

**Commonwealth of Massachusetts  
Town of Milton**

**SPECIAL PERMIT, SITE PLAN APPROVAL AND SCENIC ROAD PERMIT**

**For Planned Unit Townhouse Development  
865 Brush Hill Road  
Milton NRC, LLC, Owner and Applicant**

Pursuant to Section III, Subsection L of Chapter 10 of the General Bylaws known as the Zoning Bylaws, after hearing, the Planning Board of Milton, duly constituted as special permit granting authority, subject to the terms and conditions hereinafter listed, grants a Special Permit for planned unit townhouse development to Milton NRC, LLC (hereinafter the "Owner/Applicant") and its successors and/or assigns for a lot of land containing approximately 373,745 square feet known and numbered as 865 Brush Hill Road (the "Property"). Concurrent with the grant of a Special Permit pursuant to Section VIII.D., the Planning Board grants Site Plan Approval for the planned unit townhouse development and a Scenic Road Permit for the removal of a portion of the stone wall at the main site entrance. The requirements of this Special Permit, Site Plan Approval and Scenic Road Permit (the "Permits") are hereafter set out.

**Enforceability and Enforcement**

Use of the Permits for creation and maintenance of a planned unit townhouse development constitutes and requires acceptance by the users of the requirements of the Permits. The requirements are independent obligations of the Owner/Applicant and run with the land as obligations of all subsequent owners and lessees and the condominium association and shall be enforceable in court by the Town by an action for specific performance, an action for declaratory judgment and/or an action for damages against Owner/Applicant, its successors or assigns, and upon completion against the condominium association and/or some or all of the owners or lessees of the condominiums in the planned unit townhouse development. In the event of suit by the Town on account of breach of a requirement of the Permits, in which the Town prevails, the defendant(s) shall be responsible for payment of the Town's costs of suit, including its reasonable attorney's fees.

**Incorporation of Site Plan, Elevations, Floor Plans and Management Plans**

The Permits incorporate a plan set entitled "Permit Plan Set, Planned Unit Townhouse Development, 865 Brush Hill Road, Milton, Massachusetts" (the "Site Plan") containing the following sheets, all dated May 13, 2015 unless a revision is stated:

1. Cover Sheet
2. Legend, Symbols & General Notes (Revised 6/30/15)
3. Existing Conditions Plan
4. Site Layout Plan
5. Grading and Drainage Plan (Revised 6/30/15, Further Revised 7/30/15)
6. Roadway Plan & Profile
7. Roadway Plan & Profile
8. Construction Detail Plan
9. Construction Detail Plan
10. Construction Detail Plan
11. Construction Detail Plan (Revised 6/30/2015, Further Revised 7/30/15)
12. Construction Detail Plan
13. Construction Detail Plan (Revised 6/30/2015, Further Revised 7/30/15)

14. Street Tree & Buffer Planting Plan
15. Entrance Elevation & Landscape Plan
16. Typical Building Landscape Plan – Bldgs. 1 & 2
17. Dupee House Landscape Plan
18. Typical Landscape Details
19. Typical Landscape Details
20. Unit Type A First and Second Floor Plans
21. Unit Type 2BR and 3BR Roof Plans
22. Unit Type A Exterior Elevations
23. Unit Type B First and Second Floor Plans
24. Unit Type B Second Floor Options
25. Unit Type B Roof Plans
26. Unit Type B Exterior Elevations
27. Unit Type C First and Second Floor Plans
28. Unit Type C Roof Plans
29. Unit Type C Elevations
30. Typical Duplex and Triplex Elevations
31. Proposed First and Second Floor Plans of Dupee Home
32. Proposed Exterior Elevations (Dupee Home).

The Permits also incorporate the following sheets, dated June 8, 2015

- 4a. Open Land Area Plan
- 4b. Buildable Pod Plan
- 4c. Limit of Clearing Plan

The Permits also incorporate the following sheets, dated as noted:

- 4d. Tree Preservation Plan, dated June 30, 2015, revised July 16, 2015
- 6a. Overall Site Cross Sections [Sections A and B], dated June 30, 2015
- 6b. Overall Site Cross Sections [Sections C and D], dated June 30, 2015

The documents listed above comprise the Site Plan, which is incorporated into the Permits by reference and made a part of the Permits as Exhibit A and shall be contemporaneously recorded with the Permits at the Norfolk County Registry of Deeds.

Determination of Compliance with Standards and Grant of Permits. Section III, Subsection L, Paragraph 10 of the Zoning Bylaws refers to the general standards set out in Section IX, which are to be employed by the Planning Board in determining an application for a special permit for planned unit development. The applicant is required to show that, in addition to meeting the specific standards in Subsection L, the special permit may be issued without substantial detriment to the public good and without substantial derogation from the intent and purpose of the bylaw, taking into account appropriate conditions and limitations necessary for the legitimate use of property in the neighborhood and the health and safety of the public. The Planning Board determines that all applicable standards will be met by compliance with the Requirements herein set out. The Planning Board hereby grants the Permits subject to those Requirements. There shall be strict compliance with the Requirements. All buildings, infrastructure, roadways, walkways, plantings, earth moving, landscaping and all other features, shall be constructed and maintained as specified. No construction shall deviate substantially from the Requirements without the approval of the Planning Board.

Requirements (the “Requirements” or “requirements”):

1. Authorized Development. These Permits authorize construction, maintenance and use of a condominium development containing thirty-six dwelling units, including two dwelling units in a renovated dwelling currently on site. The development includes streets, driveways, Open Land and other features. The development shall be constructed as specified in the Site Plan and in accordance with the Requirements. All notes and specifications appearing on the Site Plan are Requirements unless otherwise herein specified.
2. Tree Preservation and Protection. Tree Preservation and Protection Requirements are specified in the attached Exhibit B which is incorporated herein and made a part hereof.
3. Construction Management and Phasing. Construction Management and Phasing Requirements are specified in the attached Exhibit C which is incorporated herein and made a part hereof.
4. Authorized Development of Buildings.
  - a. The Dupee House. Renovation and redevelopment of the building identified on the Site Layout Plan (Sheet 4) and Buildable Pod Plan (Sheet 4b) as “Bldg. #15, Dupee House” (the “Dupee House”) into two condominium units with attached two car garage bays, shall conform in all respects to the Site Plan. The appearance of the Dupee House shall be as shown on the Proposed Exterior Elevations sheet (Sheet 32) and the floor layout of the Dupee House shall be as shown on the Proposed First and Second Floor Plans of Dupee Home (Sheet 31).
  - b. The 2-Unit Buildings. Development of the buildings identified on the Site Layout Plan (Sheet 4) and Buildable Pod Plan (Sheet 4b) as “Bldg. #1, Bldg. #3, Bldg. #5, Bldg. #6, Bldg. #7, Bldg. #12, Bldg. #13 and Bldg. #14”, which shall be located as shown and shall conform in all respects to the Site Plan. Each of these buildings shall contain two townhouse units, which shall conform in all respects to the requirements of these Permits.
  - c. The 3-Unit Buildings. Development of the buildings identified on the Site Layout Plan (Sheet 4) and Buildable Pod Plan (Sheet 4b) as “Bldg. #2, Bldg. #4, Bldg. #8, Bldg. #9, Bldg. #10 and Bldg. #11”, which shall be located as shown and shall conform in all respects to the Site Plan. Each of these buildings shall contain three townhouse units, which shall conform in all respects to the requirements of these Permits.
  - d. The Mail Station Building. Development of a small “Mail Station Building” containing approximately 100 square feet designed to house mailboxes for the units and a closet containing control panels for the Property’s utility, irrigation and lighting systems, identified on the Site Layout Plan (Sheet 4), which shall conform in all respects to the requirements of these Permits. The Mail Station Building in a traditional design with traditional materials shall be sited so that its entry way does not face Brush Hill Road and there will be a trellis, vines or other plantings in front of the Mail Station Building to mask its appearance from Brush Hill Road.
  - e. Design Characteristics. The requirements authorize a well-designed townhouse development to (i) provide an added diversity of housing types in the Residence A district attractive to households desirous of downsizing from larger single family dwellings; (ii) provide housing for households unable to pay full market price; (iii) provide dedicated Open Land, including well-maintained protective buffer zones with outstanding landscape design; (iv) permit the preservation of a large historic house through its conversion into condominium dwelling units; and (v) provide quality land planning and architectural design in building and landscaping and ensure long-term preservation and maintenance of the development.

f. Housing Types. These Permits authorize two (2) housing types. The first shall be condominium flats contained in the Dupee House, a pre-1925 historic structure that will be renovated and converted to multi-family use. The service wing shall be removed and replaced with two-car garages for each unit. There shall also be townhouse units in buildings on 14 buildable pods containing two or three units per building on each buildable pod. Each townhouse unit shall contain an attached two-car garage. All townhouse units shall be developed as condominium units and each unit shall be separately owned and occupied provided that the owner of one unit who occupies such unit may own one or more other units. Individual units may be rented for occupancy of not less than 18 months and not more than 10% of all of the units may be rented at any one time.

g. Number of Units. These Permits authorize thirty-six (36) new dwelling units. The setbacks of buildings from the front and side lot lines as shown on the Site Plan exceed the minimum requirement of 60' and 35'. The front and side lot setbacks will be 61.64' and 37', respectively. There shall be two (2) condominium units in the Dupee House, which shall be renovated and converted for this purpose. There shall be two townhouse units each in eight (8) two-unit townhouse buildings (16 units), and three townhouse units each in six three-unit townhouse buildings (18 units).

h. Height. The Dupee House shall be developed at its existing height. All other buildings shall not exceed a height of 35 feet above mean finished grade or contain more than two stories. Any accessory buildings shall not exceed a height of 20 feet or contain more than one story.

i. Living Area and Numbers of Bedrooms. There shall be no more than 93 bedrooms in the development with an average of no more than 2.6 bedrooms per unit. Each unit in the Dupee House shall contain approximately 2000 square feet of living area and have 2 bedrooms. Townhouse units shall contain no more than 3000 square feet of living area. Townhouse units shall each contain a master bedroom on the first floor and one or two bedrooms on the second floor.

5. Streets. These Permits authorize the construction and maintenance of three streets shown on the Site Plan as Road A, Road B and Road C. These streets shall be private ways owned and maintained in good condition by the condominium association with their associated infrastructure in accordance with the specifications of the Site Plan. The Rules and Regulations of the Planning Board Governing the Subdivision of Land and the Laying Out of Ways provide that dead end streets in Residence A districts shall not exceed 500 feet in length. The combination of Roads A, B and C create a dead end street in excess of 500 feet. However, most of this roadway (Road B) is a loop and offers dual access to all but one of the buildings (Building #8) from the end of Road A. Road A is about 80 feet long and has a width of 22 feet as well as an adjoining sidewalk. It provides access to the site from Brush Hill Road over what is now an existing driveway established almost 100 years ago. Brush Hill Road is a scenic road and is bordered by a stone wall and woods at the site. The area is in an historic district. A second street paralleling Road A and connecting to Brush Hill Road could be constructed to provide a second access to Road B but such a second access would have an extremely negative effect on the ambiance of the area and require destruction of more than 20 feet of historic stone wall and removal of many trees and other vegetation in the wooded buffer surrounding the site. In determining whether to require a second street the Planning Board has considered the following factors:

- (i) Preservation of natural resources
- (ii.) Environmental values
- (iii) Scenic and aesthetic characteristics
- (iv) Historical values

- (v) Public Safety
- (vi) Possible compensatory actions
- (vii) Sound planning considerations
- (viii) Views of residents

All the factors, except public safety, dictate against a second street. While public safety might be minimally increased, the other factors far outweigh this one consideration. Single access, as proposed is both desirable and appropriate. Road A will provide a safe access to and egress from the development. Its short 80 foot length and adequate 22 foot width with a sidewalk provides a roadway which can serve the needs for connection to the Road B loop. Waiver of the rule against dead end streets exceeding 500 feet is desirable and appropriate for Road A. Further, in order to accommodate the 22 foot width for this roadway and sidewalk, a 32 foot opening in the stone wall along Brush Hill Road is warranted, and the opening is approved by the Board under the Scenic Road Bylaw. Such a width, as shown on the Site Plan, is no more than reasonably required for convenient access by the Fire Department's ladder truck. Considering the foregoing and the other relevant circumstances, the Planning Board approves the following waivers from the Rules and Regulations:

- a. Design Speed – Section 6.1.1. The design speed for the roadways shall be 20 miles per hour; the design is adequate for such a speed.
- b. Curves – Section 6.1.7. The minimum center line radii for the curves in the roadways as shown (65 feet) are adequate for roadways with a design speed of 20 miles per hour.
- c. Dead Ends. Section 6.1.12. There is adequate justification under all the circumstances to authorize roadways that exceed 500' to be constructed with a dead end where the major portion of such roadways is a loop road that provides internal access from two directions.
- d. Cross Section – Section 7.4.1. Pavement widths of twenty-two (22) feet for Road A and twenty (20) feet for Roads B and C are adequate. Specifications for the roadways and their construction are adequate.
- e. Crown – Section 7.4.3.4. A 2.4" crown (2.0% slope) for the roadways is adequate.
- f. Surface Treatment – 7.4.3.7. Pavement thickness of the roadways to be constructed with 4" of asphalt is adequate.
- g. Curbing – Section 7.4.4.2. Installation of Cape Cod berm for the edging of Roads B and C, rather than the use of vertical granite curb, which will be used for Road A, is adequate.
- h. Sidewalks – Section 7.4.5.1. The sidewalks and walkways to be installed in variable locations, including through the middle of the site rather than strictly on one or both sides of all roadways, are adequate.
- i. Sidewalk Cross Slopes – Section 7.4.5.2. Construction of sidewalks with cross slopes of  $\frac{1}{4}$ " per foot is adequate.
- j. Grass Strip; Tree Planting – Section 7.4.6.1. Grass strips installed between the roadway curbing and sidewalks with a width of 4' are adequate. Street trees, as shown on the Site Plan, at heights varying between 8' and 12' and in caliper widths between 3" and 3.5" are adequate.
- k. Grass Strip Loam Thickness – Section 7.4.6.2. Loam in the grass strips to be installed at a thickness of 6" is adequate.

1. Location of Mains – Section 7.5.2. Location of the water mains, which vary in distance from the roadway center lines, is adequate.
- m. Water System Gate Valves – Section 7.5.4. Gate valves to be located at intersections only are adequate.
- n. Connections – Section 7.12. Connections to the existing water mains to be made by a tee fitting rather than by a tapping sleeve valve are adequate.
- o. Storm Drain Pipe – Section 8.2. Use of high density polyethylene (HPDE) pipe for the storm drain system is adequate.
- p. Street Lighting – Section 10.4. Street lights to be installed at a height of 10' are adequate.

In finding the foregoing measures to be adequate the Planning Board further deems them to be desirable and appropriate and deserving of the requested waivers which are accordingly granted.

6. Buildable Pods. These Permits authorize a Buildable Pod for the two-unit Dupee House and fourteen (14) additional Buildable Pods for 34 units as shown on the Buildable Pod Plan. A Buildable Pod is defined in Paragraph 8 of the zoning as “a building [and area] containing not more than three townhouse units and...an exclusive use area suitable for the provisions of parking and yard for each townhouse unit.” Each Buildable Pod shall have “a location, size and shape to provide two or three townhouses, including garages.” Each Buildable Pod shall be set back from Brush Hill Road by at least 61.64' from the side yard lines by at least 37' and from the rear lot line by at least 30 feet. The buildings within the Buildable Pods shall be positioned as shown on Sheet 4 of the Site Plant (“Site Layout Plan”) so as to meet these setback requirements. The Buildable Pods shall also be positioned as shown on Sheet 4b so as to meet these setback requirements. There may be nonmaterial deviations in the placement of buildings within Buildable Pods and in the perimeter lines of the buildings as shown on Sheet 4 but notice of any such deviations shall be given to the Planning Board for concurrence that any proposed deviation is minor and not material. In the event that modification or adjustment of the Buildable Pods is desired Planning Board approval shall be required.
7. Design and Materials. The design of the Dupee House retains its original exterior appearance and much of its landscaping as shown on Sheets 17, 31 and 32 and meets zoning requirements. The design of other buildings as shown on Sheets 20 through 30 with the landscaping shown on Sheets 14, 16, 18, and 19 and with use of the materials specified on the Exterior Material and Product Specification List (Exhibit D) meets the “Design Standards for Buildings” specified in the zoning, as well as the “Requirements for Dwelling Units” also specified in the zoning, including the requirement that Buildings #1, #11 and #12 be designed so that the side of each townhouse facing Brush Hill Road present a “front door appearance.” All buildings and landscaping shall be in conformity with these standards and requirements and as shown on the Site Plan. The Exterior Materials and Product Specification List (Exhibit D) shall specify materials to be used in construction of the buildings and as otherwise applicable; any deviation in use of these materials shall be approved by the Planning Board in advance.
8. Open Land. The zoning, in Paragraph 1 of Subsection L, requires that the dwelling units in Buildable Pods be separated from other Buildable Pods and the parcel’s perimeter lot lines by dedicated landscaped open space and protective buffer zones (the “Open Land”). Other requirements for Open Land are provided in Paragraph 11 of the zoning.
  - a. Characteristics of Open Land. Open Land shall be land left in its natural state tended to provide a well-kept appearance and well-tended buffers, gardens and other suitably

landscaped land. Open Land in other areas shall provide landscaping offering beauty and amenity to residents and other observers. Utilities, sewers and drainage may pass through Open Land. Any structures on Open Land shall be approved by the Planning Board.

- b. Siting Considerations. The Open Land has been sited in the setback areas and in other areas so that each Buildable Pod is adjacent to Open Land or has convenient access to Open Land.
- c. Ownership and Maintenance of Open Land. All Open Land shall be owned by the Condominium Association which shall be responsible for its proper care and maintenance in good condition in accordance with the design shown by the Site Plan and with the requirements of these Permits. Uses of the Open Land shall be consistent with zoning requirements for Open Land and with the requirements of these Permits.
- d. Site Specifics. The Open Land Area Plan (Sheet 4a of the Site Plan) show an Open Land area of 2.9 acres, which meets the minimum requirement that 30% of total land area be Open Land. A substantial amount of the Open Land shown on the plan is within required setback areas. These setback areas are to be kept in a well maintained wooded condition with invasive species controlled, with deadwood removed and with new planting established to maintain and enhance vegetated screening of the development from the street and its neighbors. The Street Tree Planting & Buffer Planting Plan (Sheet 14) and the Entrance Elevation & Landscape Plan (Sheet 15) show the setback area and the planting plan to be implemented. The Open Land Area Plan shows that certain parts of the setback area are not to be included as Open Land so as to permit maintenance activities on certain buildings if needed. As required by Paragraph 7 of the zoning such areas shall be landscaped with shrubs and not be maintained as lawn. Resident use of these areas and the other parts of the setback areas (excluding Road A) shall not be permissible. A number of significant specimen trees are currently in the setback area as shown on the Tree Preservation Plan (Sheet 4d) and shall be subject to the special protections specified in the Tree Preservation and Protection Requirements (Exhibit B). In addition to the setback area, a second major area of Open Land shall be within the area enclosed by Road B as shown on the Open Land Area Plan. This area shall be landscaped in the manner shown by the Typical Building Landscape Plan (Sheet 16) and as shown on the Street Tree & Buffer Planting Plan (Sheet 14). A number of significant specimen trees are currently in this area of Open Land as shown on the Tree Preservation Plan (Sheet 4d) and shall be subject to the special protections specified in the Tree Preservation and Protection Requirements (Exhibit A). The pedestrian walkway through this Open Land shall be an important resident amenity and shall be given special landscaping attention without any negative impact on the preservation of trees.

Although not shown on the Open Land Area Plan (Sheet 4a), Open Land also shall include the spaces between Building Pods, as shown on the Building Pod Plan (excluding the visitor parking spaces) in accordance with the definition in Paragraph 1 of the zoning which requires the Building Pods to be separated from each other by Open Land. Such Open Land shall be landscaped in the manner shown by the Typical Building Landscape Plan (Sheet 16) and as shown on the Street Tree & Buffer Planting Plan (Sheet 14). Specimen Trees in this area of Open Land as shown on the Tree Preservation Plan (Sheet 4d) shall be subject to the special protections specified in the Tree Preservation and Protection Requirements (Exhibit A). In the event that the Buildable Pods, as shown on the Building Pod Plan are modified or adjusted with Planning Board approval, the Open Land between the affected Buildable Pods shall be correspondingly adjusted.

9. Tree Preservation and Protection. Exhibit B sets out Tree Preservation and Protection Requirements, which are attached and incorporated into these Permits. The requirements include measures to be taken with respect to Character Defining and Specimen Trees

together with various procedures, personnel requirements, requirements for new landscape plantings and disposal of plant materials no longer of use to the development.

10. Sidewalk and Walkway Requirements. The sidewalks and walkways shown on the Site Plan shall be constructed (excluding the gravel walking trail from the end of Road C to Cushing Road) as shown on the Site Plan. They will provide safe and convenient sidewalks and walkways for pedestrian traffic within the development and for pedestrian traffic accessing Brush Hill Road, a scenic way in an historic district which lacks sidewalks. The condominium association shall keep these sidewalks and walkways conveniently passable in winter months. Particular care shall be taken to keeping the sidewalk along Road A clear and in providing a safe bus stop in the area where Road A intersects Brush Hill Road. In the event that the Site Plan's provision of an area for children awaiting or debarking a school bus shall be deemed to be inadequate and unsafe by the Police Chief, the condominium association shall provide and construct an adequate and safe alternative with the approval of the Planning Board after consultation with the Brush Hill Neighborhood Association.
11. Parking. The planned unit development shall have one hundred fifty-two (152) parking spaces. There shall be two (2) parking spaces in each attached garage (72 spaces) plus two (2) spaces in each driveway (72 spaces), as well as eight (8) visitor spaces located in pairs between Bldgs. #2 and #3, #10 and #11, and to the left of the Road A and Road B intersection across from the mail station. Parking shall not be permitted on the streets excepting parking for deliveries and other services or as provided by the condominium association. Any unregistered or inoperable vehicles shall be garaged. Parking of commercial vehicles and/or the storage of vehicles, boats, trailers, equipment, or materials for more than one day at a time shall not be permitted.
12. Fence at Rear of Site. The Owner/Applicant proposes to install a new fence immediately inside of the existing chain link fence of indeterminate ownership that is located along the rear property line shared with the Boston Housing Authority. The Site Layout Plan (Sheet 4) references a "Prop. Board Fence". The Owner/Applicant proposes an 8 foot tall, dark green fence made of a composite material manufactured by the Trex Company. The Owner/Applicant agrees that the owner of the chain link fence shall be responsible for maintaining said fence in a good and safe condition. As proposed, the dark green fence would be substantially screened by the wooded rear setback area on the Milton side. The Owner/Applicant and thereafter the condominium association shall maintain the dark green fence on both sides in good condition and free of graffiti. In addition, the Owner/Applicant and an abutting property owner have agreed that the fence will be extended at a height of 6 feet from the northerly corner of the site to Dana Avenue.
13. Hockey Stick Parcel. The site includes a small parcel containing approximately 9,708 square feet which is shaped like a "hockey stick" and which connects the southwesterly corner of the site to Cushing Road. The Owner/Applicant shall install a water line within the hockey stick connecting to the Town's water main within Cushing Road. Bollards shall be placed at the Cushing Road terminus of the hockey stick, as shown on the Site Plan, and the hockey stick shall be landscaped in such a way to prevent pedestrians from utilizing it for any access between Cushing Road and the site. The "Prop. 4.5' Wide Gravel Walking Trail (Typ.)" as shown on the Site Layout Plan (Sheet 4) connecting Cushing Road with the turnaround at the end of Road C shall be eliminated in its entirety, and pedestrian and vehicular traffic shall not be allowed in this area. The hockey stick shall be landscaped so as to be a well-tended wooded area in a natural condition. If necessary, deterrent landscaping and signage may be established to prevent access from Cushing Road.
14. Signs. Signs controlling traffic and parking and stating the names of streets and numbers of the dwelling units shall be permitted. Other signs, such as a sign at the entrance identifying

the development as "Woodmere at Brush Hill" shall be subject to approval by the Selectmen pursuant to the Town's sign approval procedures.

15. Construction Management and Project Phasing. Exhibit C sets out Construction Management & Phasing Requirements. These requirements establish numerous mandatory construction and construction management procedures. In addition these requirements establish a phasing schedule for construction of the project. The phasing schedule provides for the clearing, filling and other site preparation needed for the construction of the streets and then additional clearing, filling and other site preparation for construction of Buildable Pods in a sequenced schedule over the course of several years. A Construction Management and Phasing Schedule as of 6.27.15 is part of Exhibit C. Phased construction shall proceed in accordance with that schedule as it may hereafter be revised with notice to the Planning Board. Construction shall require the deposit of approximately 13,000 cubic yards of fill in total; other earth materials may be removed from the site during the course of construction.
16. Utilities, Water & Sewer. Utility infrastructure and water and sewer systems shall be installed in strict accordance with the specifications and requirements contained in the Site Plan except as they be modified or supplemented by the "Modifications and Supplementation of Utility, Water & Sewer Requirements" identified on Exhibit E and on file with the Town Planner. Minor non-material changes, approved by the Director of Public Works with notice to the Planning Board shall be permissible.
17. Drainage. Drainage systems shall be installed in strict accordance with the specifications and requirements contained in the Site Plan except as they may be modified or supplemented by the "Modifications and Supplementation of Drainage Requirements" identified on Exhibit E and on file with the Town Engineer. Minor, non-material changes, approved by the Director of Public Works with notice to the Planning Board, shall be permissible.
18. Maintenance Responsibilities. The exterior of the buildings, streets, guest parking areas, sidewalks, walkways, Open Land, utility infrastructure, water and sewer infrastructure, drainage infrastructure, and fencing shall be maintained in good repair and condition by the Owner/Applicant and upon completion thereafter by the Condominium Association. Surfaces shall be kept free of graffiti. The Owner/Applicant and thereafter the condominium association shall provide for appropriate plowing and snow and ice removal services. They shall provide for regular refuse and garbage removal at least weekly and for regular collection of recyclable materials. They shall provide for proper care of the landscaping, including watering and pruning as necessary, grass cutting, weeding, removal and replacement of dead, diseased or badly damaged plantings, and establishment of new plantings to meet requirements of the Site Plan. They shall keep common areas lit at night as provided in the Site Plan. The Town of Milton shall not be responsible to perform any such maintenance (without making a specific provision to do so) and shall not be responsible to pay for any such maintenance but may compel the Owner/Applicant or, upon completion, the condominium association to provide necessary maintenance if it has failed to meet these responsibilities.
19. Affordable Housing. Four units (including parking and yards) shall be low or moderate income housing units ("affordable units") as defined in M.G.L.c. 40B, Section 20 and pertinent regulations of the Massachusetts Department of Housing and Community Development ("DHCD"). Each affordable unit shall have a two-car garage. A perpetual deed restriction shall restrict sale and resale of these units to households of which the annual income at the time of sale or resale is less than 80% of median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development for the Boston metropolitan area. These households shall also be subject to such reasonable asset restrictions at a time of sale or resale as applicable rules or regulations may require.

Occupancy of the housing unit shall be restricted to the household to which it has been sold provided that changes in household composition permissible under applicable program rules or as approved by the monitoring agent, shall be permitted.

Each affordable unit shall qualify for inclusion and shall be included on the Subsidized Housing Inventory (“SHI”). It shall be the Applicant’s obligation and responsibility to secure approval from DHCD for inclusion of the unit on the SHI prior to any sale of the unit, and the Building Commissioner shall not issue an occupancy permit for the four affordable units unless and until the approval of DHCD has been issued. In no event shall the units be sold prior to their being approved by DHCD for inclusion on the SHI, and any such sale shall be void, as well as a material breach of the Permits.

The four affordable units shall be subject to a regulatory agreement which shall specify the requisite qualifications of the buyers of the affordable units and the manner by which buyers will be selected; the regulatory agreement shall also contain provisions for effective monitoring and enforcement of a deed restriction, including qualification and selection of buyers on sale and resale. The regulatory agreement shall provide for a lottery to select the initial and subsequent buyers, of whom the maximum legally permissible number shall be residents or Town employees and shall be recipients of a resident preference in their selection as buyers. The Town of Milton may be sufficiently diverse so that the selection pool of applicants can be confined to Milton residents and Town employees and, if so, it shall be so confined. Owner/Applicant shall take reasonable steps to secure approval of the highest possible preference for residents and Town employees.

The regulatory agreement shall be signed by the Owner/Applicant, by the monitoring agent who will be in charge of buyer-selection, monitoring and enforcement, and by the Town pursuant to authorization from the Board of Selectmen. In addition, the regulatory agreement may be signed by a state or federal subsidizing agency. The deed restriction ensuring affordability on sale and resale shall be recorded and enforceable by the Town, any subsidizing agency and the monitoring agent. The deed restriction and regulatory agreement shall specify the manner of determination of the price on both sale and on resale, which may include a fee from the proceeds of sale or resale in order to compensate the monitoring agent. The fee shall not exceed the amount permissible under any applicable program rules.

It shall be the responsibility and obligation of the Applicant to secure the services of a qualified monitoring agent and to do all that is necessary for preparation of a regulatory agreement and deed restriction satisfactory to all parties, including the Town through Town Counsel.

In order to secure approval from DHCD for inclusion of the units on the SHI, Applicant may seek to secure DHCD’s certification of the units as “Local Action Units” under DHCD’s “Local Initiative Program” (“LIP”). The Town shall cooperate with Applicant in seeking such certification but it shall be Applicant’s responsibility to secure approval from the Board of Selectmen for any requisite commitments and undertakings by the Town under LIP.

Owner/Applicant has designated the 4 units in Buildings #5 and #6 as affordable units. They shall be built as provided in the construction sequencing set out in Exhibit C and, after completion, marketed in a time frame similar to the marketing of other completed units. In the event that DHCD or other state or federal subsidizing agency requires a different siting of units, provision for such siting shall be made.

20. Association of Condominium Owners. The units shall be condominium units, and there shall be an association of the owners of these condominium units (the “Condominium Association”). Each owner of a condominium unit shall be a member of the association and shall be obliged to pay a proportionate share of the expenses of the association provided that

the payments by the owners of the affordable units shall be set in accordance with applicable rules of the pertinent state or federal subsidizing agency. Until completion of the development, the Owner/Applicant shall be legally responsible for prompt performance of the duties and responsibilities of the Condominium Association set out in these Permits. Upon completion, the Condominium Association shall assume liability for performance of all these duties and responsibilities and shall be legally liable therefor.

21. Condominium Documents. Condominium documents establishing the association of condominium owners and its rights and responsibilities shall be submitted to and subject to approval of Milton Town Counsel prior to the issuance of an occupancy permit for the first completed unit. The condominium documents shall impose an unconditional legal obligation for each condominium owner to be a member of the association and to pay a proportionate share of the expenses of the association, including the costs of meeting the Requirements and performing the obligations imposed on the Owner/Applicant by these Permits. The Town shall be entitled to enforce any such requirement or obligation in these Permits, not only against the Owner/Applicant and the association of condominium owners, but also against the condominium owners if the association is not reasonably able to meet the requirement or satisfy the obligation. In the event that the Town is obliged to bring suit to secure compliance by the association with the requirements and obligations of these Permits, the association shall reimburse all costs of suit, including the Town's attorney's fees. The condominium owners shall be obliged to provide such reimbursement if the association shall fail to do so. The condominium documents shall provide for the foregoing.
22. Commencement and Completion of Construction. Construction shall be commenced within one year from the date when these Permits become final and shall be substantially completed within five (5) years from that date, unless the date is extended by the Planning Board.
23. Assignment. These Permits shall not be assigned by the Owner/Applicant to an assignee without the written consent of the Planning Board, which shall not withhold consent to assignment without good cause, provided that such consent shall not be required if the assignment is to a special purpose entity that is related to the Owner/Applicant and financially responsible to the association of condominium owners.
24. Amendment. These Permits may be amended by the Planning Board upon application of the Owner/Applicant or its assignee during construction and, following completion, upon application by the association of condominium owners. Applications for substantial amendment shall be subject to the usual requirement for notice, including advertising and a hearing. Applications for insubstantial amendment shall be subject to such notice as the Planning Board deems reasonable but shall include notice to abutters, the Brush Hill Road Neighborhood Association (or successor civic association), and the Board of Selectmen. In the event that any board member or interested entity notifies the Board that the amendment is substantial, it shall be so treated.
25. Recording. These Permits, including the Site Plan or any amendment shall be recorded with the Norfolk County Registry of Deeds by the Owner/Applicant at its own expense within thirty days from the date when such Permits or amendment becomes final and a copy of the recorded document with recording information shall be provided to the Town Planner. There shall be a marginal reference in the deed of the Owner/Applicant to these Permits.

[The remainder of this page is left intentionally blank.]

Executed at Milton, Massachusetts this 13 day of August, 2015.

Planning Board of Milton

ElAnne  
Alexander Whiteside  
DR E.P. & J  
Reagan  
Gregory

Exhibits:

Exhibit A  
Exhibit B  
Exhibit C  
Exhibit D  
Exhibits E

Site Plan  
Tree Preservation and Protection Requirements  
Construction Management and Phasing Requirements  
Exterior Material and Product Specification List  
Other Plans and Reports on file with the Application with the Town of Milton  
Planning Department

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MILTON, MA  
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## **EXHIBIT A SITE PLAN**

Site Plan entitled "Permit Plan Set, Planned Unit Townhouse Development, 865 Brush Hill Road, Milton, Massachusetts" (the "Site Plan") containing the following sheets, all dated May 13, 2015 unless a revision is stated:

1. Cover Sheet
2. Legend, Symbols & General Notes (Revised 6/30/15)
3. Existing Conditions Plan
4. Site Layout Plan
5. Grading and Drainage Plan (Revised 6/30/15, Further Revised 7/30/15)
6. Roadway Plan & Profile
7. Roadway Plan & Profile
8. Construction Detail Plan
9. Construction Detail Plan
10. Construction Detail Plan
11. Construction Detail Plan (Revised 6/30/2015, Further Revised 7/30/15)
12. Construction Detail Plan
13. Construction Detail Plan (Revised 6/30/2015, Further Revised 7/30/15)
14. Street Tree & Buffer Planting Plan
15. Entrance Elevation & Landscape Plan
16. Typical Building Landscape Plan – Bldgs. 1 & 2
17. Dupee House Landscape Plan
18. Typical Landscape Details
19. Typical Landscape Details
20. Unit Type A First and Second Floor Plans
21. Unit Type 2BR and 3BR Roof Plans
22. Unit Type A Exterior Elevations
23. Unit Type B First and Second Floor Plans
24. Unit Type B Second Floor Options
25. Unit Type B Roof Plans
26. Unit Type B Exterior Elevations
27. Unit Type C First and Second Floor Plans
28. Unit Type C Roof Plans
29. Unit Type C Elevations
30. Typical Duplex and Triplex Elevations
31. Proposed First and Second Floor Plans of Dupee Home
32. Proposed Exterior Elevations (Dupee Home).

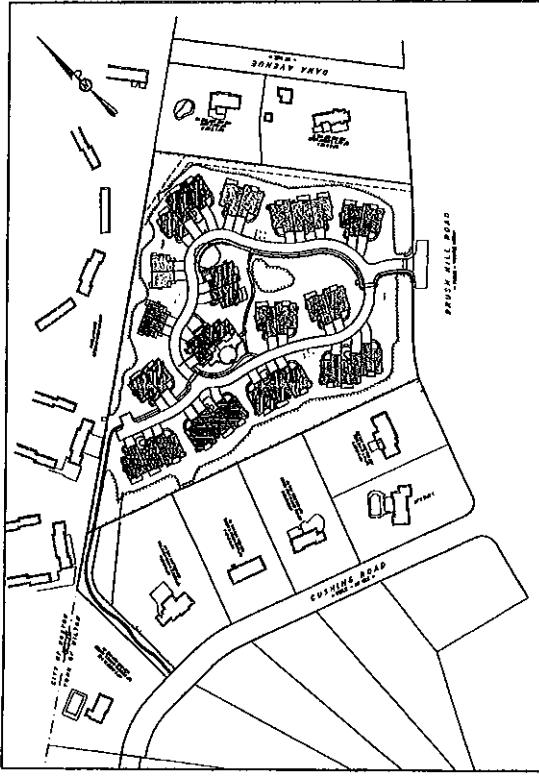
- 4a. Open Land Area Plan, dated June 8, 2015
- 4b. Buildable Pod Plan, dated June 8, 2015
- 4c. Limit of Clearing Plan, dated June 8, 2015

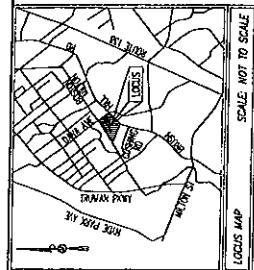
- 4d. Tree Preservation Plan, dated June 30, 2015, revised July 16, 2015
- 6a. Overall Site Cross Sections [Sections A and B], dated June 30, 2015
- 6b. Overall Site Cross Sections [Sections C and D], dated June 30, 2015

WOODMERE AT BRUSH HILL  
 865 BRUSH HILL ROAD  
 (ASSESSORS MAP B 12, LOTS 2B, 8A & 8B)  
 PLANNED UNIT TOWNHOUSE  
 DEVELOPMENT

IN  
 MILTON, MASSACHUSETTS



Issued Date: May 13, 2015



Drawing Index  
 Drawing No.  
 Drawing Title  
 Latest Issue

1	COVER SHEET	---
2	GENERAL NOTES, LEGEND, SYMBOLS & ABBREVIATIONS	---
3	EXISTING CONDITIONS PLAN	---
4	SITE LAYOUT PLAN	---
5	GRADING & DRAINAGE PLAN	---
6-7	ROADWAY PLAN & PROFILE	---
8-13	CONSTRUCTION DETAILS	---
14	STREET TREE & BUFFER PLANTING PLAN	---
15	ENTRANCE ELEVATION & LANDSCAPE PLAN	---
16	TYPICAL BUILDING LANDSCAPE PLAN - BLDGS 1 & 2	---
17	DUPLEX HOUSE LANDSCAPE PLAN	---
18-19	TYPICAL LANDSCAPE DETAILS	---
20-22	UNIT TYPE A ARCHITECTURAL PLANS & ELEVATIONS	---
23-26	UNIT TYPE B ARCHITECTURAL PLANS & ELEVATIONS	---
27-29	UNIT TYPE C ARCHITECTURAL PLANS & ELEVATIONS	---
30	TYPICAL BUILDING ELEVATIONS	---
31-32	DUPLEX HOUSE ARCHITECTURAL PLANS & ELEVATIONS	---

SCALE: 1" = 100'

0 50 100 150 200 250 300 350

PERMIT PLAN SET  
 1

PLANNED UNIT TOWNHOUSE  
 DEVELOPMENT  
 865 BRUSH HILL ROAD  
 ASSESSORS MAP B 12, LOTS 2B, 8A & 8B  
 MILTON, MASSACHUSETTS  
 02180-220  
 Miltown NRC, LLC  
 20 Main Road, Suite 220  
 Burlington, MA 01803  
 Owner/Applicant:  
 Miltown NRC, LLC  
 20 Main Road, Suite 220  
 Burlington, MA 01803  
 Architect:  
 Graziano Velluccio Architects  
 Little Harbor  
 10 Deeks Lane  
 Marblehead, MA 01945  
 Landscape Architect:  
 Ryan Associates Landscape  
 Architecture & Planning  
 Building 4  
 144 Moody Street  
 Waltham, MA 02454  
 Engineer/Surveyor:  
 McKenzie Engineering Group, Inc.  
 150 Longwater Drive, Suite 101  
 Norwell, MA 02061

Cover  
Sheet

1

PLANNED UNIT TOWNHOUSE  
 DEVELOPMENT  
 865 BRUSH HILL ROAD  
 ASSESSORS MAP B 12, LOTS 2B, 8A & 8B  
 MILTON, MASSACHUSETTS  
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 Architecture & Planning  
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Cover  
Sheet

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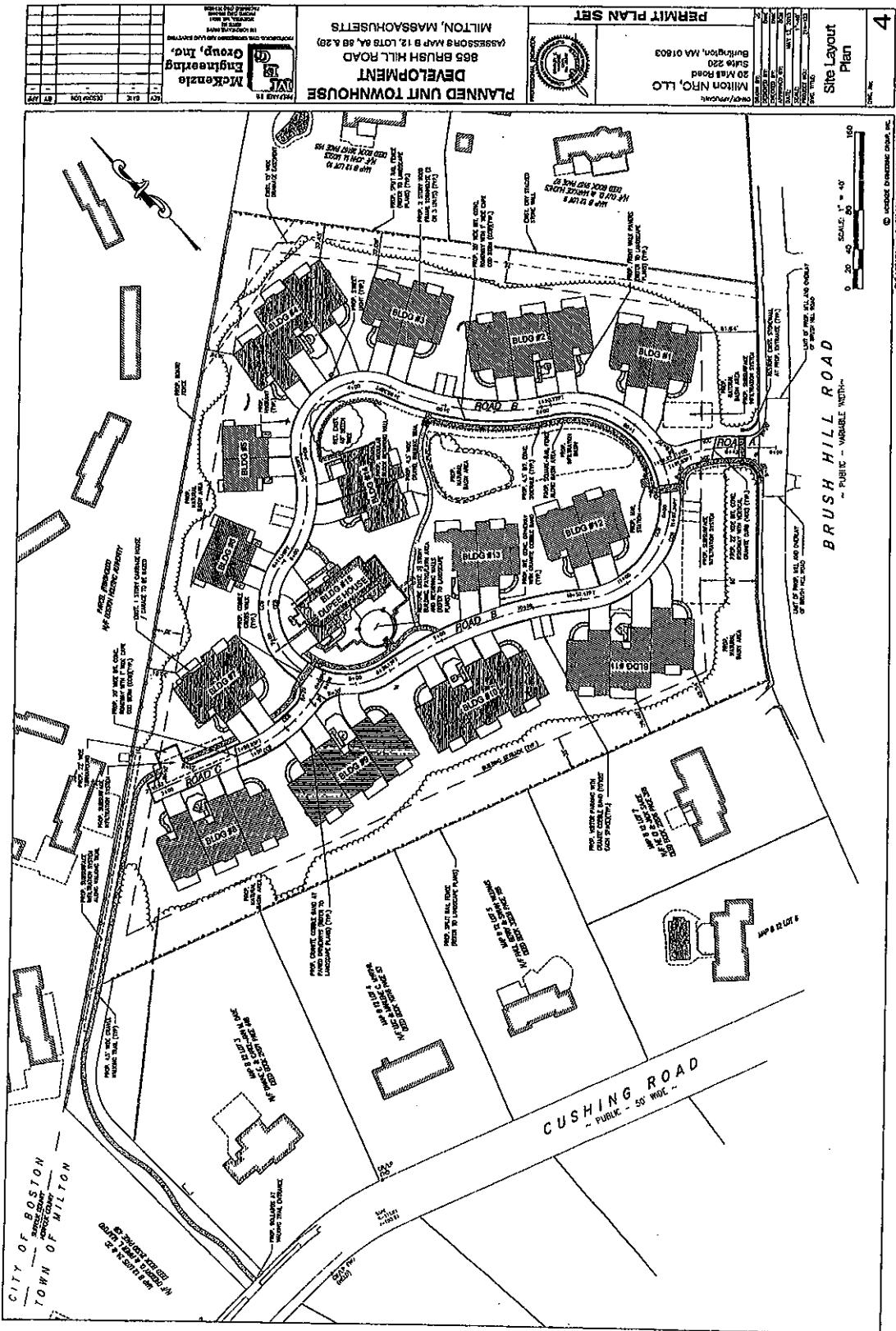
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PLANNED UNIT TOWNHOUSE  
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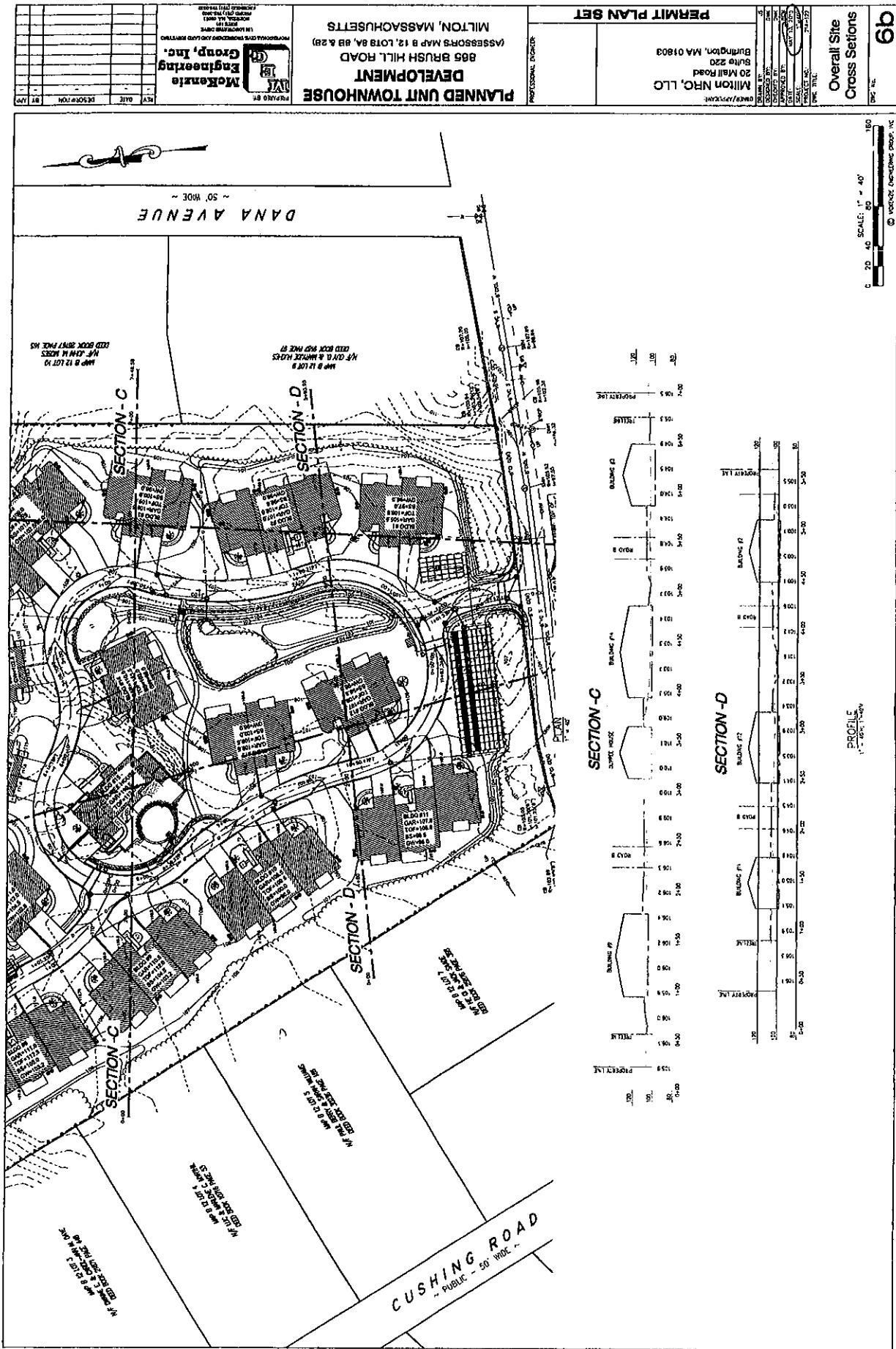
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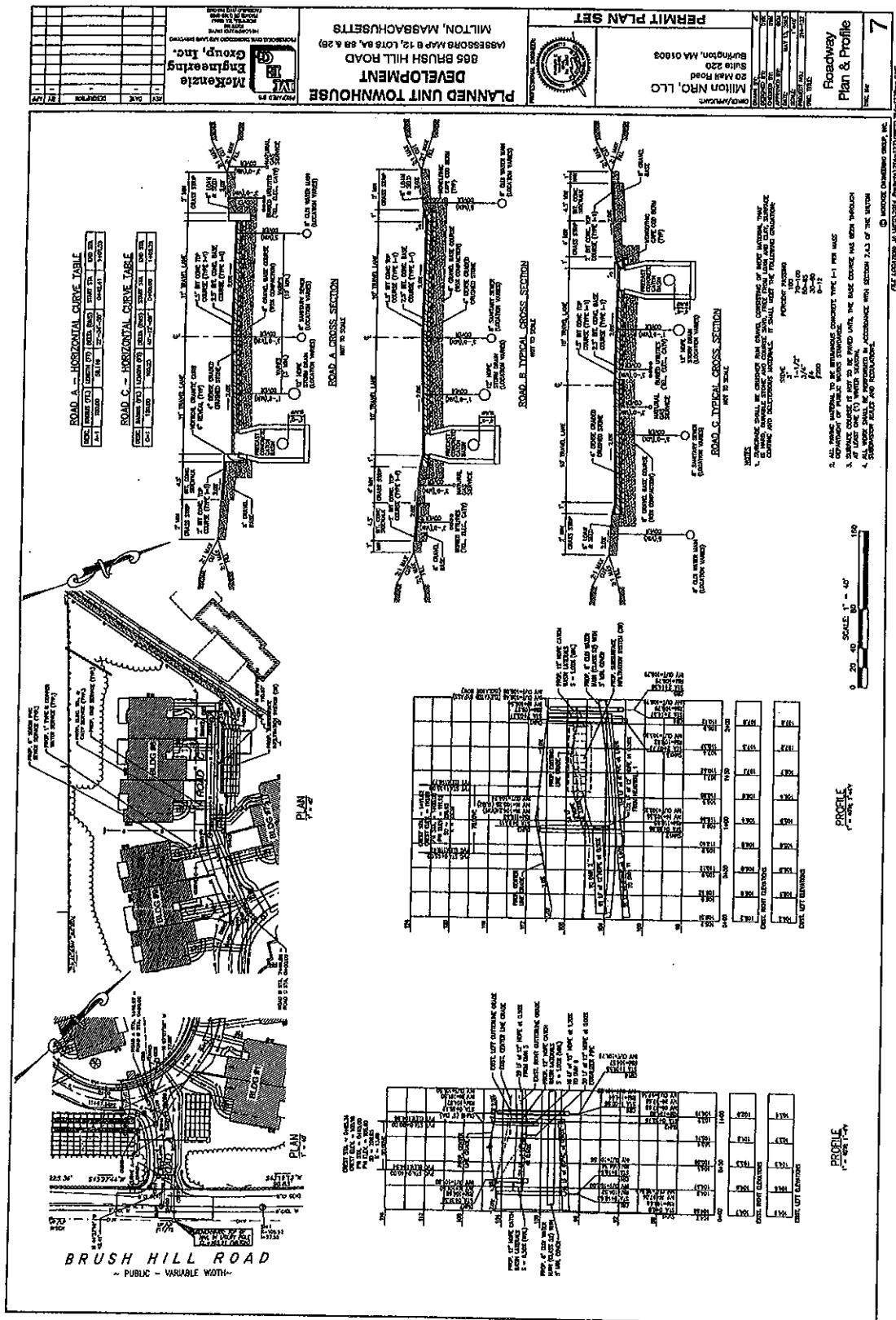
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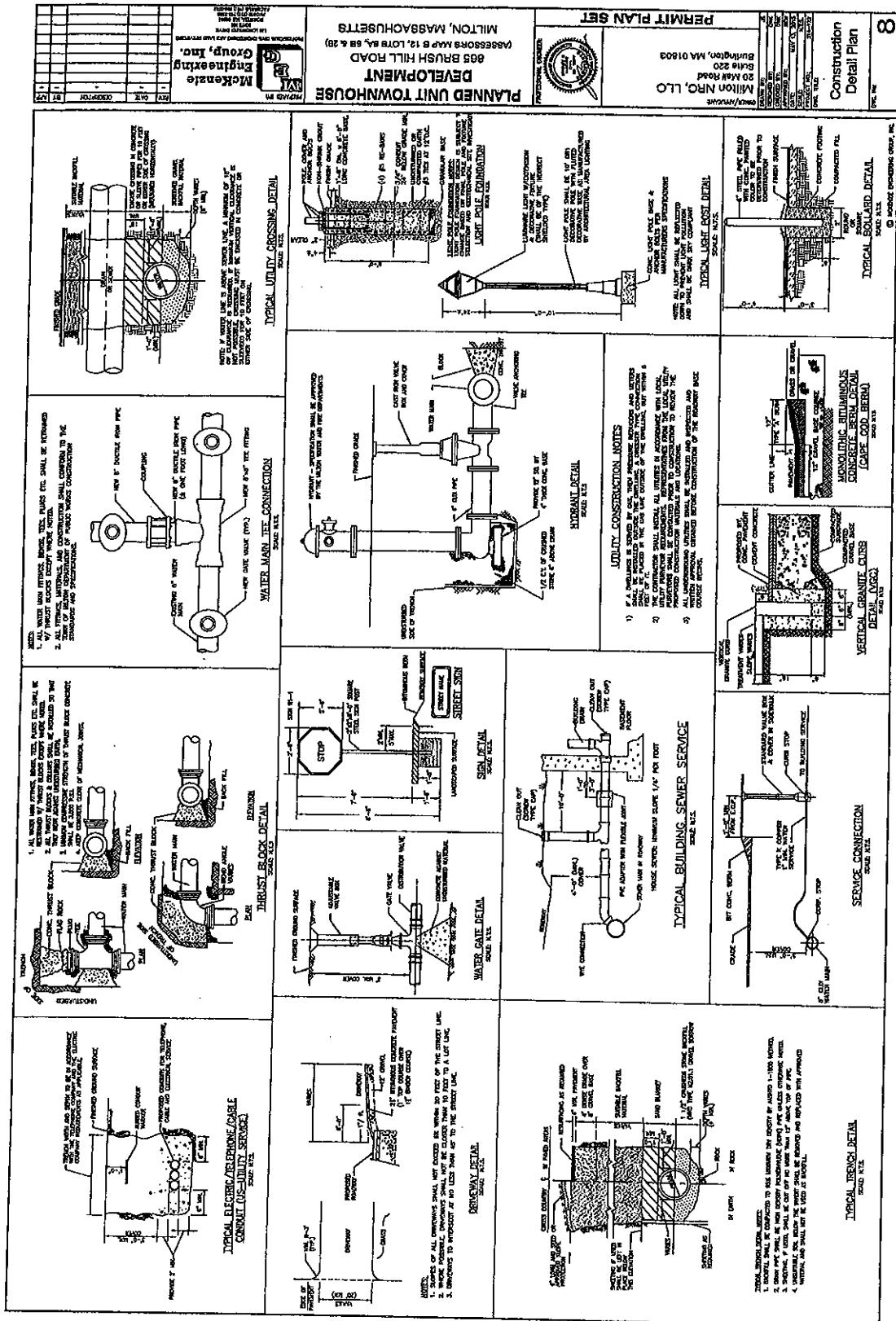


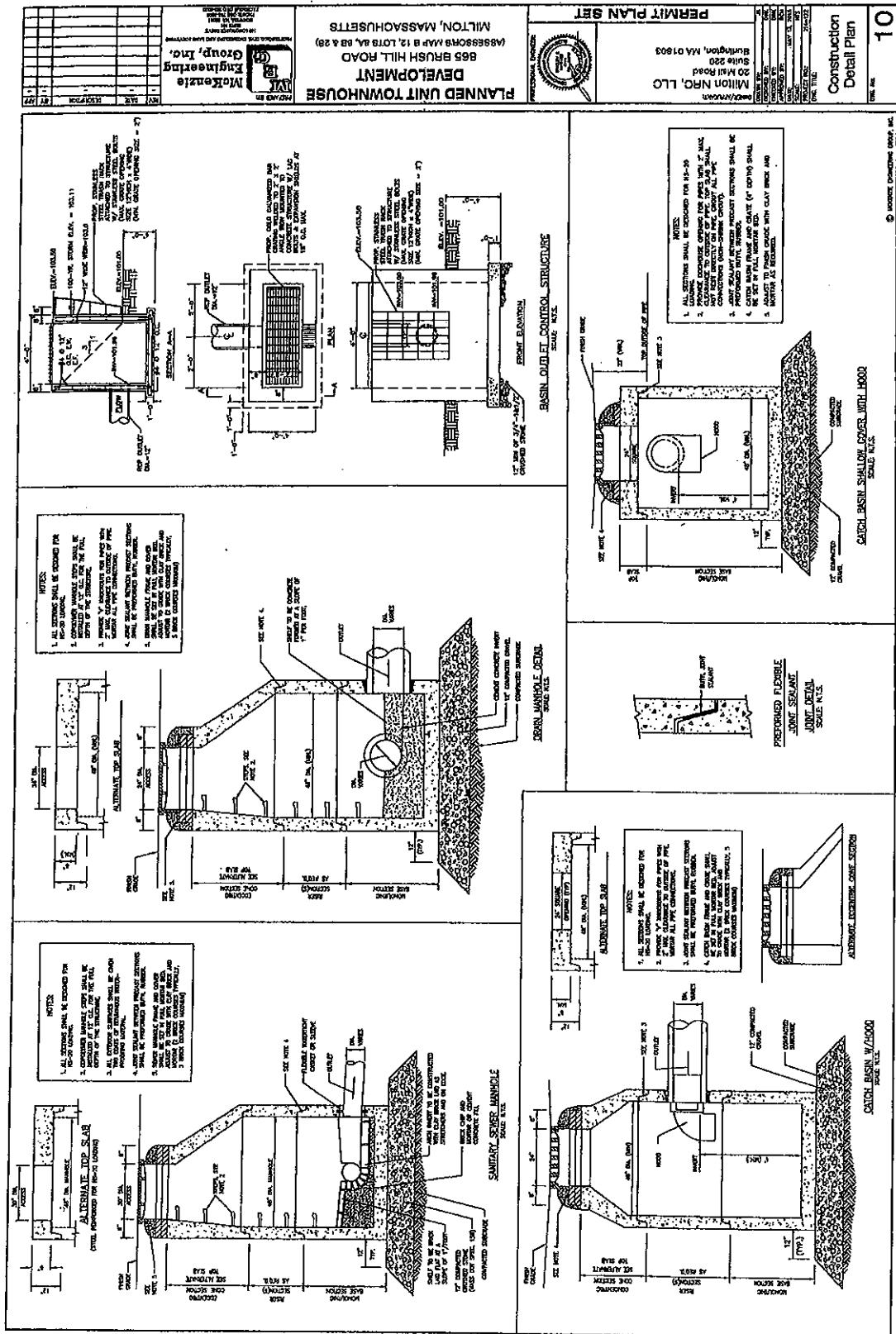


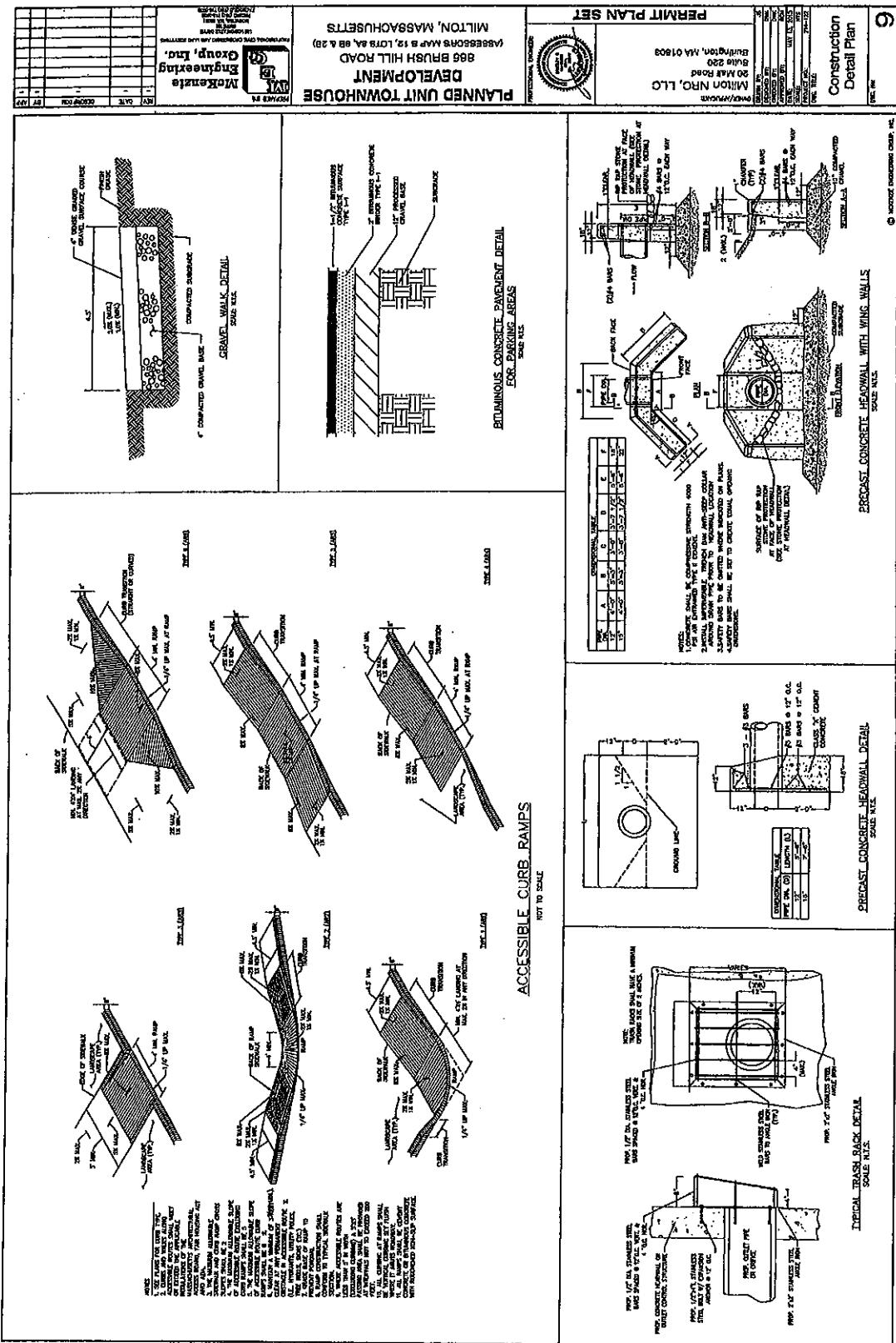




















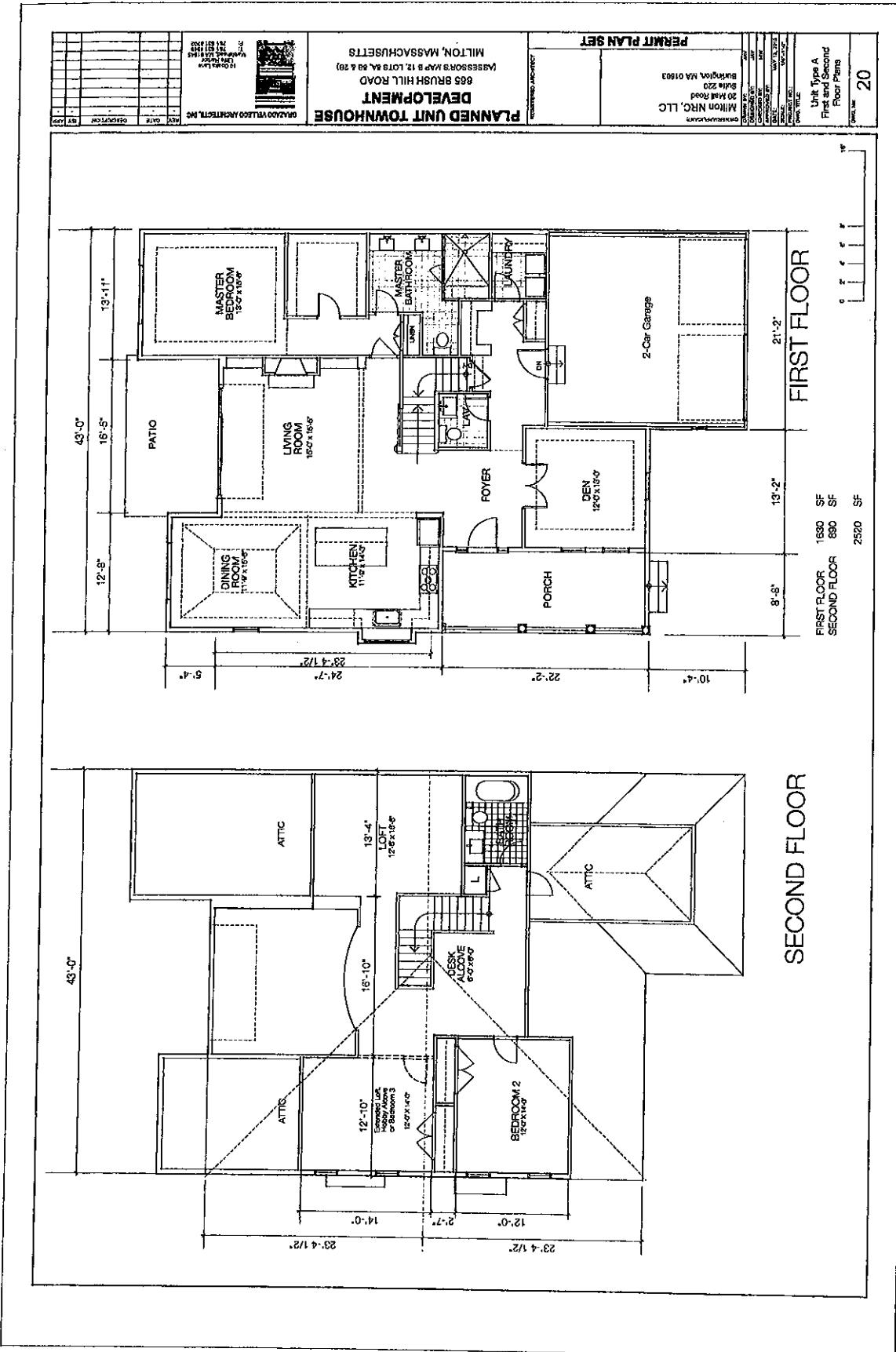


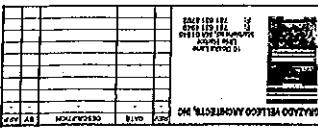








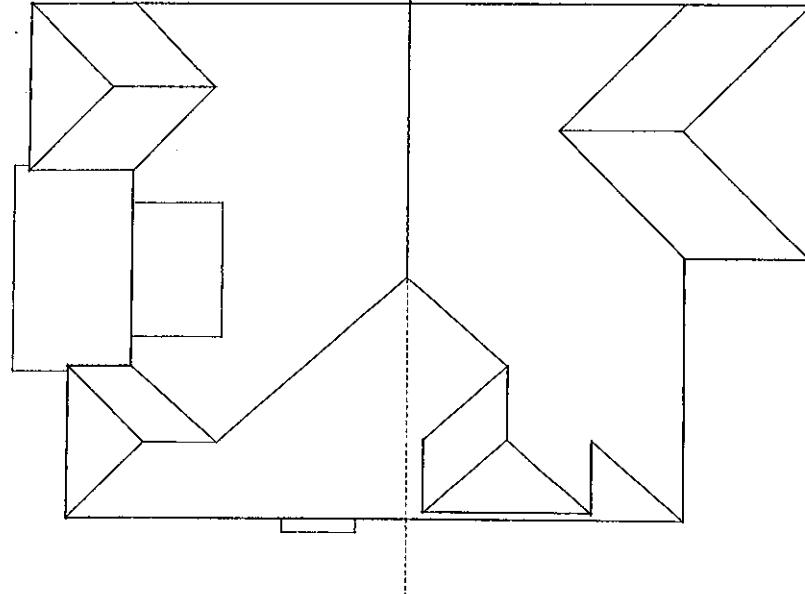




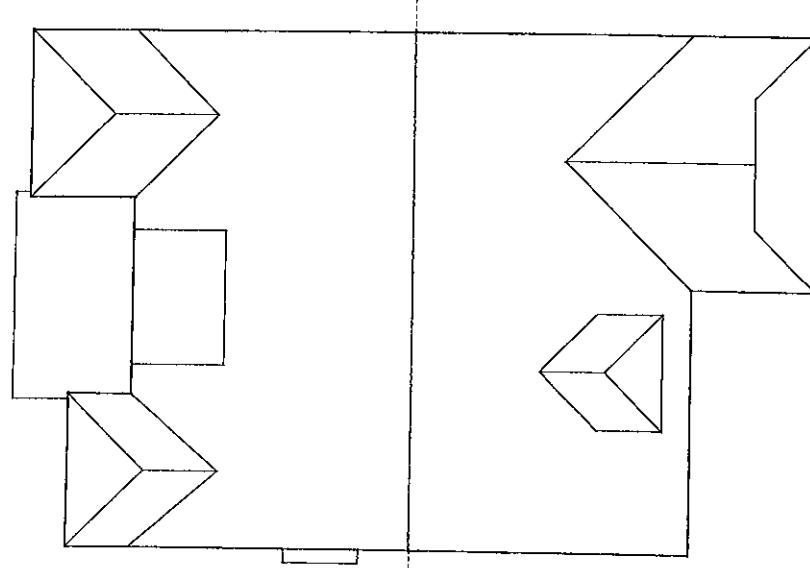
PLANNED UNIT TOWNHOUSE  
(ASSESSOR'S MAP # 12 LOTS A & B2)

PERMIT PLAN SET  
MILTON, MASSACHUSETTS  
865 BRUSH HILL ROAD  
Bldg # 220  
20 Main Road  
Milton MA 02180  
MILTON NRC, LLC

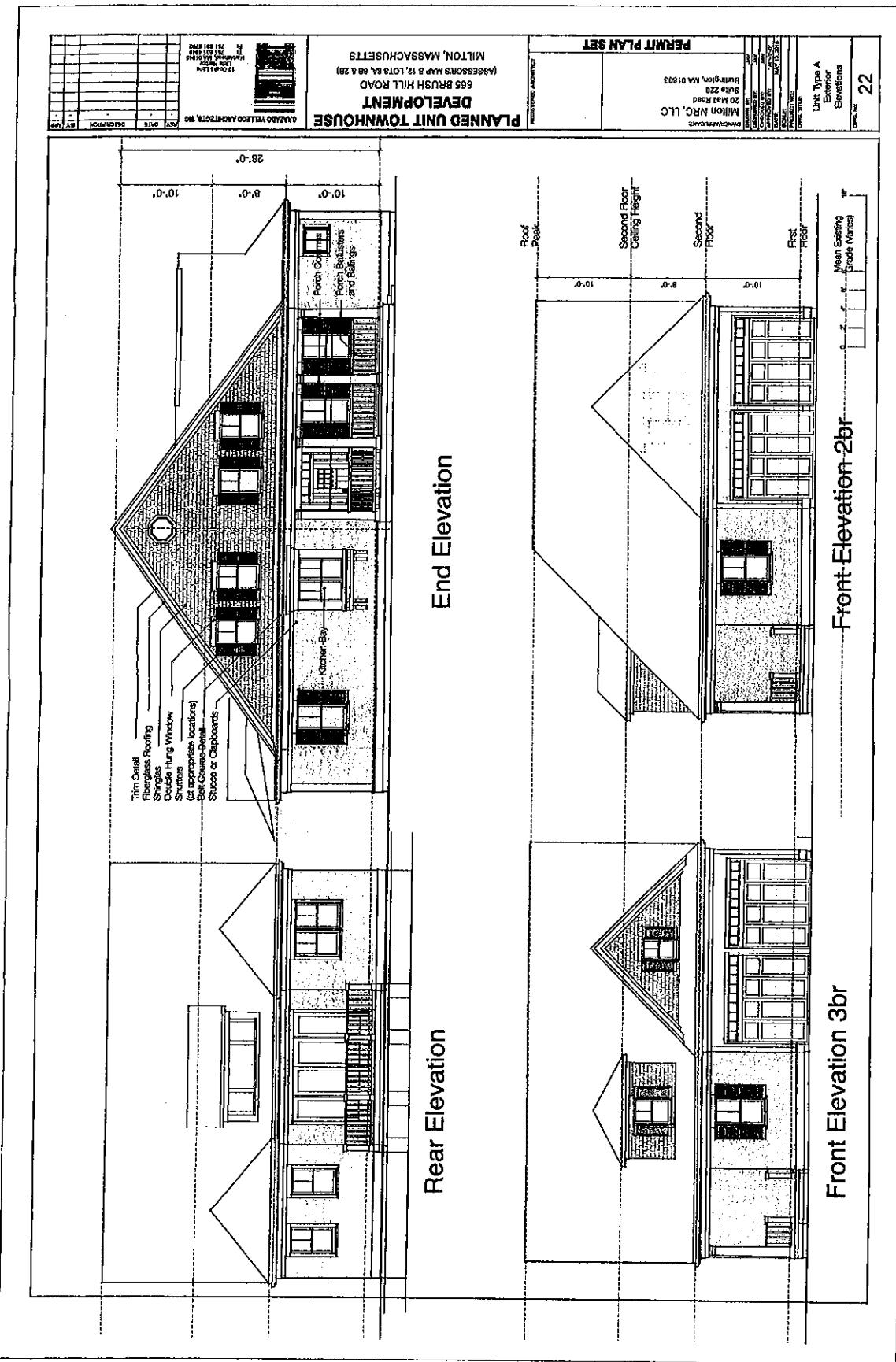
Unit Type A  
2BR and 3BR  
Roof Plans  
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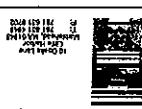
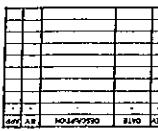
ROOF AT 2 BR UNIT



ROOF AT 3 BR UNIT





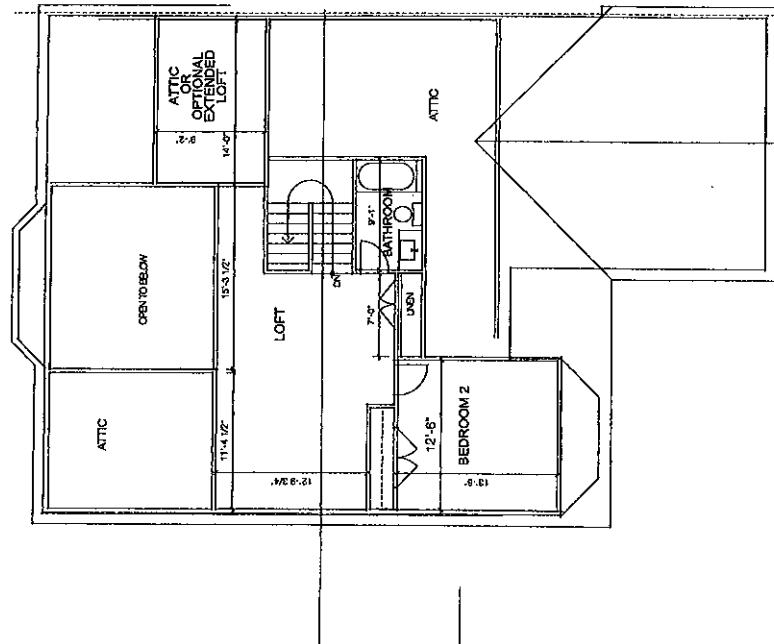


PLANNED UNIT TOWNHOUSE  
DEVELOPMENT  
ADDRESS: 885 BRUSH HILL ROAD  
MILTON, MASSACHUSETTS  
(ADDRESS OF THE 12 LOTS OF 56.428)

PERMIT PLAN SET  
MILLION INC., LLC  
20 Main Road  
Suite 220  
Burlington, MA 01803

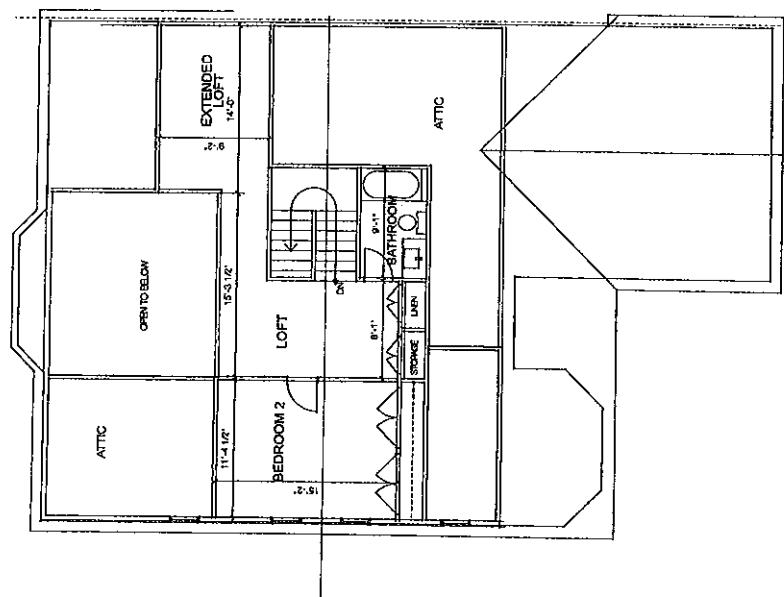
Unit Type B  
Second Floor  
Options

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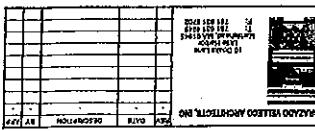


SECOND FLOOR  
TWO BEDROOM  
INTERIOR UNIT

FIRST FLOOR 1650 SF  
SECOND FLOOR 2215 SF



SECOND FLOOR  
TWO BEDROOM  
END UNIT



MILTON, MASSACHUSETTS  
(ASSESSOR'S MAP # 12 LOTS A 00 A 28)  
885 BRUSH HILL ROAD

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PERMIT PLAN SET

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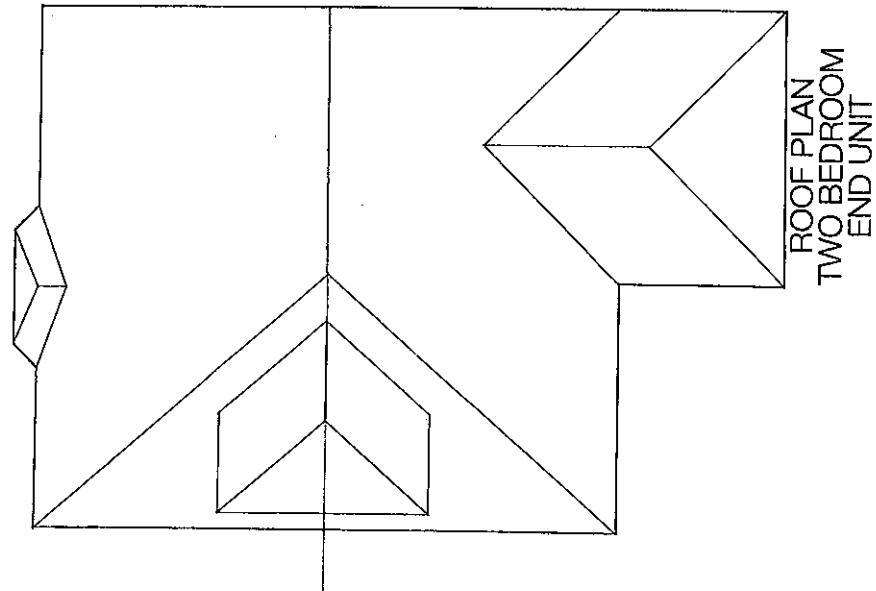
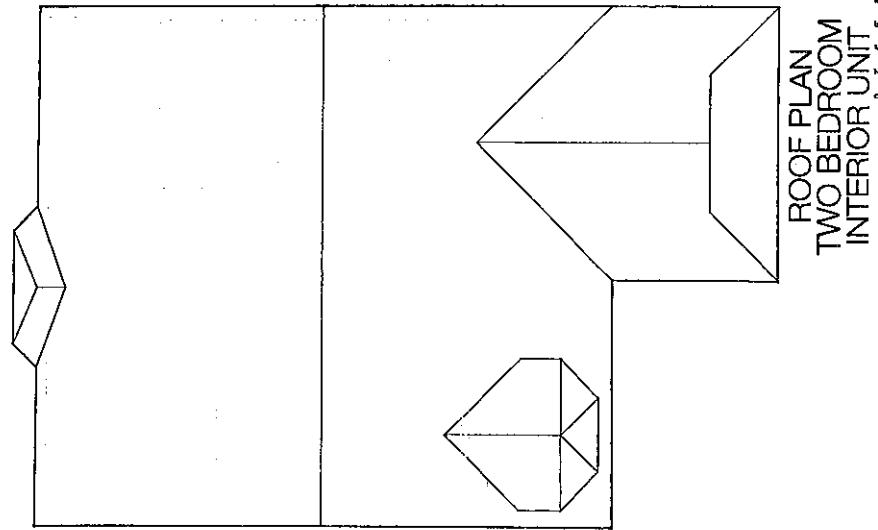
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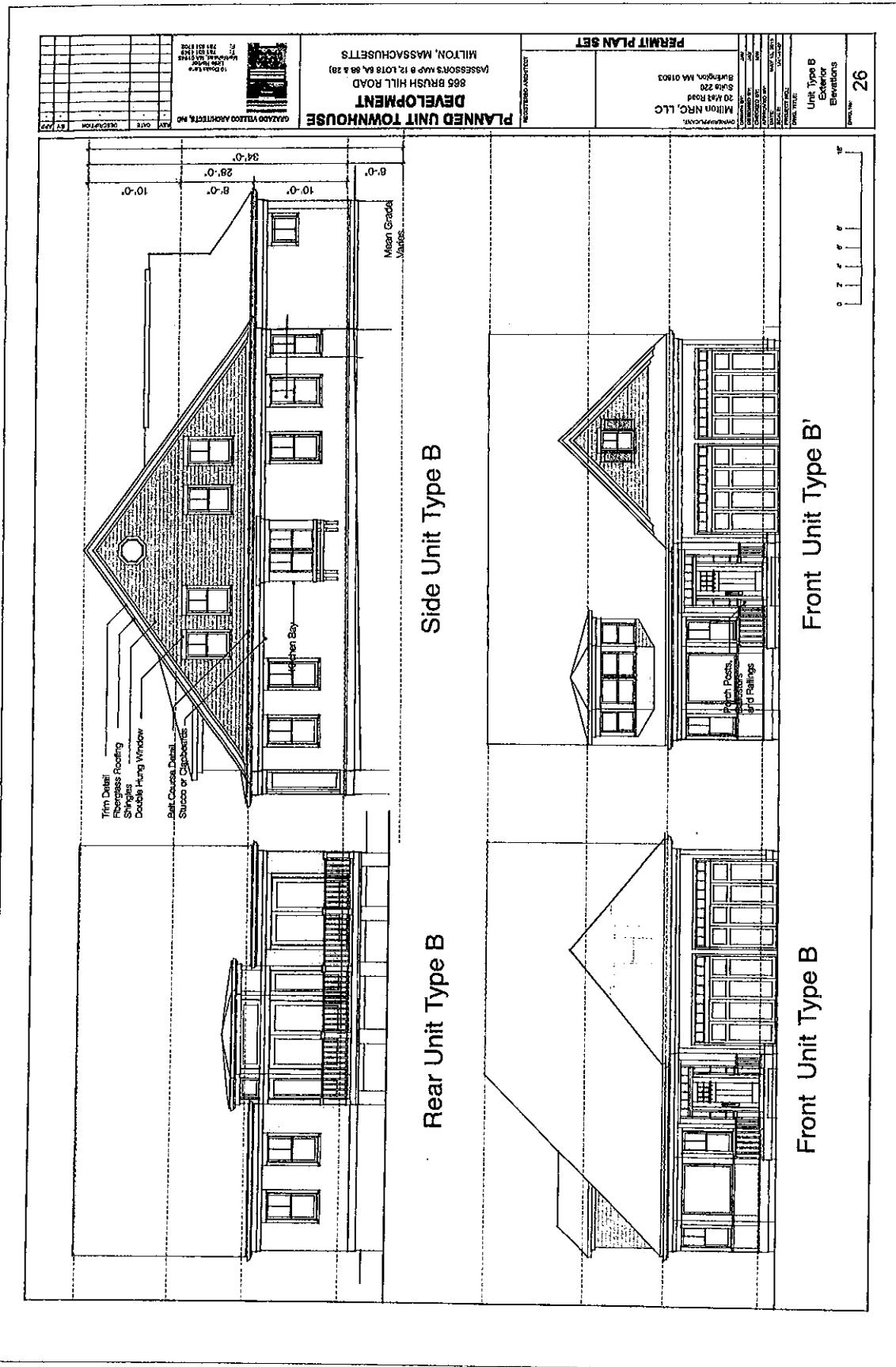
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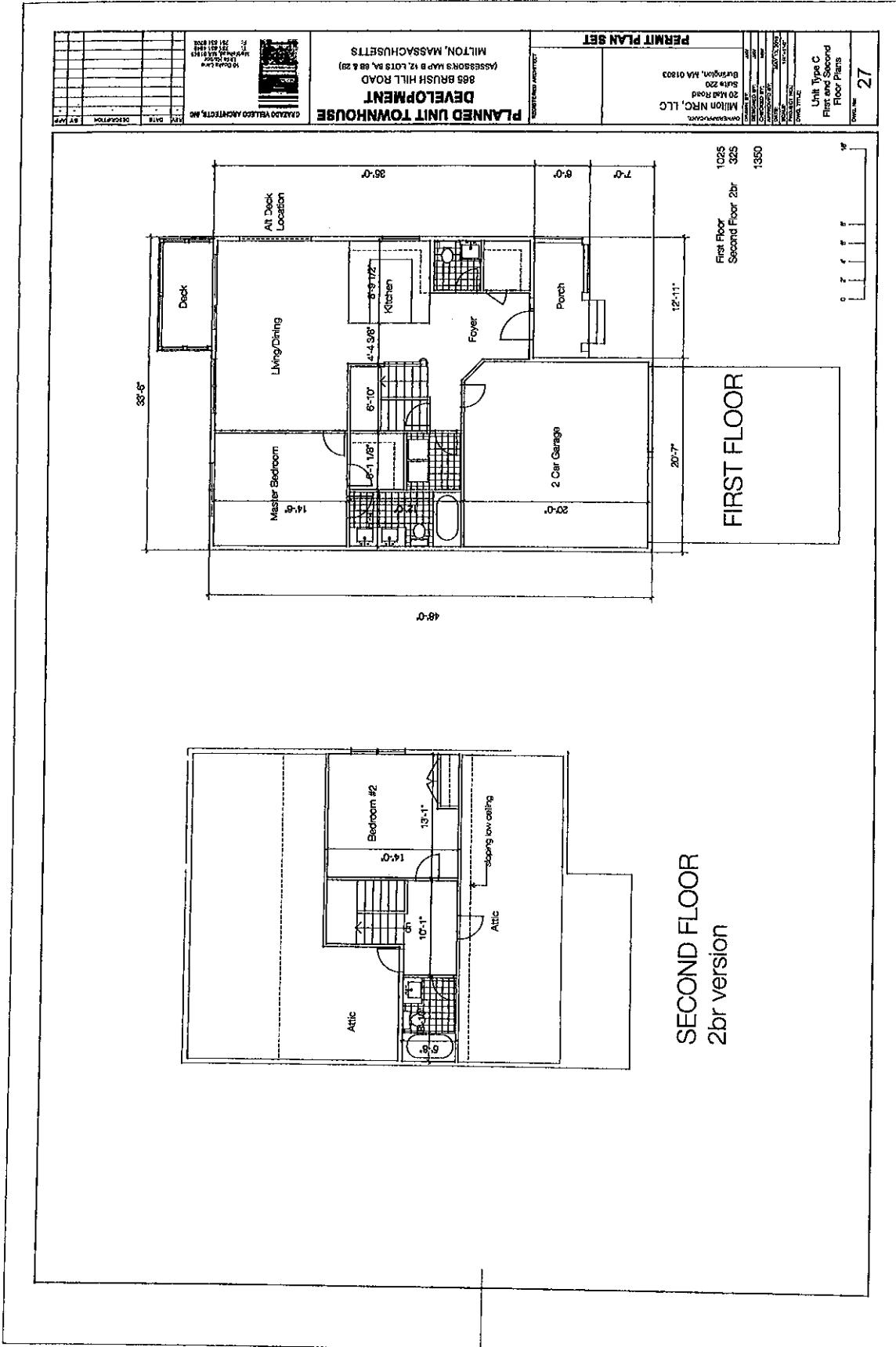
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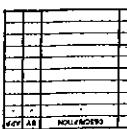
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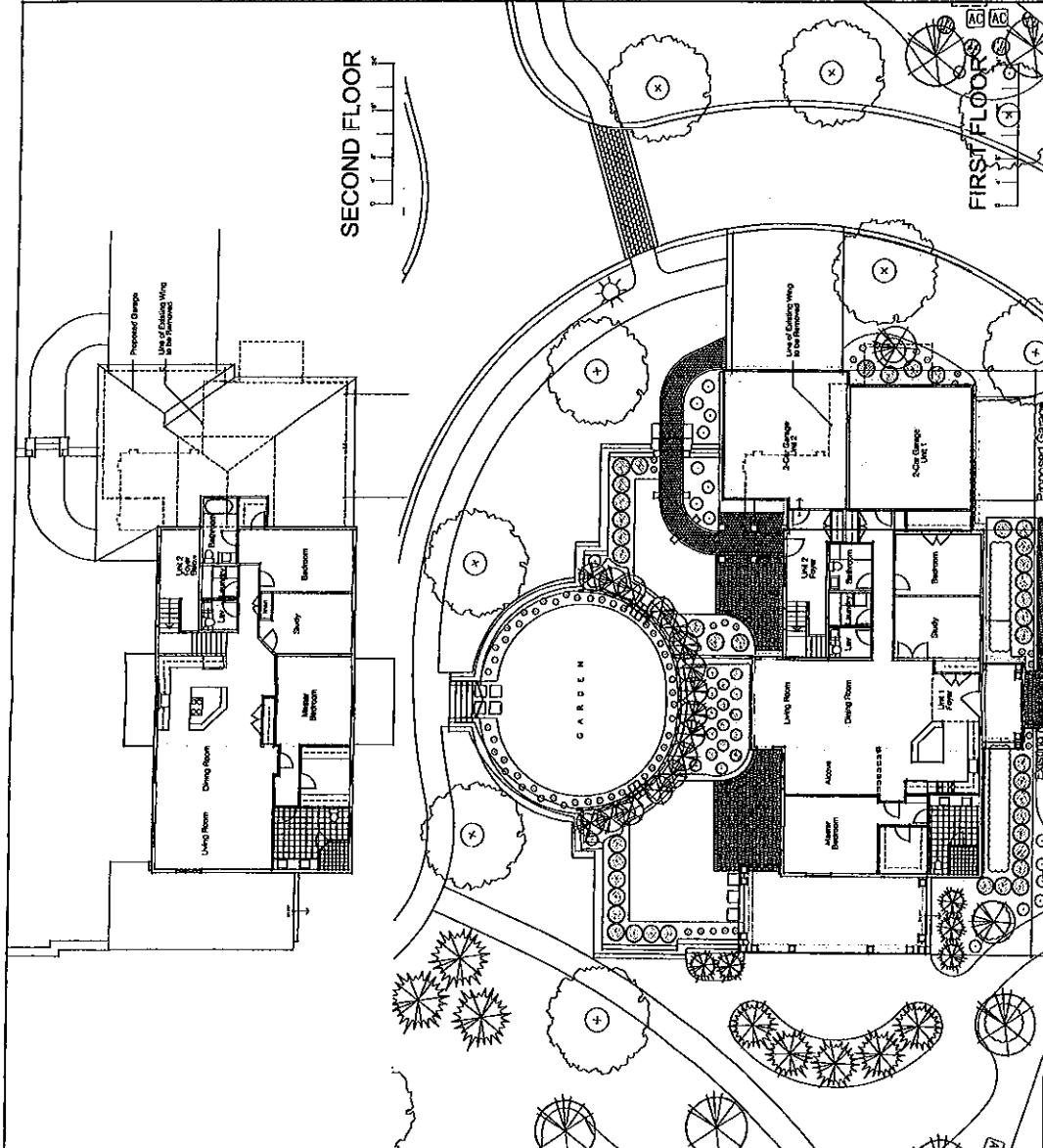
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PERMIT PLAN SET  
MILLTON, MASSACHUSETTS  
885 BRUSH HILL ROAD  
ASSESSORS MAP B 12, LOTS A8 & 28  
PLANNED UNIT TOWNHOUSE  
DEVELOPMENT  
ARCHITECTURE: AIA/ASID/LEED ARCHITECTURE, INC.  
DATE: 05/09/2009  
DESIGNER: 37199

31





**EXHIBIT B**  
**Tree Preservation and Protection Requirements**

**Exhibit B**  
**865 Brush Hill Road**  
**Woodmere at Brush Hill**  
**Milton NRC, LLC**  
**Owner/Applicant**

**Tree Preservation and Protection Requirements**

---

In implementing the residential development of the St. Pius Rectory property located at 865 Brush Hill Road (the "Site"), to be known as "Woodmere at Brush Hill", (the "Project") Milton NRC, LLC, its successors and assigns shall save as many of the significant existing trees and other vegetation within the property as is reasonably possible. Certain "Character Defining" trees, stonewalls, other site features and the Dupee House, circa 1913, are historically significant. For these reasons, these landscape elements and trees shall receive special protection for the duration of the development of the Project and specifically during the initial construction phases.

In an effort to catalog significant trees and other site elements (stone walls, buildings and other site features) the design team surveyed the Site and inventoried by field survey those landscape elements which are desirous and feasible of preservation. Specifically, a limit of work and site disturbance line was established which are designated on the Grading and Drainage Plan (Sheet 5 of the Site Plan) and a cataloging and hierarchy of significance were identified, which are designated on a subsequent detailed plan titled, "Tree Preservation Plan, (Sheet 4d)" which specifically details which trees are to be saved. The tree preservation plan and the following written protection requirements shall be attached to and included with the "Conditions of Contract" for the Contractor and all subcontractors on the site.

The attached Tree Preservation Plan, Sheet 4d designates existing specimen trees and places them into three specific categories, as follows:

1. Character Defining Trees to be saved;
2. Other Significant Specimen Trees to be saved;
3. Specimen Trees at high risk due to construction to be saved if possible.

In addition to establishing the three categories, the Plan also establishes a "limit of construction/disturbance" line around the periphery of the Site. No construction related activities will be allowed between the limit of construction/disturbance line and the property boundary line of the site with the exception of activities associated with new planting as detailed on the "Buffer Planting Plan (Sheet 14 of the Site Plan)", the installation of the fencing at the property line as shown therein, and maintenance. It is intended that the wooded areas between the limit of construction/disturbance line and the property line will remain in a well-tended natural state, aside from the removal of certain invasive, noxious and

rampant vines, such as Bittersweet, which threaten the existing specimen trees, as well as the removal of dead, diseased or dangerous trees or shrubs in order to assure the healthy maintenance of the wooded environment in the buffer areas and plantings. New plantings for screening and a wooded visual effect shall be established as needed.

The Owner, Contractor and Subcontractors and the condominium association of the Woodmere at Brush Hill community, shall take the following actions:

#### I. SUBMITTALS

- All of the specifications contained in this Tree Preservation and Protection Plan (including the Tree Preservation Plan, Sheet 4d) shall be attached as conditions of relevant contract documents.
- Product data for each type of product shall be specified in each relevant Contract Document and Specifications.
- Qualification data for firms and persons specified in the “Quality Assurance” section shall demonstrate adequate capabilities and experience. Contractors should include lists of completed projects with names and addresses of Architects and Owners when relevant.
- Insofar as possible certification shall be made over the duration of the Project by a Qualified Arborist that all “Character Defining Trees” have been properly protected during and after construction, and that the trees were promptly and properly treated and repaired if and when damaged.
- Reasonable maintenance recommendations for care and protection of trees affected by construction shall be provided by the Arborist and these recommendations shall be followed after completion of construction.

#### II. QUALITY ASSURANCE

- The Owner shall engage an experienced tree service firm that has successfully completed tree protection and trimming work similar to that required for this Project and shall retain an experienced Arborist on the Project site as required, to ensure protection of the “Character Defining Trees”.
- The Arborist shall be certified by the International Society of Arboriculture and be licensed in Massachusetts.
- All tree pruning standards (both root pruning and branch pruning) shall comply with the National Arborist Association’s “Pruning Standards for Shade Trees,” except where more stringent requirements are specified by the Arborist.
- Before commencing tree protection and trimming, any contractor shall meet with representatives of the Owner, Arborist, Architect and/or Landscape Architect. Tree protection and trimming procedures will be carefully reviewed prior to the start of any

construction activities and all requirements established shall be carefully implemented during construction.

### III. PRODUCTS AND MATERIALS

- Any required Drainage Fill shall be selected crushed stone, or crushed or uncrushed gravel, washed, ASTMD 448, size 24 with 90-100% passing a 2 -½" sieve, and not more than 10% passing a ¾" sieve. Topsoil shall be fertile, friable surface soil, containing natural loam and complying with ASTMD 5268. Topsoil shall be free of stones larger than 1" in any dimension and free of other extraneous or toxic matter harmful to plant growth.
- Filter Fabric shall be manufacturers' standard nonwoven, pervious, geotextile fabric of polypropylene, nylon, or polyester fibers.
- Fencing used for tree protection or to mark the limit of construction/disturbance shall be a minimum four-foot (4') brightly colored contractor's snow fence, carefully secured and supported by steel posts placed a minimum of eight (8') feet on center. Contractor shall submit product literature for snow fence and steel post to the Owner's representative and Arborist/Landscape Architect for approval. Location of fence shall be approved in the field by the Owner, Arborist or Landscape Architect.
- In addition to protective fencing, individual temporary signs will be prominently displayed immediately adjacent to all trees and other areas which are fenced. Signs will be constructed to withstand all weather conditions and will be securely installed on wooden posts (minimum 2" X 4") at a minimum height of 6' above grade, immediately behind and adjacent to construction fencing. The signs shall read as follows: "No construction activity of any kind allowed in this area. Damage to trees and other vegetation subject to Significant Fine." Contract documents shall provide for imposition of such a fine.
- Contractor will submit product literature for temporary signs and posts to guide construction. Location of signs shall be approved by the Owner, Arborist or Landscape Architect.

### IV. EXECUTION-PROTECTION OF EXISTING VEGETATION

- Trees, vines, ground cover and shrubs to be saved outside the "limit of construction/disturbance" shall be protected with temporary construction fencing and signage designated in the preceding section. This temporary fencing shall be provided during all construction activities.
- In addition to providing fencing along all wooded areas defined by the limit of construction/disturbance line, fencing shall also be provided around all individual trees or groups of trees designated on the Tree Preservation Plan (Sheet 4d) for the following categories: Character Defining Trees; Other Significant Specimen Trees to be saved; and Specimen Trees at high risk due to construction to be saved if possible.

- All installed protective fencing shall be accompanied by the signage specified in the preceding section.
- The required temporary fencing shall be installed wherever possible at the drip line (outer perimeter of branches) of the trees and groups of trees. Certain “Specimen trees at high risk due to construction” may not be able to be protected around the entire drip edge of the tree due to required construction activities, but every effort shall be taken to fence these trees to the greatest extent possible. If trees which cannot be fenced at the drip edge may be subject to vehicle movement above the root systems, those areas will be protected to the maximum reasonable extent from soil compaction by a double-layer of plywood, or other suitable protective matting.
- The Arborist shall monitor all tree protection activities, including fencing, branch and root pruning, fertilization, moving and other similar protection activities and shall submit to the Building Department and Planning Office an affidavit citing that all protective measures have been established prior to the commencement of tree removal or clearing activities and specify best practices to be followed.
- All areas within protective fencing shall be maintained free of debris and no trees or shrubs so protected shall be damaged by burning, pumping of water, by cutting live roots or branches or by any other means. No protected trees shall be used for crane stays, guys or other fastenings. Vehicles shall not be parked where damage may result to trees to be saved, including the root systems of those trees. No construction materials shall be stored beneath the trees to be saved or within the protective fencing. All reasonable efforts shall be taken to prevent soil compaction over protected root systems. If necessary, protective matting will be utilized to provide protection against soil compaction.
- The condition and integrity of the required construction fencing and signage will be maintained in good condition. If fencing or signage is inadvertently knocked over or damaged, it will be replaced forthwith and any damage to protected trees or other vegetation will be immediately reported to the Owner, Arborist or Landscape Architect and shall be remediated whenever possible.
- It is recognized that certain specimen trees designated on the plan are at high risk due to construction activities required in and around their immediate vicinity. Those trees are shown on the Plan as “Specimen Trees at high risk due to construction to be saved if possible.” Although, every reasonable effort shall be made to save those trees, if it is documented in the opinion of the Arborist, that during construction so much of the trees’ root system needs to be removed that the trees will very likely pose a public safety hazard due to future wind-throw or deterioration, those trees may then be removed during construction. Since some trees prove quite tolerant of heavy construction activities trees will be given reasonable opportunity to remain on site, and will only be removed only when there is a high likelihood of a public safety hazard.
- Relevant contract documents shall provide that in the event of damage to any “Character Defining Trees,” and “Other Significant Specimen Trees to be saved,” the Contractor shall be assessed a damage penalty at \$300 per caliper inch, which amount shall be deducted from the Contract amount. In addition to said fine, those trees will also be

replaced with a "tree spade" size tree of the same species, at Contractor's sole expense. "Character Defining Trees" shall be replaced with trees of a similar species of at least 6" caliper. Other trees shall be replaced with trees of a similar species of at least 4" minimum caliper. Other existing shrubs, vines and ground cover to be saved which have been clearly marked by protected fencing and signage, and which have, in the opinion of the Owner, Arborist or Landscape Architect, become damaged, shall be replaced with plants of equal size and similar species. All expenses incurred shall be paid by the Contractor without additional cost to the Owner, or the Town of Milton.

- All temporary fencing and signage shall be maintained continuously throughout the construction, until all work in the vicinity of the protected trees and vegetation has been completed. Temporary tree protection fencing may be removed just prior to the spreading of loam, or shortly before the Owner's and Architect's inspection for substantial completion.
- Owner shall abide by all of the terms of this Tree Preservation and Protection Plan, throughout the entire build-out of the Project, including the replacement, as mandated, of "Other Significant Specimen Trees to be saved" which become irreparably damaged in the opinion of the Arborist, or that die due to construction related activities, all at the sole expense of the Owner, with no cost to the Town of Milton.

#### V. DISPOSAL OF WASTE MATERIALS

- Burning is not permitted on the Site unless fully authorized by the Milton Fire Department and acknowledged and agreed to by the Owner. If existing trees or other vegetation to be saved are damaged by such burning, the fines and/or replacement plantings required under Section IV shall apply.
- All excess excavated material, including removed and displaced trees and stumps and excess chips shall be completely removed from the Site and properly disposed of in a licensed and regulated facility that accepts such materials. No such materials shall be left on the property. Also, as previously stated, no materials of any kind will be placed inside any area restricted by the protective fencing and signage.

#### VI. NEW LANDSCAPE PLANTINGS

- No additional plantings are defined on the Tree Preservation Plan (Sheet 4d). Separate Landscape Plans have been prepared, which define new landscape plantings to be installed at road entry ways, in and around the individual building pods and in the perimeter buffer zone areas.
- Required specifications for the new plantings shall be as specified in the Landscape Plans. Those specifications include:
  1. All proposed planting locations shall be staked carefully as shown on the Landscape Plans for field review by the Owner, Arborist or Landscape Architect prior to installation.

2. Contractor shall verify locations of all utilities and notify owner's representative of any conflicts.
3. No plant material shall be installed until all grading and construction has been completed in the immediate area.
4. A 3" deep shredded pine bark mulch shall be installed under all trees and shrubs and in all planting beds as shown on the Landscape Plans and as may be directed by owner's representative.
5. All trees shall be balled and burlapped, unless otherwise noted, or approved by the Arborist as equally likely to thrive.
6. Final quantities for each plant type shall be as shown on the Landscape Plan and this number shall take precedence in case of any discrepancy between quantity shown on the plant list and on the plan.
7. Any proposed plant substitutions must be approved in writing by the Arborist as superior to those specified.
8. New landscape materials shall be of a type and species indigenous to the local area.
9. All plant materials installed shall meet or exceed the specifications of the "American Standards for Nursery Stock" by the American Association of Nurserymen.
10. All plant materials shall be guaranteed for one year following the date of installation and date of final acceptance by the owner's representative in writing, whichever date is later.
11. Any areas designated "loam and seed" shall receive 6" of loam and specified seed mix. Lawns over 3:1 slope shall be protected with erosion control fabric.
12. Any areas without loam cover of subsoil shall be loamed and seeded.

**EXHIBIT C**  
**Construction Management and Phasing Requirements**

**Exhibit C**  
**Woodmere at Brush Hill**  
**Construction Management & Phasing Requirements**  
**Milton NRC, LLC**  
**Owner/Applicant**

**Introduction:**

Milton NRC, LLC (“NRC”), its successors and assigns, shall develop a 36 unit residential townhouse community, the “Project”, located on the St. Pius Rectory property at 865 Brush Hill Road. Access to the Project shall be from the existing driveway entrance along the property’s Brush Hill Road frontage.

Construction of the Project shall be managed so as to minimize impacts to the community, abutting property owners and local resource areas. As part of the construction process, this Construction Management & Phasing Plan (“Construction Management Plan”) shall guide all aspects of the development of this Project.

This Construction Management Plan shall guide all contractors working on the Project. It shall be the responsibility of the contractors to become familiar with the plan as well as the requirements set forth in the Storm Water Pollution Prevention Plan (SWPPP). In addition, the NRC owner’s representative and the general contractor shall be responsible for overseeing all work on the project to control and mitigate impacts to the surrounding community and direct abutters from the construction activities. Once the NRC project management team is in place, it shall inform the Town of the responsible individuals for this project and provide phone numbers and 24/7 contact information in order for them to be contacted.

Within a reasonable time of regulatory permits required to develop this Project being obtained, the owner’s representative and general contractor shall begin site preparation work for the Project. This Construction Management Plan is intended to be a flexible document. As necessary, it can be reviewed and updated, based upon the applicable requirements of the permits and a detailed review of the onsite conditions by all members of the NRC construction team, with input from appropriate Town officials and agencies and approval of the Planning Board. It is estimated that site work will begin in the third quarter of 2015.

**Pre-Construction Site Coordination:**

All construction management issues that relate to the Project shall be addressed during the bidding phase of the project. This will include site visits to review specific existing conditions and the required control measures for tree protection and environmental considerations. Pre-construction meetings will be held with all parties involved with this Project including the Town Engineering, Fire, Police and Planning Departments, and local utility companies. In addition, all abutting property owners, as well as members of the Brush Hill Neighborhood Association shall be notified by email **48 hours prior to** commencement of site work, particularly work involving

tree clearing and the hauling of soil materials into or out of the site. It is at these meetings that responsible parties for all construction activities will be identified and their contact information will be forwarded to the appropriate Town authorities.

Prior to construction activities, an on-site meeting will be held with the site subcontractor, the architect, the Arborist and McKenzie Engineering to review the scope of the Tree Preservation & Protection Plan and to establish and coordinate the Temporary Construction Fencing Program.

After the Project team is familiarized with the site and the construction program, the Tree Preservation & Protection Plan, the Storm Water Pollution Prevention Plan and the Temporary Construction Fencing Program shall be implemented. These documents provide controls to protect trees to be saved during site construction, to provide and establish erosion controls and to provide temporary drainage structures for sedimentation and storm water management.

## **Initial Construction Activities**

### **Project Access:**

The primary access route for construction vehicles to the site will be from Route I-93 onto Route 138 northbound into Milton. Trucks will then turn left either onto Neponset Valley Parkway or onto Bradlee Road, then to Brush Hill Road and into the site. Trips during peak traffic times shall be minimized and no queuing of trucks shall be permitted along any of the Project access routes. The use of Neponset Valley Parkway and Bradlee Road shall be varied in order to minimize the impact of truck traffic on any particular street. Truck routes and timing shall be selected and scheduled to avoid conflicts with school bus transportation including bus stops and major bus routes as identified by the school department.

### **Work Hours:**

Hours of operation shall be 7 am to 4:30 pm daily, Monday through Friday, and Saturdays from 7 am to 1 pm. The importation or exportation of fill materials is specifically limited to non-holiday weekdays between the hours of 9 am and 3 pm. Wherever possible, other deliveries shall be made after the morning commuting hours and before the afternoon commuting hours. Entities making such deliveries shall be so notified.

### **Employee Parking:**

Construction parking shall be on site under the control of the owner's representative and general contractor, who will provide an onsite employee parking area in which dust shall be controlled. No employees of either the general contractor or the subcontractors shall be permitted to park on public roadways surrounding the project. Most construction workers should be onsite by 7:30 am and most should leave the site prior to peak afternoon traffic periods. An orientation shall take place with employees to review safety rules, routes to and from the site, hours of operations, lunch trash disposal and noise controls.

### **Project Construction Controls:**

NRC shall have an onsite representative (the "owner's representative") present during construction. The owner's representative shall be responsible for managing the general

contractor, who, in turn shall oversee construction during the entire construction period of the project, from the initial pre-construction meeting to the final walk through with the owner. The owner's representative shall also be the liaison to the Town, property abutters and representatives of the Brush Hill Road Neighborhood Association. The owner's representative will provide to appropriate Town agencies and officials written reports on the progress of construction and an update on prospective construction activities on a quarterly basis, which will be posted on the Town's website.

Communication between the design team, consisting of the project architects, project site/civil engineers, project structural/geotechnical engineers, arborist, the construction team, including the general contractor's staff, site contractor and sub-contractors and NRC, shall be established early in the Project timetable. As the Project develops in pre-construction, the owner's representative and the general contractor shall be involved on a weekly basis along with the entire project team. The final construction documents and plans shall be developed with input from the project team and, as approvals are obtained, the bid process shall be initiated with approved work packages. Communications with the subcontractor market shall identify all project specific issues as well as the scope of work. Just prior to the start of construction, a partnering meeting shall be conducted involving all members of the total project team at which the project shall be reviewed in its entirety and goals shall be set by the team and shall be monitored throughout construction.

#### **Tree Protection:**

Protective fencing shall be placed around all trees that are planned to be saved as shown in the Tree Preservation & Protection Plan. NRC shall implement the requirements of Tree Preservation & Protection Plan prior to mobilizing on the site. This shall include pruning of branches and roots as necessary, fertilization, and clearing of adjacent trees not to be preserved in order to erect protective chain link fence and flagging, all of which shall be performed under the supervision of the licensed arborist. A meeting shall take place at the site with the Arborist, McKenzie Engineering, Town officials and the contractors to review requirements in the plan.

#### **Erosion Control:**

Concurrent with implementation of the Tree Preservation & Protection Plan, the general contractor and the site contractor shall review the Storm Water Pollution Prevention Plan (SWPPP) and prepare the NPDES permit application for submission to EPA. Prior to the beginning of any construction activities, silt fences, staked haybale barriers and wheel wash and dust control measures shall be installed, as shown on the plans and in accordance with the SWPPP. The erosion control barriers will be inspected on a regular basis and after periods of rains of one half inch or more. During excavation and rough grading, siltation basins and temporary drainage swales shall be constructed to effectively direct runoff from disturbed areas and reduce the amount of runoff from the construction areas. Where water flow is concentrated, appropriate crushed stone check dams shall be installed as well as haybale check dams, as required. Stockpiled materials shall be properly stabilized as required in the SWPPP. NRC and its contractor shall be responsible to street sweep Brush Hill Road as is required by site conditions and as directed by Town Officials.

**Construction Staging:**

In accordance with the Tree Preservation & Protection Plan and SWPPP are in place, temporary construction staging areas will be established within the area of each building pod or pods that will next go under active construction. Site clearing and the installation of temporary construction entrances to each such building pod shall be undertaken with care given to maintain the requirements of the Tree Preservation & Protection Plan and the SWPPP. Any required demolition of the existing building structures (notably, the service wing of the Dupee House) shall occur in accordance with the applicable local and state regulations.

Concurrently with the installation of project infrastructure, including roadways and utilities, connections to the municipal water systems within Brush Hill Road and Cushing Road shall be undertaken. During work on the new water system, adequate water service and fire protection shall be maintained within the surrounding community, in consultation with appropriate Town agencies and officials.

**Temporary Utility Setups:**

Any temporary utility connections that are required shall be installed to insure that water and other services are available to the neighborhood during construction. The owner's representative and general contractor shall coordinate these efforts as required to insure uninterrupted service.

**Construction Phase:****Site Development Phase:**

The first phase of construction shall involve clearing, grading and associated site infrastructure work necessary to complete Roads A, B & C to a 'binder stage'. This work will involve tying into existing utilities in Brush Hill and Cushing Roads (sewer, water, gas and electric), widening and re-establishment of the existing entry on Brush Hill Road and the removal of brush, vines and dead trees on and behind the existing Brush Hill stone wall. Rough grading and tree removal associated with this work shall be conducted in accordance with the SWPPP and the Tree Preservation & Protection Plan. Protective fencing will be placed around all trees that are to remain. This fencing will be inspected on a regular basis in order to insure maximum tree protection. Reasonable dust control measures, including regular watering, shall be taken to minimize air-borne dust and to keep any such dust on site.

**Noise:**

Reasonable measures shall be taken to control unnecessary noise during construction activities. If radios, CD players or other such devices are in use, the volume shall be limited to keep the sound on site. In conducting their activities, insofar as reasonably possible, workers shall be respectful of the rights of neighboring residents to quiet enjoyment of their properties.

**Earth Deposit and Removal:**

Due to the topography of the site and the provision of underground storm water facilities and other utilities, both the import and export of soil will be required during project construction. Based on an engineering analysis of the site NRC projects the following:

<u>Construction Activity</u>	<u>Cut</u> (CY)	<u>Fill</u> (CY)	<u>Total Import/Export Volume</u> (CY)
Roadway construction	60.6	5371	5310.4
Drainage infrastructure	799.5	88.8	-710.7
Total Roadway Construction			4599.7
Building 1	449.5	1657.7	1208.2
Building 2	495.5	1792.8	1297.3
Building 3	524.1	1059.2	535.1
Building 4	1063.8	1205.1	141.3
Building 5	47.1	716.4	669.3
Building 6	69.8	681.7	611.9
Building 7	272.6	1156.9	884.3
Building 8	0.0	1561.9	1561.9
Building 9	257.8	1208.4	950.6
Building 10	1633.4	511.3	-1122.1
Building 11	1297.5	1057.9	-239.6
Building 12	642.8	843.1	200.3
Building 13	532.8	1008.4	475.6
Building 14	117.8	934.0	816.2
Building 15 (Dupee House)	0.0	618.5	618.5
Total Building Pod Construction			8609.3
Overall Site Total			13,209 Import

Wherever practical, earth materials will be re-utilized on the site. All excess material that cannot be used on-site shall be transported offsite. The delivery and/or removal of materials shall extend over the projected two year construction period. The delivery and/or removal of materials shall primarily occur between 9 am and 3 pm to avoid impacting traffic during the morning and afternoon peak times and to avoid periods when school busses are active.

#### **Site Clearing:**

Clearing and grubbing shall proceed initially along the proposed site roadways (Roads A, B and C) and then on a staggered basis in accordance with the attached Construction Management and Phasing Schedule as of 6.27.15 as such schedule may hereafter be revised with notice to the Planning Board. In no instance shall the site be 'clear cut' and only clearing necessary for that the efficient management and completion of the building pods under construction shall be undertaken. Silt fencing, temporary drainage swales, haybale check dams and staked hay bales etc. shall be installed as shown on appropriate plans to prevent sediment runoff and define the limits of work. All stockpiled soil shall be stabilized. Permanent slopes with gradients in excess of three-foot horizontal to one-foot vertical will be stabilized with erosion control fabric. Dust shall be controlled.

All vegetative debris shall be chipped on site except for the logs hauled off as marketable lumber. Stumps shall be removed or ground up on site without undue noise. Wood chip material shall be used for erosion controls on exposed slopes prior to their stabilization by revegetation. The loam shall be stripped, screened and stockpiled with dust controlled as the site construction progresses. At the designated areas containing trees to be preserved, where foundation cuts are in close proximity to the root structure of the trees, an earth retention system shall be used to minimize any movement of the root structure. The system depends on the depth of the cut and the proximity of the base of the tree. Typically, if a 45 degree angle can be achieved from the drip edge of the tree to the bottom of footing, earth retention may not be required, but in any event erosion of the slope shall be prevented under direction of the Arborist.

#### **Foundations:**

The construction of each building shall be subject to the issuance of building permits by the Building Commissioner. Once building permits are obtained for one or more pods, placement of building foundations will be located by survey prior to the commencement of excavation so as to be located as shown on the sheet entitled Site Layout Plan dated May 13, 2015 (sheet #4 of the Site Plan). To further ensure that the buildings shall be located as so shown, the excavated foundation hole and footings shall be ‘pinned’ by survey and an “as-built survey plan” shall be provided to the Building Department prior to the request for the “Foundation Inspection”. This protocol shall insure that each building has been placed in conformity with the Site Layout Plan and that the required side line and buffer line setback dimensions are met.

#### **Stormwater:**

Storm water runoff during construction shall be controlled using a combination of temporary drainage structures prior to the installation of the permanent systems in accordance with the SWPPP. Existing and proposed catch basin inlets shall be protected using sediment traps, silt sacks, and staked hay bales. All stormwater control systems shall be inspected and maintained regularly to ensure that the system is functioning correctly throughout the construction process.

#### **Utilities:**

Site utilities, including any temporary service connections, shall be constructed in a coordinated fashion so as not to impede or interrupt services, including storm drainage and sewer to residents. The owner’s representative and general contractor shall coordinate the efficient installation of all drainage, water and sewer installations as well as all private utility services (gas, telephone, cable, electric, etc.).

#### **Building Construction Phase:**

The progress of building pod construction will be subject to market conditions. The Management and Phasing Schedule shall be revised as may be necessary to reflect such conditions. Build-out of the site will begin with Building Pod #1 and proceed around the site in a counter clockwise fashion. It is anticipated that no more than four building pods will be actively under construction at any given point of time with, for example, one building pod being weather tight with interior buildout (finishes) work progressing with the fourth building pod being at foundation/framing stage of work. A nine month build cycle is projected for each building pod. Building pod site grading and landscape work shall take place simultaneously with the buildout of the individual units insofar as weather permits.

The renovation and rehabilitation of the Dupee House is anticipated to commence in late fall 2015, with the demolition of the service wing, gutting of the interior and the removal and replacement of the windows. Full Project buildout is projected at 36 months, weather and market conditions permitting.

**Attachment:**

Construction Management and Phasing Schedule as of 6.27.15

**Woodmere at Brush Hill**  
**Construction Management and Phasing Schedule**  
as of 6.27.15

Phase / Activity	2015 Qtr-3 '15 Qtr-4 '15	2016 Qtr-1 '16 Qtr-2 '16 Qtr-3 '16 Qtr-4 '16	2017 Qtr-1 '17 Qtr-2 '17 Qtr-3 '17 Qtr-4 '17	2018 Qtr-1 '18 Qtr-2 '18 Qtr-3 '18 Qtr-4 '18	2019 Qtr-1 '19 Qtr-2 '19 Qtr-3 '19 Qtr-4 '19
<b>Phase I</b> <b>Road &amp; Utility Construction</b>					
Site Mobilization	1-Aug-15				
Survey Layout & Control	1-Aug-15				
Front Entry Reconstruction	1-Sep-15				
Clear & Grub - Road A & B	15-Sep-15				
Mass Excavation & Subgrade	15-Sep-15				
Utility/Infrastructure:					
Sewer					
Drainage					
Water					
E, T, G & CATV					
Binder Application					
<b>Phase II</b> <b>Unit/Building Construction</b>					
Building Pods 1-2					
Survey Layout & Control	15-Aug-16				
Clear & Grub - Pod 1 & 2	1-Aug-16				
Mass Exc. & Subgrade 1 & 2	1-Aug-16				
Place Foundation					
Framing to weather tight					
Interior Fit Out					
Exterior grading, landscape & paving					
Building Pods 3-4:					
Survey Layout & Control					
Clear & Grub - Pod 3 & 4					
Mass Exc. & Subgrade 3 & 4					
Place Foundation					
Framing to weather tight					
Interior Fit Out					
Exterior grading, landscape & paving					
Building Pods 5-6					
Survey Layout & Control					
Clear & Grub - Pod 5 & 6					
Mass Exc. & Subgrade 5 & 6					
Place Foundation					
Framing to weather tight					
Interior Fit Out					
Exterior grading, landscape & paving					
Building Pods 7-8					
Survey Layout & Control					
Clear & Grub - Pod 7 & 8					
Mass Exc. & Subgrade 7 & 8					
Place Foundation					
Framing to weather tight					
Interior Fit Out					
Exterior grading, landscape & paving					
Building Pods 9-10					
Survey Layout & Control					
Clear & Grub - Pod 9 & 10					
Mass Exc. & Subgrade 9 & 10					
Place Foundation					
Framing to weather tight					
Interior Fit Out					
Exterior grading, landscape & paving					
Building Pods 11-12					
Survey Layout & Control					
Clear & Grub - Pod 11 & 12					
Mass Exc. & Subgrade 11 & 12					
Place Foundation					
Framing to weather tight					
Interior Fit Out					
Exterior grading, landscape & paving					
Building Pods 13-14					
Survey Layout & Control					
Clear & Grub - Pod 13 & 14					
Mass Exc. & Subgrade 13 & 14					
Place Foundation					
Framing to weather tight					
Interior Fit Out					
Exterior grading, landscape & paving					
Project Close Out/Final Review and Sign-Off					

**EXHIBIT D**  
**Exterior Material and Product Specification List**

# Woodmere at Brush Hill, Milton, MA

## Exterior Material and Product Specification

<b>Shingle Siding</b>	<i>Eastern white cedar, with 5" exposure to the weather</i>
<b>Clapboard Siding</b>	<i>Western red cedar with 4.5" exposure to the weather</i>
<b>Stucco</b>	<i>StoTherm ci system with high perfomance exterior finish</i>
<b>Standing and Running Trim</b>	<i>Composite Azek and pre-primed pine</i>
<b>Roof Shingles</b>	<i>GAF - Timberline 30 year architectural</i>
<b>Windows/ Patio Doors</b>	<i>Anderson 400 Series SDL</i>
<b>Garage Doors</b>	<i>Coplay - Coachman series</i>
<b>Front Door</b>	<i>Therma Tru - fiberglass</i>
<b>Porch Columns</b>	<i>HB&amp;G - fiberglass</i>
<b>Railings and Balusters</b>	<i>Azek - trademark series</i>
<b>Decking</b>	<i>Azek - color TBD</i>



Shingle  
Siding

Roof  
Shingles

Standing  
and  
Running Trim

Clapboard  
Siding

Recessed  
Light

Railing

Porch  
Columns

Garage  
Door

**EXHIBIT E**  
**Other Plans and Reports on file with the Application with the**  
**Town of Milton Planning Department**

The following documents were submitted with the Application:

1. Engineering Report: Roadway Design, Drainage Calculations and Stormwater Management Plan, prepared by McKenzie Engineering Group, Inc., dated May 13, 2015
2. Construction Phase Best Management Practices Operation and Maintenance Plan, prepared by McKenzie Engineering Group, Inc., dated May 13, 2015
3. Long-Term Best Management Practices Operation & management Plan and Pollution Prevention Plan, prepared by McKenzie Engineering Group, Inc., dated May 13, 2015
4. Transportation Impact Assessment Report, prepared by Vanasse & Associates, Inc., dated May 2015
5. Draft Local Initiative Program Application for Local Action Units
6. Draft Master Deed and Declaration of Trust for Woodmere Condominium Association

The Application was supplemented with the following documents:

7. Memo of Applicant in Response to Comments of May 28, 2015 Hearing, dated June 8, 2015, with attachments
8. Supplemental Memo of Applicant dated June 9, 2015 with attachments
9. Municipal Peer Review letter of Nitsch Engineering, dated June 25, 2015
10. Post Hydro CAD Report, prepared by McKenzie Engineering Group, Inc., dated July 30, 2015
11. Municipal Peer Review follow-up letter of Nitsch Engineering, dated July 22, 2015
12. Response to Comments of Nitsch Engineering, prepared by McKenzie Engineering Group, Inc., dated August 5, 2015
13. Final Municipal Peer Review letter of Nitsch Engineering dated August \_\_, 2015

**EXHIBIT E**  
**Other Plans and Reports on file with the Application with the**  
**Town of Milton Planning Department**

The following documents were submitted with the Application:

1. Engineering Report: Roadway Design, Drainage Calculations and Stormwater Management Plan, prepared by McKenzie Engineering Group, Inc., dated May 13, 2015
2. Construction Phase Best Management Practices Operation and Maintenance Plan, prepared by McKenzie Engineering Group, Inc., dated May 13, 2015
3. Long-Term Best Management Practices Operation & management Plan and Pollution Prevention Plan, prepared by McKenzie Engineering Group, Inc., dated May 13, 2015
4. Transportation Impact Assessment Report, prepared by Vanasse & Associates, Inc., dated May 2015
5. Draft Local Initiative Program Application for Local Action Units
6. Draft Master Deed and Declaration of Trust for Woodmere Condominium Association

The Application was supplemented with the following documents:

7. Memo of Applicant in Response to Comments of May 28, 2015 Hearing, dated June 8, 2015, with attachments
8. Supplemental Memo of Applicant dated June 9, 2015 with attachments
9. Municipal Peer Review letter of Nitsch Engineering, dated June 25, 2015
10. Post Hydro CAD Report, prepared by McKenzie Engineering Group, Inc., dated June 30, 2015
11. Municipal Peer Review follow-up letter of Nitsch Engineering, dated July 22, 2015
12. Response to Comments of Nitsch Engineering, prepared by McKenzie Engineering Group, Inc., dated August 5, 2015
13. Final Municipal Peer Review letter of Nitsch Engineering dated August 13, 2015

Insofar as these documents impose requirements by the Town or constitute agreements between the owner/applicant and the Town, such requirements and agreements shall be enforceable obligations of the owner/applicant under these permits.