

Richard Benevento
Zoning Board of Appeals
Town of Middleton
195 N Main Street
Middleton, MA 01949

December 7, 2023

Ref. T1404

Re: 10 Boston Street, Middleton, MA
40B Comprehensive Permit Application
Civil Engineering Peer Review #3

Dear Mr. Benevento:

On behalf of the Town of Middleton, TEC, Inc. (TEC) has performed an additional civil engineering peer review for the proposed Chapter 40B multi-family residential development at 10 Boston Street (Route 62), Middleton, Massachusetts. The proposed project includes the construction of sixty (60) single-family rental units in a single, four-story multi-family building. Villebridge Development LLC (the “Applicant”) submitted the following documents which TEC reviewed for conformance with the Town’s Zoning and Stormwater Bylaws, Massachusetts Stormwater Standards, and generally accepted industry standards:

- *Landscape Permit Submission Set*; prepared by Hawk Design, Inc.; dated August 22, 2023, revised November 9, 2023.
- *Illustrative Site Plan Rendering Sheet*; prepared by Hawk Design, Inc.; dated August 22, 2023, revised November 9, 2023.

For consistency, the outstanding original comment numbers have been retained from the most recent civil engineering peer review letter prepared by TEC, dated November 9, 2023. No written response to comments was received from the Applicant for this additional peer review. TEC’s original comments are shown in regular font, the Applicant’s responses are shown in *italics*, and TEC’s supplemental comments are shown in **bold**. Comments were removed if they were previously deemed to be satisfied and/or deferred to the appropriate party of interest.

Upon review of the documents, TEC compiled the following comments for the Board’s consideration:

CIVIL ENGINEERING SITE PLAN REVIEW:

Revised civil site plan documents were not provided and thus only comments referring to revisions to Landscaping Plans were reviewed. Response/ revisions relative to comments numbered 1-3, 5, 7-15, 20, 22, 24-29, 31-34, 37 and 38 remain outstanding.

16. TEC 10.12.23: Proposed lighting is indicated on the provided landscape plans, however no photometrics are provided to ensure no light spillage/pollution and conformance with local regulations.

Hancock 10.17.23: A photometric plan will be supplied to the Board by the Landscape Architect by mid-November. We hope this will provide sufficient time for peer review before the December meeting at which landscaping is scheduled to be reviewed.

TEC 11.9.23: Acknowledged. TEC anticipates the comment will be addressed upon review of forthcoming revised documents.

TEC 12.7.23: Comment addressed. Applicant has provided photometrics on the revised lighting plan. The plan does show some light spillage proposed onto Lot 3 to the south via (2) P3 light poles, however TEC understands this area is intended to remain a common parking area for the development of Lots 2 and 3, therefore the spillage would not negatively affect the abutting property. It does appear however, that the (2) light poles providing coverage of this area as shown are proposed to be located on Lot 3 rather than Lot 2. The applicant should confirm the location and if the installation and operation of these light poles will require a cross utility easement over Lot 3. TEC defers to the Board. No further comment.

17. TEC 10.12.23: Lighting plan shows proposed light pole within infiltration system "1P", details on how that would be constructed should be provided.

Hancock 10.17.23: The system can be interrupted with the use of intermittent end caps. Details will be provided to the Board with the next plan submission.

TEC 11.9.23: Acknowledged. TEC anticipates the comment will be addressed upon review of forthcoming revised documents.

TEC 12.7.23: Comment remains. TEC anticipates the detail will be provided within forthcoming revised civil site plans.

18. TEC 10.12.23: The landscape plan shows a proposed tree within infiltration system "2P." There is also a proposed tree at the southwest corner of the site that is proximate to a proposed area drain and pipe connection.

Hancock 10.17.23: The tree locations will be adjusted to avoid the infiltration system by the Landscape Architect by mid-November. We hope this will provide sufficient time for peer review before the December meeting at which landscaping is scheduled to be reviewed.

TEC 11.9.23: Acknowledged. TEC anticipates the comment will be addressed upon review of forthcoming revised documents.

TEC 12.7.23: Comment partially addressed. The tree previously proposed within the infiltration system has been relocated 7.5' outside of the footprint of the system, however the Landscape Architect should confirm the location is suitable for the proposed "Bloodgood London Planetree" species. Research suggests this species of tree is capable of growing outwards to a canopy width of 50'-70' and can have an aggressive, wide root system. At only 7.5' away, will the roots eventually seek out, invade, and potentially damage the infiltration system designed to periodically hold water, especially with impervious surfaces located on the opposite side of the tree? This comment could also be applicable to several other trees proposed within 20' of

both subsurface infiltration systems as well as within 10' of the proposed septic system leach field. TEC defers to the Board and Landscape Architect. No further comment.

19. TEC 10.12.23: The landscape plan proposes plantings within the Boston Street right-of-way adjacent to the proposed entry sign. With regards to ownership of on-going landscape maintenance, TEC suggests proposed landscaping remain outside the public right-of-way.

Hancock 10.17.23: The planting locations will be adjusted to have all planting within the lot.

TEC 11.9.23: Acknowledged. TEC anticipates the comment will be addressed upon review of forthcoming revised documents.

TEC 12.7.23: Addressed, landscaping has been removed from the public right-of-way on the revised landscaping plans. No further comment.

29. The Applicant shall define the location of resident bicycle storage including weather-protection and security.

Hancock: Outdoor, open-air bike racks will be added to the plans and submitted to the Zoning Board with the next plan submission.

TEC: Acknowledged. TEC anticipates the comment will be addressed upon review of forthcoming revised documents.

TEC 12.7.23: The revised landscaping plans and rendering do not appear to depict any bicycle parking/ storage. TEC anticipates the comment will be addressed upon review of forthcoming revised civil site plans.

40. TEC 12.7.23: A pet park is proposed within the footprint of subsurface infiltration system "1P". Applicant should address the potential for migration of waste into the stormwater system and potential overflow to downstream stormwater networks and eventual resource areas. Dog waste is high in nitrogen and phosphorus. It also appears downstream resource areas in the watershed are on the MassDEP Integrated List of Waters and currently are assessed as impaired due to E. Coli and Fecal Coliform. TEC recommends the applicant should, at the very least, enact guidelines for pet owners to pick up pet waste and should incorporate appropriate signage, disposal bag or scoop stations, disposal receptacles, etc. as part of the park design. TEC defers to the Board.

Please do not hesitate to contact me directly if you have any questions concerning our comments at 774-670-3569. Thank you for your attention to these matters.

Respectfully,
TEC, Inc.
"The Engineering Corporation"



Jared M. Duval, P.E.
Worcester Regional Director

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December 7, 2023

Richard Benevento
Zoning Board of Appeals
Town of Middleton
195 N Main Street
Middleton, MA 01949

Re: 10 Boston Street, Middleton, MA
40B Comprehensive Permit Application
2nd Supplemental Response to Civil Engineering and Traffic Engineering Peer Review #1

Dear Mr. Benevento:

Hancock Associates is pleased to offer the following 2nd supplemental correspondence in response to the Peer Review memorandum from TEC dated October 12, 2023.

Civil Engineering Site Plan Review

1. Plans as submitted are labeled as "Preliminary", and in the opinion of TEC, do not provide sufficient detail to determine adequacy of the site and stormwater design.

Response: We have advanced with drawings with additional detail and requesting along with supporting information.

2. A waiver has been requested for the requirements of Section 9.5 of the Middleton Zoning Bylaws, "Site Plan Review". The plans as submitted do not meet the following requirements:
 - a) Plans shall be submitted on twenty-four-by-thirty-six-inches sheets whereas the plans currently are thirty-by-forty-two-inches. TEC defers to the Board.

Response: We feel the larger sheets allow for ease of review at an appropriate scale without having to break the site into separate sheets.

- b) Plans should provide a locus plan at a scale of one-inch equals to 100 feet, showing the entire project and its relation to existing areas, buildings, and roads for a distance of 1,000 feet from the project boundaries.

Response: The requested 100-scale Locus Plan is included with this submittal.

- c) Plans should indicate snow storage areas.

Response: Snow storage areas have been added to Sheet C-1.

3. A waiver for maximum building height is requested. The allowable height is 35ft (3 stories) – the applicant's proposed building height is 42ft (3 stories). TEC defers to the Board.
4. Per the MA Stormwater BMP Handbook, a minimum of (2) test pits should be conducted within the footprint of each subsurface infiltration system. Several test pits are shown on the plans, however none appear to have been conducted within the footprint of the (2) proposed infiltration systems. Additional test pits in the footprint of the proposed infiltration systems should be conducted to confirm soil classification, infiltration rate, and estimated seasonal high groundwater elevation.

Response: A note has been added to the plans requiring additional soil testing in the areas of the proposed stormwater infiltration systems prior to preparation of Building Permit Plans.

5. (8) test pit locations are indicated on the plans. It appears that test pit results are only provided for (4) test pits. The locations of (2) of the test pits for which results are provided are not indicated on the plans.

Response: The plans have been updated to show just the relevant soil testing locations and logs.

6. The Applicant should provide turning templates showing the ability of fire apparatus to access, circulate, and egress the site through the circulation pattern without leaving the paved surface. This includes a Town of Middleton fire apparatus. The Applicant should coordinate with the Town of Middleton Fire Department for preferred locations of fire lanes (if needed), confirmation of hydrant locations, and sign requirements for fire lanes within the site. TEC defers to local police and fire.

Response: We have produced a Swept Path Analysis and shared it with the Middleton Fire Department. This plan is attached to complete the Zoning Board record.

7. The site layout plans indicate trash will be stored inside the building and trash pickup access will be through the south side of the building from the adjacent parking lot of "Lot 3". Grading of this access should be confirmed as it appears the first 20' of the access path will be greater than 20% until the parking lot is regraded/reconstructed on "Lot 3". The Applicant should provide turning templates showing the ability of dump trucks to access, circulate, and egress the site through the circulation pattern without leaving the paved surface while accessing the location of the trash room. Adequate access for trash removal should be incorporated into the development of "Lot 2". Should the refuge truck need to access the trash room from Lot 3 as depicted, and common ownership of "Lot 2"

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and Lot "3" ceases, a cross-access easement may need to be in place to conduct this business.

Response: The Applicant is in the process of preparing the Site Plan Submittal for his abutting retail lot (Lot 3) and expects to be in position to share the development plans with the Board in late December. As the plans for Lot 3 are more fully developed Hancock will generate the requested turning template plan for accessing the Lot 2 trash area.

8. The plan set does not include any construction details.

Response: Preliminary Detail Sheets are included with this submittal.

9. No construction period erosion and sediment controls are indicated on the plans.

Response: A Preliminary Site Preparation & Demolition Plan showing erosion and sediment controls is included with this submittal.

10. No drainage conveyance structure inverts are indicated. No drainage conveyance pipe size, material, length, or slope are indicated. Assuming a minimum of 36" from rim to invert for proposed catch basins to the west of the proposed infiltration systems indicate a potential backflow condition (inverts of catch basins approximately elevation 101.2, 101.5; bottom of chambers elevation 101.5).

Response: Proposed pipe sizes, invert elevations, pipe lengths and slopes have been added to the Preliminary Grading & Drainage Plan. The pipe network was sized for the 25-year storm event per our discussion with the Board at November 16th meeting. Proposed grading of the large parking lot was adjusted accordingly. Refer to the revised Stormwater Report for pipe sizing calculations.

11. The plan set does not provide for details regarding proposed retaining walls. A DMH is proposed in between the retaining walls and detail on the walls should be provided to ensure constructability.

Response: The updated plans submitted herewith remove the eastern walkway/stairway and associated retaining walls.

12. Infiltration system construction details should be provided. Isolator row details should be provided. Infiltration system inlet manholes and manifold details should be provided. The outlet control structure call outs indicate weir elevation but do not indicate orifice size and elevation as included in the HydroCAD model. Outlet control structure details should be provided.

Response: Infiltration system construction details are included in the updated plan set submitted herewith.

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13. Plans indicate a minimum offset from infiltration system to subsurface soil absorption system of 25', assumed to be taken from Title 5 for the setback from SAS to dry wells. Per the MA Stormwater BMP handbook, the offset from infiltration BMPs (basins and trenches) to soil absorption systems is 50'. TEC defers to MassDEP as to the superseding regulation. TEC defers to the local Health Department and MassDEP on septic system design.

Response: The Mounding Analysis has been completed and is submitted herewith.

14. Per the standard Stormtech construction details, a minimum of 18" is required from the top of the chambers to the bottom of pavement for adequate structural integrity under parking areas. The current proposed design indicates approximately 16" from the top of the chambers of infiltration system "1P" to the top of pavement along the western side of the system.

Response: The updated plans included with this submittal show revised grading to meet the 18-inch cover requirement.

15. The applicant proposes connecting the new drainage system to the existing drainage network on "Lot 3" via a proposed utility easement. The existing drainage network on Lot "3" is connected to the existing drainage system within MassDOT jurisdiction on South Main Street (Route 114). A DOT Access Permit may be required for the expanded drainage connection. TEC suggests the applicant and DPW engage MassDOT regarding the proposed expanded drainage system interconnection.

Response: We understand the need for a MassDOT access permit which will require submission of drainage calculations to their satisfaction. We are controlling post development rates to pre-development rates.

16. Proposed lighting is indicated on the provided landscape plans, however no photometrics are provided to ensure no light spillage/pollution and conformance with local regulations.

Response: A photometric plan will be supplied to the Board by the Landscape Architect in January. We hope this will provide sufficient time for peer review before the December meeting at which landscaping is scheduled to be reviewed.

17. Lighting plan shows proposed light pole within infiltration system "1P", details on how that would be constructed should be provided.

Response: The updated plans included with this submittal show the proposed site light pole, and the removal of one (1) infiltration chamber. End caps are shown on the abutting chambers on each side.

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18. The landscape plan shows a proposed tree within infiltration system "2P." There is also a proposed tree at the southwest corner of the site that is proximate to a proposed area drain and pipe connection.

Response: The tree locations will be adjusted to avoid the infiltration system by the Landscape Architect by mid-November. We hope this will provide sufficient time for peer review before the December meeting at which landscaping is scheduled to be reviewed..

19. The landscape plan proposes plantings within the Boston Street right-of-way adjacent to the proposed entry sign. With regards to ownership of on-going landscape maintenance, TEC suggests proposed landscaping remain outside the public right-of-way.

Response: The planting locations will be adjusted to have all planting within the lot.

20. Is a cross-access easement to be established between the subdivided lots to allow for residential traffic to utilize the South Main Street parking areas and driveway?

Response: Cross easements will be established upon presentation of a recordable subdivision plan to the Zoning Board later in the process.

21. The Applicant should verify the location of bus stops for resident children with the local school district and ensure the location is easily accessible by a school bus.

Response: The bus stop for resident children with the local school district is located less than 200 feet to the west of the site at the intersection of Boston Street and Pleasant Street. The bus stop is serviced by Route # 8 for the Middleton Elementary Schools and Route # 24 for the Masconomet Middle and High Schools."

22. The Applicant shall provide a dedicated plan for all traffic signage and pavement markings to be installed as part of the project. A sign summary shall also be included which depicts the sign legend, sign size, and sign lettering dimensions in compliance with the *Manual on Uniform Traffic Control Devices (MUTCD)*.
 - a) This includes the placement of a stop sign and stop lines along the site driveways at its intersection with Boston Street and South Main Street.
 - b) This includes placement of a stop sign and stop lines along the Boston Street Driveway and its intersection with the main drive aisle leading to Lot 3's surface parking.
 - c) The Applicant should provide standard details and/or notes that denote the height of traffic signage on-site. Note that the height of some signage will be different than others.

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Response: A Preliminary Pavement Marking & Signage Plan is included with this submittal.

23. The proposed site provides for 102 off-street parking spaces. The land use is identified in Bylaw Section 5.1.2. The site would require 120 parking spaces to satisfy the Bylaw. The Applicant has noted a need for relief from parking spaces with 1.7 spaces per unit.
 - a) Parking demand calculations published by the Institute of Transportation Engineers (ITE) in the most recent industry standard *Parking Generation, 5th Edition* for Land Use Code (LUC) 221 – Multifamily Housing Mid-Rise denote an average peak parking demand of seventy-nine (45) parking spaces needed for sixty (60) units or sixty-eight (68) parking spaces for ninety (90) bedrooms. Parking demand calculations also note an 85th percentile peak parking demand of eighty-nine (89) parking spaces needed for sixty (60) units or seventy-eight (78) parking spaces for ninety (90) bedrooms. Even under the most limited parking demand combination from the ITE publication would suggest the Applicant's parking spot count would be sufficient to meet demand.

Response: We concur with TEC's finding that adequate parking has been provided.

24. Dimensions are provided for a typical parking space on-site in compliance with the Bylaw. In addition, dimensions for the accessible spaces on-site are in compliance with 521 CMR 23.4.1. The Applicant should revise the plans to show accessible signage at the head of each accessible parking space with the associated 'Van Accessible' plaque.

Response: A Preliminary Pavement Marking & Signage Plan is included with this submittal.

25. The plans should be revised to depict both intersection sight distance and stopping sight distance measurements for both directions at Boston Street and South Main Street. Intersection sight distance measurements should be taken from a point 14.5-feet from the proposed edge of travel way on each mainline roadway. The sheet should denote all areas of clear view and resulting from the sight lines both on the public ROW and land under the control of the Applicant.

Response: Sight Distance Measurements provided by Vanasse & Associates, Inc. are shown on the Preliminary Pavement Marking & Signage Plan included herewith.

26. Concrete sidewalks are provided along Boston Street opposite the site frontage. A proposed sidewalk is shown on-site connecting from the building frontage out to Boston Street and terminating. The location is not ideal for a crosswalk to allow connection to the sidewalk along the northerly side of the roadway. The Applicant

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should provide a pedestrian connection along the southerly side of Boston Road connecting to the intersection with South Main Street.

Response: A 5-foot wide cement concrete sidewalk has been added along the site's frontage, this walk can be extended to South Main Street as part of the redevelopment of the adjacent commercial property.

27. The Applicant should provide standard details for all accessible ramp types and crosswalks.

Response: Accessible ramp details are included on the Preliminary Detail Sheets submitted herewith.

28. The plan does not show electric vehicle charging stations on-site. The Applicant should clarify if spaces on-site will be constructed as EV-compatible or EV-ready.

Response: Building permit application plans will comply with the then-applicable building code requirements for EV spaces.

29. The Applicant shall define the location of resident bicycle storage including weather-protection and security.

Response: A location for proposed open-air bike racks has been added to the updated plan set submitted herewith.

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MassDEP Stormwater Standards

30. Standard 1 (Untreated discharges): No new stormwater conveyance may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.

Standard appears to be met. All stormwater runoff from the site is proposed to be discharged to an existing drainage network within South Main Street. See Standard 4 regarding water quality treatment.

Response: We concur with TEC that the standard is met.

31. Standard 2 (Peak rate control and flood prevention): Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates. This Standard may be waived for land subject to coastal storm flowage.

TEC provides the following comments in relation to Standard 2:

a) The existing watershed analysis map indicates (3) analysis points. The proposed watershed analysis indicates (1) analysis point. The majority of the site runoff has been redirected towards the South Main Street drainage network analysis point, however, there appears to still be a small area of the post development condition which drains towards Boston Street. The watershed maps and analysis should be revised to incorporate the Boston Street analysis point. All (3) analysis points should be indicated in the Stormwater Report discharge rate table. It appears peak flows will likely still be met.

Response: We have revised the watershed maps and HydroCAD Analysis, please refer to the updated Stormwater Report submitted herewith.

b) The HydroCAD analysis indicates the proposed pipe network to an existing drainage manhole will be constructed within 12" reinforced concrete pipe. The outlet of the existing drainage manhole appears to be an 8" cast iron pipe. The analysis should include the existing pipe to ensure the reduction in flow capacity of the 8" pipe will not negatively impact or cause backflow of the proposed stormwater management system for the development.

Response: The HydroCAD Analysis has been revised to include the existing 8" pipe, an additional subsurface infiltration system (System 3P) has been added to the abutting retail lot (owned by the Applicant) to ensure that the capacity of the existing 8" pipe will not negatively impact the proposed stormwater management system for the residential development. The system will not surcharge above rim elevation in the 25-year storm event.

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- c) The plans do not indicate size, material, length, slope, or inverts of the proposed pipe network. Some pipes are included in the HydroCAD analysis. All proposed pipes should be modeled to ensure adequate size and flow capacities for the site. TEC recommends adding all structures and pipes to the HydroCAD model.

Response: Proposed pipe sizes, invert elevations, pipe lengths and slopes have been added to the Preliminary Grading & Drainage Plan. The pipe network was sized for the 25-year storm event per our discussion with the Board at November 16th meeting. The revised HydroCAD Analysis includes all structures and pipes.

- d) The HydroCAD model and the plan call outs indicate a total of 192 chambers in infiltration system "1P". It appears there are 191 chambers as (1) chamber appears to have been removed for the inlet of the CB in the northeast corner of the proposed parking area. TEC recommends this CB be directed to the system manifold DMH in the northeast corner of the system, allowing for 192 total chambers.

Response: The revised plans redirect the outlet pipe from this CB to the infiltration system manifold as recommended. Due to the site light pole (see Comment 17), the system will have 191 chambers instead of 192. The updated HydroCAD analysis being prepared will account for this reduction on 1 infiltration chamber.

32. Standard 3 (Recharge to Ground water): Loss of annual recharge to ground water shall be eliminated or minimized through the use of infiltration measures, including environmentally sensitive site design, low impact development techniques, best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from the pre-development conditions based on soil type. This Standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts's Stormwater Handbook.

TEC provides the following comments in relation to Standard 3:

- a) Per the plan call out for infiltration system "1P", the bottom of the system is 2' above seasonal high groundwater. The system is also used proposed for peak flow attenuation for storms greater than and equal to the 10-year storm, therefore a mounding analysis should be provided.

Response: A Mounding Analysis has been completed and is submitted herewith.

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- b) As mentioned prior, additional test pits should be conducted within the footprint of infiltration systems.

Response: A note has been added to the plans requiring additional soil testing in the areas of the proposed stormwater infiltration systems prior to preparation of Building Permit Plans.

- c) The checklist indicates that runoff from all impervious areas at the site discharges to infiltration BMPs. There are areas (sidewalks to the north, east, and south of the building; a portion of the driveway draining to Boston Street) which are not conveyed to the proposed infiltration systems. The checklist should be revised.

Response: We have revised the recharge calculations, please refer to the updated Stormwater Report submitted herewith.

- d) It appears that required recharge volumes are met.

Response: We concur with TEC's finding.

- 33. Standard 4 (80% TSS removal): Stormwater management systems must be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS).

TEC provides the following comments in relation to Standard 4:

- a) It appears that required water quality volumes are met for the (2) infiltration systems.

Response: We concur with TEC's finding.

- b) As mentioned prior, there is a portion of the proposed driveway which discharges to Boston Street. This runoff is not captured and therefore is untreated. The water quality analysis should provide calculations showing that the site averages the required 80% TSS removal for all impervious areas requiring treatment.

Response: Updated TSS removal calculations have been prepared, please refer to the revised Stormwater Report submitted herewith.

- c) The proposed parking area catch basin located in the southwest corner of the site is proposed as an inline structure. Per the Stormwater BMP Handbook, all deep sump catch basins should be off-line structures.

Response: The updated plans included herewith show a new drain manhole to take the subject area drain and catch basin off-line.

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d) A Long-Term Pollution Prevention Plan should be provided per the stormwater checklist.

Response: A Long-Term Pollution Prevention Plan has been added to the stormwater report submitted herewith.

34. Standard 5 (Higher Potential Pollutant Loads): For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable.

Standard does not apply to this proposed project. The checklist should be revised as it indicates the EPA NPDES MSGP covers the land use.

Response: We concur with TEC's finding.

35. Standard 6 (Critical Areas): Stormwater discharges to a Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharges near or any other critical area require the use of the specific source control and pollution prevention measures and the specific stormwater best management practices determined by the Department to be suitable for managing discharges to such area, as provided in the Massachusetts Stormwater Handbook. A discharge is near a critical area if there is a strong likelihood of a significant impact occurring to said area, taking into account site-specific factors. Stormwater discharges to Outstanding Resource Waters or Special Resource Waters shall be set back from the receiving water and receive the highest and best practical method of treatment. A "stormwater discharge," as defined in 314 CMR 3.04(2)(a)1. or (b), to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00 and 314 CMR 4.00. Stormwater discharges to Zone I or Zone A are prohibited unless essential to the operation of the public water supply.

Standard does not apply to this proposed project.

Response: We concur with TEC's finding.

36. Standard 7 (Redevelopment). A redevelopment project is required to meet Standards 1-6 only to the maximum extent practicable. Remaining standards shall be met, and the project shall improve existing conditions.

Standard does not apply to this proposed project.

Response: We concur with TEC's finding.

37. Standard 8 (Erosion, Sediment Control): A plan to control construction-related impacts, including erosion sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion,

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sedimentation, and pollution prevention plan), must be developed, and implemented.

TEC provides the following comments in relation to the Standard 8:

- a) No construction period pollution prevention and erosion and sediment control plan is provided with information as required per the stormwater checklist. The plan should also include any additional information as required by the Middleton local stormwater management regulations.

Response: A Preliminary Site Preparation & Demolition Plan showing erosion and sediment controls is included with this submittal.

- b) No construction period controls are indicated on the plans.

Response: A Preliminary Site Preparation & Demolition Plan showing erosion and sediment controls is included with this submittal.

- c) The project will be required to obtain coverage under the EPA NPDES CGP as it will disturb over an acre. This will require the development of a SWPPP as indicated on the stormwater checklist. If the project were to be approved, TEC recommends this be added as a condition of approval.

Response: We concur with TEC's finding.

38. Standard 9 (Operation and Maintenance): A long-term operation and maintenance plan must be developed and implemented to ensure that stormwater management systems function as designed.

Standard appears to be met. The operation and maintenance plan should be revised to indicate that local police and fire will also be notified of any potential spills per the Middleton local stormwater management regulations. Based on the Massachusetts Stormwater Handbook the operation and maintenance plan should include mosquito control for subsurface infiltration systems.

Response: The O&M Plan has been updated, please refer to the revised Stormwater Report.

39. Standard 10 (Illicit Discharges): All illicit discharges to the stormwater management system are prohibited.

Standard appears to be met. Measures for the prevention of illicit discharges are provided within the Long-Term Operation and Maintenance Plan. No illicit discharge compliance statement is provided, and the report indicates one will be provided prior to discharge of stormwater to post construction BMPs. If the project were to be approved, TEC recommends this be added as a condition of approval.

Response: We concur with TEC's suggestion.

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Responses to the Traffic Impact Assessment comments were previously provided to the Board by VAI under separate cover.

We look forward to working with TEC and the Board as the process continues.

Sincerely,

Hancock Associates

Acting On Behalf of Villebridge Acquisitions LLC

A handwritten signature in blue ink, appearing to read "Fred A. Keylor".

Fred A. Keylor

Senior Project Manager