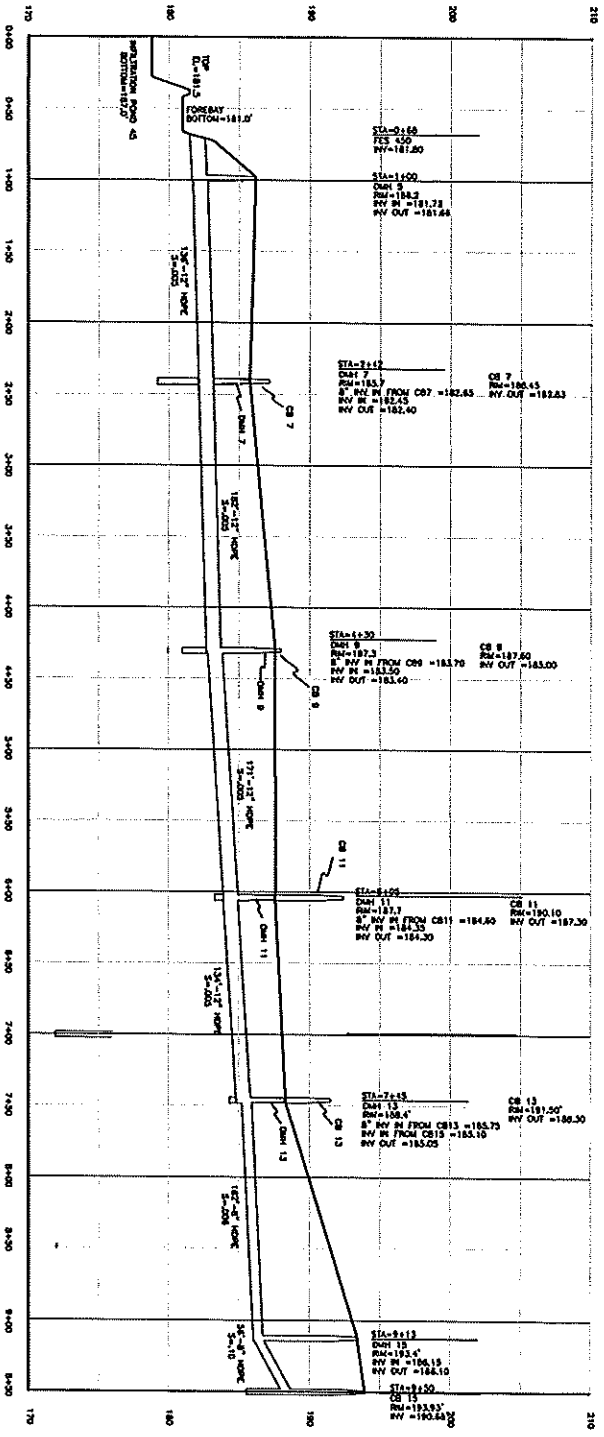
SCALE: 1" = 40'

100'

0'

100'

DRAINAGE LOT 15 TO BASIN 45; SCALE: HORIZ. 1" = 40'



OWNER/APPLICANT  
 GEORGE WOODS  
 204 ANDOVER ROAD  
 BILERICA, MA 01821

DATE  
 12/26/73  
 2/23/75

REVISIONS  
 REVISIONS  
 COMMENTS

SHEET 22 OF 23

SUMNER FARMS  
 AS BUILT PLAN  
 FIELDSTONE/HEMLOCK LANE  
 BILERICA, MA

DRAINAGE PLAN AND PROFILES - DRAINAGERS

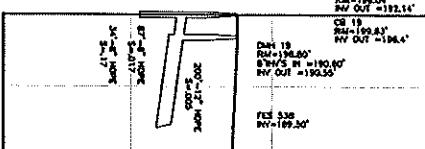
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NOVEMBER 7, 2003

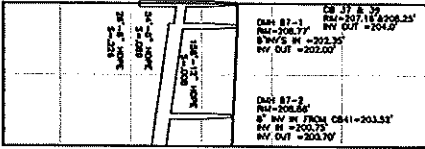
Dresser, Williams & Woy, Inc.  
 572 BOSTON RD. - UNIT 5, BILERICA, MA



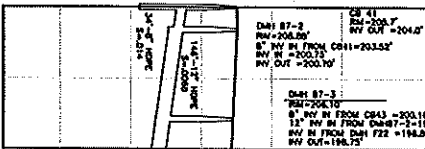
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NOT TO SCALE



LOT 17-19  
NOT TO SCALE



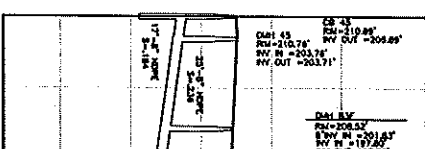
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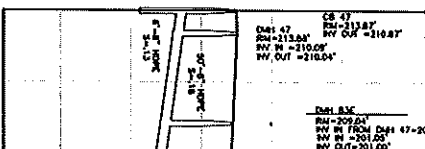
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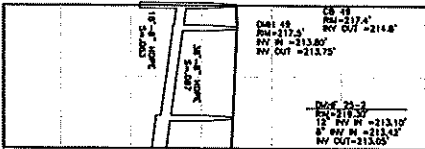
LOT 43  
NOT TO SCALE



LOT 45  
NOT TO SCALE



LOT 47  
NOT TO SCALE



LOT 49  
NOT TO SCALE



OWNER/ARCHITECT  
BETHWOOD HOMES  
254 ARDEN ROAD  
BILLERICA, MA 01821

12/29/23  
12/29/23  
REVISION  
OWNER COMMENTS  
CONSULTANTS  
SHEET 23 OF 23

**SUNNER FARMS**

**AS BUILT PLAN**

**FIELDSTONE/HEMLOCK LANE**

**BILLERICA, MA**

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DRAINAGE PROFILES - DRINGMANS

SCALE: 1"=40'

NOVEMBER 7, 2023

**Dresser, Williams & Woy, Inc.**

572 BOSTON RD. - UNIT 5  
BILLERICA, MA 01821

# EXHIBIT E

16



SUMNER FARMS HOMEOWNERS TRUST

Bk: 31234 Pg: 209 Page: 1 of 16  
Recorded: 08/26/2017 01:36 PM

This DECLARATION OF TRUST is made this 26<sup>th</sup> day of June 2017, by Bedford Woods Development, LLC through its Members: Robert Murphy, William Cooke and Raymond Cooke (hereinafter called the "Trustees", which term and any pronoun referring thereto shall be deemed to included successors in trust hereunder and to mean the Trustee or the Trustees for the time being hereunder, wherever the context so permits), the owner of certain land located in Billerica, County of Middlesex, MA as more fully described on a plan entitled "Definitive Subdivision Plan 'Sumner Farms', Billerica, MA" recorded at the Middlesex North District Registry of Deeds (said Plan recorded herewith) and further described in deeds recorded in the Middlesex North District Registry of Deeds at Book 27810, Page 37 and 28219, Page 242.

The purpose of this Homeowners Trust is to impose upon the Trustees the following responsibilities until such time as the ways within the Sumner Farms Subdivision become the legal responsibility of others, for the common benefit and use of the sixty (60) lot owners within the Sumner Farms Subdivision, subject to the Rules and Regulations as the Trustees shall from time to time promulgate:

1. To insure compliance with and carry out all terms and conditions of the Stormwater Management Maintenance Manual attached hereto.
2. To insure compliance with and carry out all terms and conditions set forth in an Order of Conditions issued by the Billerica Conservation Commission recorded in the Middlesex North District Registry of Deeds at Book 30119, Page 265; and

3. To insure compliance with and carry out all terms and conditions set forth in Board of Health Certificate of Decision recorded in the Middlesex North District Registry of Deeds at Book30021, Page 91.

*ARTICLE I*

The Managing Members of Bedford Woods Development, LLC, agree to temporarily serve as Trustees of the Sumner Farms Homeowners Trust hereunder until the "Takeover Event" as more fully defined in Article III below. Said Managing Members are Robert Murphy, William Cooke and Raymond Cooke.

*ARTICLE II*

*Section 2.1* The beneficiaries of this Trust shall be the owners of Lots 1 through 60 of the Sumner Farms Subdivision and their successor and assigns. Consistent with Section 2.4 below, a person shall become a beneficiary automatically upon becoming a Lot Owner and shall cease to be a beneficiary automatically upon ceasing to be such an Owner. By acceptance of a deed to said lots, the Lot Owners agree to be bound by all of the terms of this Trust and the Rules and Regulations promulgated herein.

*Section 2.2.* The beneficial interest in the Trust shall be divided among the owners of said lots with each owner having a one-sixtieth (1/60) undivided interest in this Trust. .

*Section 2.3.* The Beneficial interest appertaining to each lot shall be held and exercised as a unit and shall not be divided among several owners of any said lot. To that end, whenever any of the lots of record are owned by more than one person, the several owners of said lots shall (a) determine and designate which one of such owners shall be authorized and entitled to cast votes, execute instruments and otherwise exercise the

rights appertaining to such lot hereunder, and (b) notify the Trustees of such designation by a notice in writing signed by all the record owners of said lot. Any such designation shall take effect upon receipt of the notice thereof by the Trustees and may be changed at any time and from time to time by notice as aforesaid. In the absence of such notice of designation, the Trustees may designate any said owner for such proposes.

*Section 2.4.* The undivided beneficial interest in this Trust appertaining to each lot shall not be separated from ownership of the lot and shall be deemed conveyed or encumbered with the lot even though such interest is not expressly mentioned or fully described in the conveyance or other instrument.

*Section 2.5.* It is hereby expressly declared that a Trust, and not a general partnership, limited partnership, joint venture or other association, has been created by this instrument and that the Lot Owners are the Beneficiaries, and not partners or associates between themselves with respect to the Trust property, and hold no relation to the Trustees other than Beneficiaries, with only such rights as are conferred upon them as such Beneficiaries hereunder.

### *ARTICLE III – TRUSTEES*

#### *Section 3.1. Successor Trustees*

Until the "Takeover Event," the Trustees shall be able to appoint any successor Trustee and during this period the Trustees may consist of as few as one. The "Takeover Event" shall occur at the earlier of (a) 60 days after the sale of the sixtieth (60<sup>th</sup>) lot of the Sumner Farms Subdivision, or (b) three years from the recording of this Trust, whichever shall first occur. Within thirty (30) days prior to the "Takeover Event", the Trustee(s)

shall call the first meeting of the Association for the purpose of the election of Successor Trustee(s).

Thereafter, there shall be a least one Trustee, but not more than three Trustees being elected by a vote of the Lot Owners holding not less than fifty-one percent (51%) of the beneficial interest hereunder. The Trustees after the "Takeover Event" shall at all times be Lot Owners. If, and whenever, there is a vacancy in the office of Trustee, such vacancy shall be filled by a vote of the Lot Owners as aforesaid. Each vote of the Lot Owners appointing a Trustee or Trustees shall be evidenced by an instrument signed in writing by the Clerk of the Trustees that the Lot Owners holding no less than fifty-one percent (51%) of the beneficial interest hereunder, and the appointment of the Trustee or Trustees shall become effective upon the recording of said instrument, signed and acknowledged by the person(s) so appointed Trustee(s) with the Middlesex North District Registry of Deeds Land Registration Office (hereinafter "Registry of Deeds"). Upon the appointment of any succeeding Trustee, such succeeding Trustee shall have the rights, powers, authority and privileges as if named as an original Trustee hereunder.

*Section 3.2. Resignation or Removal of Trustees*

Any Trustee may resign or be discharged from the Trust hereof at anytime by an instrument in writing signed and acknowledged in the manner required in Massachusetts for acknowledgment of deeds, and such resignation shall take effect upon the recording of such instrument with the Registry of Deeds. By a vote of the Lot Owners holding not less than fifty-one percent (51%) of the beneficial interest hereunder, any Trustee (except Trustee before the "Takeover Event") may be removed with or without cause, and the vacancy among the Trustees caused by such removal shall be filled in the manner

provided in Section 3.1 above. Such removal shall become effective upon the recording with the Registry of Deeds of a Certificate of Removal signed by the Clerk of the Trustees.

*Section 3.3. No Bond Required*

No Trustee named or appointed as hereinbefore provided, whether as original Trustee or as a successor to or a substitute for another, shall be obliged to give any bond or other security for the performance of any of his or her duties hereunder, except if by a majority vote at a duly called Lot Owners meeting, said Trustee(s) are required to be bonded, they shall immediately do so, with said cost being a Common Expense.

*Section 3.4. Meeting of Trustees*

Meetings of the Trustees may be called by any Trustee or in such other manner as the Trustee(s) may establish: provided, however, that notice of each such meeting, stating the place, day and hour thereof shall be given at least three (3) days before such meeting of each trustee, unless notice shall be waived in writing either before or after the meeting by those Trustees not so receiving it. A majority of the number of Trustees, or a single Trustee, if there be only one, then in office shall constitute a quorum at all meetings of Trustee. Unless otherwise provided by the Trustees, all action by the Trustees shall be by a majority vote of a quorum thereof. Any action required or permitted to be taken at any meeting of the Trustees may be taken without a meeting if all the Trustees consent to the action in writing and the written consents are filed with the records of the meetings of Trustees.

*Section 3.5. Meeting of Lot Owners*

Meetings of the Lot Owners may be called at any time by the Trustees and shall be called by them upon the written request of Lot Owners holding more than thirty-three percent (33%) of the beneficial interest hereunder. Written notice of any such meeting designating the place, day and hour thereof shall be given by the Trustees to the Lot Owners at least seven (7) days prior to the date so designated. Whenever the Trustees deem it necessary or appropriate, the notices sent to Lot Owners shall specify the matters to be discussed at said meeting. Meetings of Lot Owners shall be conducted in accordance with such rules as the Lot Owners may adopt.

*Section 3.6. Trustee Remuneration*

No Trustee shall receive remuneration for his or her services unless he or she shall be appointed as Manager in accordance with the provisions of ARTICLE VI below; provided, however, that if approved by a vote of the Lot Owners holding no less than fifty-one (51%) percent of the beneficial interest hereunder, a Trustee may receive reasonable remuneration for extraordinary or unusual service, legal or otherwise, rendered by him in connection with the Trust hereof.

*Section 3.7. Limitation on Disqualification of Trustee Dealing.*

No Trustee shall be disqualified by his office from contracting or dealing with the Trustees or with one or more Lot Owners as vendor, purchaser or otherwise, nor shall any such dealings, contract or arrangement entered into with respect to this Trust in which any Trustee shall be in any way interested be avoided nor shall any Trustee so dealing or contracting or being so interested be liable to account for any profit realized by any such dealing, contract or arrangement by reason of which Trustee's holding office or of the

fiduciary relation hereby established, provided the Trustee shall act in good faith and shall disclose the nature of his interest before the dealing, contract or arrangement is entered into.

*Section 3.8. Limitation of Trustee's Liability*

No Trustee shall be liable to the Trust or to any Trustee for any act or omission of any other Trustee, officer or agent of the trust or be held to any personal liability whatsoever in tort, contract or otherwise in connection with the affairs of this Trust except only that arising from his own willful malfeasance, bad faith, gross negligence, or reckless disregard of duty.

*Section 3.9. Indemnification of Trustee's Liability*

Any Trustee made a party to any action, suit or proceeding or against whom a claim or liability is asserted by reason of the fact that he, his testator or intestate was or is a Trustee of the Trust or active in such capacity on behalf of the Trust shall be indemnified and held harmless by the trust against judgments, fines, amounts paid on account thereof (whether in settlement or otherwise) and reasonable expenses, including attorney's fees, actually and reasonably incurred by him in connection with the defense of such action, suit, proceeding, claim or alleged liability or in connection with any appeal therein, whether or not the same proceeds to judgment or is settled or otherwise brought to a conclusion; provided, however, that no such Trustee shall be so indemnified or reimbursed for any claim, obligation or liability which arose out of the Trustee's willful malfeasance, bad faith, gross negligence or reckless disregard of duty, and provided further, that such Trustee gives prompt notice thereof, executes such documents and takes such action as will permit the Trust to conduct the defense or settlement thereof and

cooperates therein. The cost of such indemnification shall be charged to all the Lot Owners as Common Expense. The rights accruing to any Trustee under these provisions shall not exclude any other right to which he may be lawfully entitled.

*ARTICLE IV – DUTIES AND POWERS OF TRUSTEES*

*Section 4.1. General Duties*

The Trustees shall have the duty of performing all tasks set forth in the attached Stormwater Management Maintenance Manual, the Order of Conditions and the Board of Health Certificate of Decision, until such time as the ways within the Sumner Farms Subdivision become the legal responsibility of others and to that end shall have, hereinafter specified, the following powers:

(i) To appoint and remove at pleasure all officers, agents and employees of the Trust, prescribe their duties, fix their compensation, and require of them such security or fidelity bond(s) as they may deem expedient. Nothing contained in this Trust shall be construed to prohibit the employment of any Lot Owner or Trustee in any capacity whatsoever.

(ii) To establish, levy and assess, and collect general and special assessments for common expenses referred to in Article VI hereof and the Trustees shall have the duty to take such action as they deem reasonably required under the circumstances to collection from lot owners who fail to pay such assessments within thirty (30) days of the due date or within such shorter period of time as may be determined by the Trustees, including without thereby limiting the generality of the foregoing, the commencement of legal action.

(iii) To do all things necessary to carry out the Stormwater Management Maintenance Manual Plan, the Order of Conditions issued by the Billerica Conservation Commission and the Board of Health Certificate of Decision.

(iv) To obtain all policies of insurance required by this Trust and such other insurance as may be required by law or as the Trustees may from time to time determine.

(v) To obtain any legal, accounting, administrative and other services deemed advisable by the Trustees, to whom the Trustees may delegate certain of their powers and duties. The Trustees shall be entitled to rely upon the advice and counsel of attorneys, accountants and other advisors hired by them and shall be protected in so doing.

(vi) To adopt, amend, modify and rescind from time to time and enforce rules and regulations governing the use of the subdivision roadways and their appurtenant drainage facilities and the personal conduct of the Lot Owners, their customers, clients and tenants thereon. These rules and regulations shall be binding upon all Lot Owners unless and until they shall be modified or rescinded by vote of the Lot Owners holding no less than fifty-one percent (51%) of the beneficial interest in the Trust.

(vii) To cause to be kept a complete record of all its acts and the affairs of the Trust and to present a statement thereof to the Lot Owners at the annual meeting of the lot owners.

(viii) To purchase, or otherwise acquire title to or an interest in, sell, and otherwise maintain, manage, hold, use, encumber, convey and dispose of any property, real or personal, tangible or intangible, in the course of their administration and management of this Trust.

(ix) To open and maintain bank accounts, and to authorize the drawing of

checks and other financial instruments, and to keep a full and complete record of all financial transactions for Lot Owners and to prepare periodic financial reports and accountings as may be reasonably required by the Lot Owners.

(x) To borrow or in any other manner raise such sum or sums of money or other property as it shall deem advisable in any manner and on any terms, and to evidence the same by notes, bonds, securities or other evidence of indebtedness, which may mature at time or times, and subject to any limitations imposed by law, mortgage, pledge, or other instrument to secure any such borrowing; provided, however, that the Trustees shall have no authority to bind the Lot Owners personally.

(xi) To establish committees from among the Lot Owners, define their powers and duties, and appoint and remove their members.

(xii) To sign, seal, acknowledge, deliver and register in any one or more public Offices or places or registering all such instruments and documents as the Trustees shall deem necessary or desirable in the exercise of their powers and the discharge of their duties.

(xiii) To assess the cost of repair and/or replacement to any Lot Owner causing damage to or an obstruction of the subdivision roadways and their appurtenant drainage facilities.

(xiv) To take such steps, including the expenditure of funds, to protect and preserve the subdivision roadways and their appurtenant drainage facilities.

(xv) To be responsible for and/or employee qualified entities to carry out and perform the inspection and maintenance schedules required under the attached

Stormwater Management Maintenance Manual and the proper recording in the records of the Trust of all actions taken with respect to same.

***ARTICLE V – APPOINTMENT OF A MANAGER***

The original Trustees or a majority of the successor Trustees may recommend to the Lot Owners that a Manager be hired to manage and maintain all tasks set forth in the attached Operations & Maintenance Manual upon such recommendation, state the proposed terms of employment and the costs thereof. If approved by Lot Owners holding no less than seventy-five (75%) percent of the beneficial interest hereunder, such Manager shall be hired upon the terms proposed and approved, and the cost of his services shall be charged to all the Lot Owners as a Common Expense.

***ARTICLE VI – ASSESSMENT FOR COMMON EXPENSES***

*Section 6.1.* By becoming beneficiaries of this Trust, all owners of the lots as more fully set forth above, agree to pay the Common Expenses of the Trust until the Town of Billerica accepts the subdivision roadways and their appurtenant drainage facilities. These expenses shall be assessed against each Lot Owner in proportion to his beneficial interest in the Trust and shall be payable within thirty (30) days. Interest on amounts remaining unpaid after thirty (30) days shall accrue at the rate of 18% per annum. The Lot Owner shall also be responsible for all attorneys' fees and costs in any action to collect past due Common Expenses.

THE DEVELOPER WILL NOT BE RESPONSIBLE FOR ITS PRO-RATA SHARE OF COMMON EXPENSES UNTIL THE TAKEOVER EVENT.

NOTWITHSTANDING THE ABOVE, FOLLOWING THE TAKEOVER EVENT THE DEVELOPER WILL NOT BE RESPONSIBLE FOR THE COMMON EXPENSES FOR ANY LOT THAT IS NOT SOLD.

NOTWITHSTANDING THE ABOVE, THE DEVELOPER WILL NOT BE RESPONSIBLE FOR THE COMMON EXPENSES FOR ANY LOT THAT IS DEEMED TO BE NOT BUILDABLE.

The Trustees shall in their discretion, prior to the commencement of each fiscal year of the Trust, estimate the Common Expenses to be incurred by the Trust during the forthcoming fiscal year and assess each Lot Owner as aforesaid for such estimated expenses. In the event the actual Common Expenses incurred by the Trust exceed such estimated expenses, supplemental assessments may be made by the Trustee(s) as aforesaid. THAT PORTION OF A LOT OWNER'S SHARE OF THE COMMON EXPENSES REMAINING UNPAID THIRTY (30) DAYS AFTER THE DATE STIPULATED FOR PAYMENT THEREOF, ALONG WITH ANY INTEREST AND COSTS ACCRUING THEREON, SHALL CONSTITUTE A LIEN UPON HIS/HER LOT AND ALL IMPROVEMENTS THEREON. This lien shall take effect without the necessity of recording a notice thereof with the Registry of Deeds and shall be binding on all subsequent owners. At the end of each fiscal year of the Trust, the Trustee(s) shall render a written account to each Lot Owner of the receipts of and disbursements made by the Trust during said year. Upon request, the Trustees shall issue a certificate that no lien for Common Expenses exists on any specified lot in a form recordable at the Registry of Deeds.

*Section 6.2. Foreclosure of Liens and Subordination to Mortgages*

The liens provided for in Article VI, Section 6.1 above may be enforced in case of non-payment when due, by sale of the premises subject thereto, in the manner provided by law for the foreclosure of mortgages containing a power of sale, provided that notice of the commencement of such proceedings or an affidavit of such sale, is filed or recorded in said Registry within two years of the date on which payment is due.

The liens provided for herein shall be subordinate to the lien of any mortgage given by the owner of any such lot to any bank or other lending institution; provided, however, that any such mortgagee when in possession and any purchaser at any foreclosure sale, and all persons claiming under them, shall hold such lot subject to the obligations and liens set forth in Article VI, Section 6.1 which have accrued after sale or possession.

*Section 6.3. Reserve Funds*

The Trustees shall, to the extent they deem advisable, set aside Common funds for reserve or contingent liabilities, and may use the funds so set aside for reduction of indebtedness or other lawful capital purposes, and said funds so set aside shall not be deemed to be common profits available for distribution.

An initial funding of the Common Expense Fund shall be made at the time of closing and each Lot Owner shall pay into such fund a sum equal to the balance of any Estimated Common Expenses from the date of closing through and including the remainder of the then current fiscal year.

***ARTICLE VII – RIGHTS AND OBLIGATIONS OF THIRD PARTIES  
DEALING WITH TRUSTEES***

*Section 7.1.* Any contract, conveyance or other instrument signed by the original Trustees or a majority of the Successor Trustees shall be conclusive evidence in

favor of every person relying thereon or claiming there under that at the time of delivery thereof the execution and delivery of that instrument was duly authorized by all the Trustees. No person shall be bound to inquire concerning the validity of any such instrument thus purported to be made by the Trustees nor be liable to see to the application of any monies paid.

*Section 7.2.* No recourse shall at any time be had under or upon any note, bond, contract, covenant, or Agreement whether oral or written, made, issued, or executed by the Trustees, or against any such agent or employee, or against any beneficiary, either directly or indirectly, by legal or equitable proceeding, or by virtue of any suit or otherwise, and all persons extending credit to, contracting with or having any claim against the Trustees, shall look only to the Trust property for payment under such contract or claim or for the payment of any debt, damage, judgment or decree, or of any money that may otherwise become due or payable to them from the Trustees nor the beneficiaries, present or future, shall be personally liable therefore.

*Section 7.3.* Every note, bond, contract, order, instrument, certificate, undertaking, obligation, covenant or agreement whether oral or written, made, issued, or executed by the Trustees, or by any agent or employee of the Trustees, shall be deemed to have been entered into subject to the terms, conditions, provisions and restrictions hereof, whether or not express reference shall have been made to this instrument.

#### ***ARTICLE VIII – NOTICE TO LOT OWNERS***

Every notice to a Lot Owner required under the provisions hereof or other communication which may be deemed by the Trustees to be necessary or desirable in connection with the execution of this Trust or which may be ordered in any judicial

proceeding shall be deemed sufficient and binding if a written or printed copy of such notice or communication shall be given by one or more of the Trustees to such Lot Owner by leaving said notice or mailing it postage prepaid and addressed to such Lot Owner at his/her address in the subdivision or at such other address or shall appear on the records of the Trustees.

#### *ARTICLE IX – BANKING*

The Trustees shall constitute as a depository for Trust funds, such bank or trust company as the Trustees shall from time to time select. Checks, notes, drafts and other instruments for the payment of money drawn or endorsed in the names of the Trustees or of the Trust may be signed by any two (2) Trustees or by one Trustee if there is only one, or by any Manager to whom such power at any time or from time to time be delegated by not less than a majority of the Trustees.

#### *ARTICLE X – FISCAL YEAR*

The fiscal year of the Trust shall be the year ending with the last day of December or such other date as may from time to time be determined by the Trustees.

This Trust may be amended from time to time by an instrument in writing signed by Lot Owners holding at least two-thirds (2/3) of the beneficial interest there under, provided, however, that no amendment shall be made to this Article and Articles I, II and VI, and provided further that no amendment shall (a) abridge the limitation on Trustee liability or a Trustee's right to indemnification hereunder, or (b) provide that any Lot Owner action may be taken by a vote of Lot Owners holding less than fifty-one (51%) percent of the beneficial interest hereunder, or that improvements, the cost of which are to be charged as a Common Expense, be authorized by a vote of Lot Owners holding less

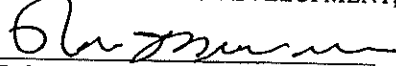
than seventy-five (75%) percent of the beneficial interest hereunder. Amendments to this Trust shall not take effect until the instrument of amendment shall be recorded in the Registry of Deeds.

*ARTICLE XI – TERMINATION*

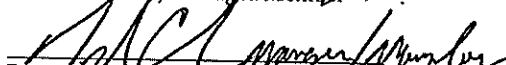
This Trust shall terminate automatically when the legal responsibilities set forth in the Stormwater Management Maintenance Manual, the Order of Conditions and the Board of Health Certificate of Decision become the legal responsibilities of another.

IN WITNESS WHEREOF, the said BEDFORD WOODS DEVELOPMENT, LLC, has hereunto set his hand and seal this 26<sup>th</sup> day of June 2017.

BEDFORD WOODS DEVELOPMENT, LLC

  
Robert Murphy, Manager/Member

  
William Cooke, Manager/Member

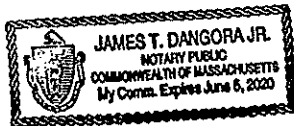
  
Raymond Cooke, Manager/Member

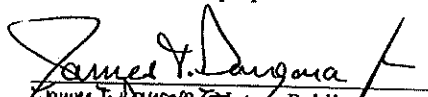
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

6/26/17, 2017

On this 26<sup>th</sup> day of June 2017, before me, the undersigned notary public, personally appeared Robert Murphy, William Cooke and Raymond Cooke, Managers/Members of Bedford Wood Development, LLC, all known to me personally to the persons whose names are signed on the preceding or attached document and acknowledges to me that they signed it voluntarily for its stated purpose.



  
James T. Dangora Jr., Notary Public  
My Commission expires: 6/5/20