

BOARD OF SELECTMEN

July 21, 2015

Needham Town Hall

Revised Agenda

Note: Agenda subject to revision, start times are approximate and agenda items may be discussed at earlier or later times.

	6:45	Informal Meeting with Citizens <i>One or more members of the Board of Selectmen will be available between 6:45 and 7:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Selectmen's Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i>
1.	7:00	Purple Heart Community certificate • Leo Agnew, Commander, Massachusetts Military Order of the Purple Heart
2.	7:00	Public Hearing- Eversource Energy: Mount Vernon Avenue for Birds Hill Avenue • Maureen Carroll, Eversource Energy representative
3.	7:00	Public Hearing – Shade Tree Removal: May Street • Ed Olsen, Parks & Forestry Superintendent
4.	7:20	Department of Public Works - Snow-Operations • Carys Lustig, Supervisor of Administration/DPW
5.	7:40	Town Manager • Acceptance of Municipal Declaration of Restriction and Grant of Access Easement • Set Date for Special Town Meeting • Hillside School Feasibility Update
6.	7:50	Board Discussion • Town Manager Performance Evaluation • Registered Marijuana Dispensary Application Policy • Committee Reports
7.	8:15	Executive Session- Exceptions 2, 3, and 6

APPOINTMENTS

1.	Various Committees	See attached
2.	Election Workers	See attached

CONSENT AGENDA *=Backup attached

1.	Accept gift of a 20 piece Freedom Shrine installed in Town Hall from the Needham Exchange Club. The Shrine is valued at \$600.
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2.	Accept the gift of painting whimsical designs onto the former senior center piano from Bala Muthukaruppan, now located in the Town Common as part of the pilot outside piano program.
3.*	Approve a request from the Public Health Department for a 20 (b) exemption to allow the following school employees to work as seasonal packers/drivers for The Traveling Meals program: Dawn O'Halloran, KASE Program; Vedhavalli SJ Nathan, After School Teacher at Newman Elementary School; and Catherine Murray, Broadmeadow School Cafeteria.
4.	Disband with thanks the Insurance Advisory Committee and the Facility Working Group.
5.	Accept donations to the Needham Community Revitalization Trust fund from the following residents: \$500 from Holly & Bruce Johnstone, \$50 from John A. Russo.
6.	Accept a \$1,500 donation made to the Needham Health Department's Gift of Warmth fund from Carter Memorial United Methodist Church.
7.	Accept donations made to the Needham Health Department's Coalition for Suicide Prevention from the following: \$6,000 for a period of five years, totaling \$30,000 from The Kyle W. Shapiro Foundation (Mr. Andrew Shapiro and Ms. Ruth Bonsignore); and \$6,000 for a period of five years, totaling \$30,000 from Beth Israel Deaconess – Needham Campus (John Fogarty, President).
8.	Ratify date change of the Tour de Natick's road event which took place on June 28, 2015 instead of June 21, 2015 due to weather related safety issues.
9.	Accept the following donations made to the Needham Public Library during the period May 7, 2015 to June 30, 2015: William Newman gave the library 10 history books (\$50.00); Molly Kerrigan donated a framed, cut paper Ladybug by artist Judith Moffatt; Babette Gelles donated a puzzle, <i>Petit Venise</i> (\$15.00); Ann MacFate donated \$250.00 in memory of Irene MacFate for the purchase of large print books; Lisa Taub gave the library a train table for the Children's Room Play Area (\$25.00); Estefania Diez Rua gave the library the following books: <i>Bajo la Misma Estrella</i> by John Green (\$12.95), <i>Captivated by You</i> by Sylvia Day (\$16.00), and <i>La reina en el palacio de las corrientes de aire</i> by Stieg Larsson (\$17.95); You-Do-It Electronics--\$100.00 for library materials; Friends of the Needham Public Library--\$200.00 in memory of Gloria Welter for library materials; The following people have made donations to the library in memory of Gloria Welter: Lois and Bill Bacon (\$25.00), and Sandra and Alex Jaszek (\$50.00); The Friends of the Needham Public Library and the Library Foundation of Needham donated \$70,000.00 each, to fund the library's wireless upgrade and Community Room audiovisual upgrade; the library received a \$20,000.00 from a donor who wishes to remain anonymous; and Keith and Lynn McClelland gave the library a copy of Janet Bolin's newest book, <i>Seven Threadly Sins</i> (\$7.99). Janet is Keith's sister.
10.	Accept miscellaneous donations totaling \$3,180.80 made to the Council on Aging's Transportation Account FY15.
11.	Accept donations made to the Council on Aging's Donation Account FY15 from the following: Delorie- \$75.00; Fabbri- \$50.00 (in Memory of R. Finnegan); Tropic Heat- \$100.00 (in Memory of G. Merola); Knizeski- \$50.00 (in Memory of the Fords); DeLemos- \$100.00 (in Honor of Louise Condon); Smolin- \$150.00; Blakeney- \$50.00; SHINE- \$426.00.
12.	Accept a \$150.00 donation made to Needham Youth Services from Candace W. Chase of the Anime Club at Needham High School. The monies will be used to sponsor

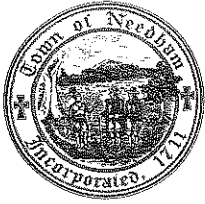
	Needham Youth Services Programs.					
13.*	Approve change of type of one day license from Needham Pool & Racquet Club from Special One Day License: Wines and Malt Beverages to a Special One Day License: All Alcoholic Beverages License for its “Summerfest” party on July 30, 2015. The original application was approved at the meeting of May 26, 2015.					
14.*	Approve road race event form from Hilary Ryan of The Charles River Center, to hold its 5K race and 1 mile walk in Needham on September 27, 2015 from 9:00 a.m. to 3:00 p.m. The route of the race has been approved by the following departments: DPW, Police, Fire and Park and Recreation.					
15.*	Grant permission for a fund-raising bicycle ride through Needham on September 25, 2015. The event, Braking Aids Ride, is a three-day bicycle ride to benefit Housing Works, a major AIDS service organization headquartered in New York City. Approximately 130 riders will pass through Needham between 6:15 a.m. and 9:00 a.m. Permission has been granted by the Conservation Commission to use Ridge Hill as a rest stop. The route of the race has been approved by the following departments, DPW, Police, Fire, and Park & Recreation. Approval is contingent upon receipt of required completed paperwork.					
16.*	Approve special banners and hanging request from Paul Good, Needham Community Revitalization Trust Fund, for banners sponsored by The Charles River Center to be hung on Chapel Street as part of the “Chapel Street Banner Showcase” program. The banners will be used to raise awareness of their events planned within the month of September 2015. The “evergreen design” banner is planned to be used annually within the “Chapel Street Banner Showcase” program.					
17.*	Water & Sewer Abatement Order #1201					
18.*	Approve Mobile Food Truck Application from Havigil Corporation d/b/a Sante Mobile Farmhouse Café. The food truck plans to operate 5 days at the location on Second Avenue across from Charles River Landing.					
19.	Grant Permission for the following residents to hold a block party:					
	Name	Address	Party Location	Party Date	Party Rain Date	Party Time
	Alexandra Young	614 Webster St	Brookline St.	8/1/15	8/2/15	2pm-6pm
	George Marino	44 Elmwood Rd	Elmwood Rd	9/12/15	9/19/15	4pm-9pm
	Kristen Collins	19 Rae Avenue	Rae Avenue	9/12/15	9/13/15	3pm-8pm
	Christine Holland	104 Newell Ave	Newell Ave	9/13/15	N/A	4pm-8pm

Board of Selectmen Committee Reappointments 7/21/2015

Committee Name	Member	Term Expiration
Board of Appeals	Jonathan D. Tamkin	6/30/2018
Cable Television Advisory Board	Jonathan D. Tamkin	6/30/2018
Commission on Disabilities	Deborah Heller	6/30/2018
Council of Economic Advisors	Elizabeth Grimes	6/30/2018
Council of Economic Advisors	Bruce Herman	6/30/2018
Council of Economic Advisors	Janet O'Connor	6/30/2018
Council on Aging	Scott Brightman	6/30/2018
Downtown Streetscape Working Group	Walter Collins	6/30/2018
Downtown Streetscape Working Group	Bob Hentschel	6/30/2018
Downtown Streetscape Working Group	Mike McKay	6/30/2018
Historical Commission	Jeffrey Heller	6/30/2018
Local Emergency Planning Committee	Jane Abel	6/30/2017
Local Emergency Planning Committee	Lindsay Acomb	6/30/2017
Local Emergency Planning Committee	Jim Alessandroni	6/30/2017
Local Emergency Planning Committee	Donald Anastasi	6/30/2017
Local Emergency Planning Committee	Bill Arsenault	6/30/2017
Local Emergency Planning Committee	Diana Baccari	6/30/2017
Local Emergency Planning Committee	Connie Barr	6/30/2017
Local Emergency Planning Committee	Tamatha Bibbo	6/30/2017
Local Emergency Planning Committee	Seymour Bigman	6/30/2017
Local Emergency Planning Committee	Megan Bonomolo	6/30/2017
Local Emergency Planning Committee	Stacey Brady	6/30/2017
Local Emergency Planning Committee	Kevin Burke	6/30/2017
Local Emergency Planning Committee	Bill Burke	6/30/2017
Local Emergency Planning Committee	Tom Campbell	6/30/2017
Local Emergency Planning Committee	Erin Carcia	6/30/2017
Local Emergency Planning Committee	Donna M Carmichael	6/30/2017
Local Emergency Planning Committee	Anne Clark	6/30/2017
Local Emergency Planning Committee	Christopher Coleman	6/30/2017
Local Emergency Planning Committee	Dennis Condon	6/30/2017
Local Emergency Planning Committee	Phil Droney	6/30/2017
Local Emergency Planning Committee	Meg Femino	6/30/2017
Local Emergency Planning Committee	Kate Fitzpatrick	6/30/2017
Local Emergency Planning Committee	Wolfgang K Floitgraf	6/30/2017
Local Emergency Planning Committee	John D Fountain	6/30/2017
Local Emergency Planning Committee	John Gavin	6/30/2017
Local Emergency Planning Committee	Mike Gibbons	6/30/2017
Local Emergency Planning Committee	Alan Glou	6/30/2017
Local Emergency Planning Committee	Natasha Glushko	6/30/2017
Local Emergency Planning Committee	Michael J. Greis	6/30/2017
Local Emergency Planning Committee	Sheila Hamwey	6/30/2017
Local Emergency Planning Committee	Edie Janas	6/30/2017
Local Emergency Planning Committee	Charlotte Kelly	6/30/2017

Board of Selectmen Committee Reappointments 7/21/2015

Local Emergency Planning Committee	Joanne Kossuth	6/30/2017
Local Emergency Planning Committee	John Kraemer	6/30/2017
Local Emergency Planning Committee	Chip Laffey	6/30/2017
Local Emergency Planning Committee	Mary Lammi	6/30/2017
Local Emergency Planning Committee	Maria Lastoria	6/30/2017
Local Emergency Planning Committee	Kenneth P. Leclair	6/30/2017
Local Emergency Planning Committee	Kathy Lewis	6/30/2017
Local Emergency Planning Committee	Robert Lewis	6/30/2017
Local Emergency Planning Committee	Roger Scott MacDonald	6/30/2017
Local Emergency Planning Committee	Heather Mackay	6/30/2017
Local Emergency Planning Committee	Joe Mackinnon	6/30/2017
Local Emergency Planning Committee	Marc Mandel	6/30/2017
Local Emergency Planning Committee	Ann Martello	6/30/2017
Local Emergency Planning Committee	Justin McCullen	6/30/2017
Local Emergency Planning Committee	Timothy McDonald	6/30/2017
Local Emergency Planning Committee	Meghan McDonald	6/30/2017
Local Emergency Planning Committee	Richard Merson	6/30/2017
Local Emergency Planning Committee	Karen Mullen	6/30/2017
Local Emergency Planning Committee	Susan Pacheco	6/30/2017
Local Emergency Planning Committee	Jason Pereira	6/30/2017
Local Emergency Planning Committee	James Pollard	6/30/2017
Local Emergency Planning Committee	Rachel Potts	6/30/2017
Local Emergency Planning Committee	Carol Read	6/30/2017
Local Emergency Planning Committee	David Roche	6/30/2017
Local Emergency Planning Committee	Gary Schwartz	6/30/2017
Local Emergency Planning Committee	Michael Schwinden	6/30/2017
Local Emergency Planning Committee	Chris Seariac	6/30/2017
Local Emergency Planning Committee	Samantha Sherman	6/30/2017
Local Emergency Planning Committee	Aaron Sicotte	6/30/2017
Local Emergency Planning Committee	Mimi Stamer	6/30/2017
Local Emergency Planning Committee	Pam Sullivan	6/30/2017
Local Emergency Planning Committee	John Thuo	6/30/2017
Local Emergency Planning Committee	Kevin Trottier	6/30/2017
Local Emergency Planning Committee	Annemarie Walsh	6/30/2017
Needham Community Television Dev Corp	Jonathan D. Tamkin	6/30/2018
Solid Waste Disposal/Recycling Advisory	Jeffrey Heller	6/30/2018
Traffic Management Advisory Committee	Stephen Delisi	6/30/2018



TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: Teaton@needhamma.gov

Theodora K. Eaton, MMC
Town Clerk

July 20, 2015

Mr. Maurice P. Handel, Chairman
Board of Selectman
1471 Highland Avenue
Needham, MA 02492

Dear Mr. Handel:

Under M.G.L. chapter 54, section 12, I am enclosing a list of Election Workers recommended for appointment for 2015-2016.

If you have any question, please don't hesitate to contact me.

Sincerely,

Theodora K. Eaton, MMC
Town Clerk

Election Workers FY2015-2016

Party	Title	First Name	Last Name	St #	Street Name
U	Clerk	Susan	Abbott	60	Otis Street
U	Inspector	Vera	Alperin	865	Central Avenue
D	Inspector	Elizabeth G.	Amsbary	19	Cimino Road
U	Inspector	Jennifer	Atkinson	40	Mellen Street
U	Warden	Paul H	Attridge	59	Powers St
U	Warden	Pauline M	Attridge	59	Powers St
U	Inspector	Isabel	Avedikian	148	Valley Road
U	Inspector	Elaine J.	Belkin	24	Dogwood Lane
U	Inspector	Josephine	Belval	1208	Greendale Ave #221
U	Relief	Alma M	Bird	49	Whiting Way
U	Warden	Stephen E.	Blomberg	310	Harris Avenue
U	Inspector	Doris D.	Bosselait	83	Pickering Street, #10
R	Warden	Barbara N.	Brailey	229	High Rock Street
D	Inspector	Annie	Brain	25	Ridgeway Avenue
D	Inspector	Madeline	Buttrick	35	Morton St
U	Inspector	Maryjane M.	Casey	75	Savoy Road
U	Inspector	Clelia M.	Cavicchio	43	George Aggott Road
D	Inspector	Diana P.	Cherot	345	Harris Avenue
D	Inspector	Susan K.	Connolly	14	Tower Avenue
U	Inspector	Jean M.	Connolly	88	Gayland Road
U	Warden	Lawrence R.	Cummings	27	South Street
D	Inspector	Barbara J	Cusack	41	Curve Street
U	Inspector	Kathryn L.	D'Addesio	110	Linden Street
D	Inspector	Nicholas	Darrell	11	Coolidge Avenue
U	Inspector	Anthony	DiCicco	24	Mellen Street
U	Inspector	Carole	Dlugasch	160	Country Way

Party	Title	First Name	Last Name	St #	Street Name
U	Clerk	Philip E	Doherty	122	Tudor Road
R	Inspector	Robert A.	Downs	51	Virginia Road
D	Inspector	Susan	Duncan	1250	Great Plain Avenue
U	Inspector	David	Ecsedy	20	Holland Terrace
U	Inspector	Katherine	Everts	41	Pinewood Road
U	Inspector	Catherine A	Flaherty	23	Newbury Park
U	Inspector	Judith	Flanagan	36	Brentwood Cir
U	Warden	Edith	Garrison	300	Second Avenue #112
D	Inspector	Grace Barbara	Giuditta	13	Morgan Dr. #17
D	Inspector	Monica	Graham	17	High Street
R	Inspector	Irene J.	Guiney	757	Highland Ave #325N
D	Inspector	Mary E.	Haggerty	184	Linden Street Apt A
U	Inspector	Titina	Haratsis	77	Wayne Road
D	Inspector	Marjorie R.	Harris	38	Ridgeway Avenue
U	Inspector	Marilyn	Harris	757	Highland Ave #202S
D	Clerk	Elizabeth	Hart	154	Hillside Avenue #1
U	Warden	Samuel	Hart	154	Hillside Avenue #1
U	Inspector	Eleanor B.	Haskell	173	Stratford Road
U	Warden	Betsy K.	Hines	135	Lindbergh Avenue
U	Inspector	Catherine	Holland	117	Fairfield Street
R	Inspector	Marilyn P.	Hollemback	299	Manning Street
U	Inspector	Ellen P.	Hylen	20	Thurston Lane
D	Inspector	Katherine P.	Jacques	41	Hancock Road
U	Inspector	Kathleen M.	Kelly	883	Greendale Avenue
U	Inspector	Shirley J.	Klepadlo	23	Blake Street
U	Inspector	Mary R.	Kordas	34	Mackintosh Avenue
U	Inspector	M. Gerald	Koss	815	Webster Street
	Inspector	Brett	Lancaster	84	Morningside Road

Party	Title	First Name	Last Name	St # Street Name
U	Inspector	Robert Y.	Larsen	150 Tudor Road
R	Clerk	Kenneth J.	Loderick	63 Whiting Way
D	Inspector	Mary L.	Macrina	68 Page Road
R	Inspector	Rae A.	Mang	19 Southfield Court
U	Inspector	Lois	Marks	22 Lewis St
U	Clerk	Marcia	Mather	179 Paul Revere Rd
D	Inspector	Phyllis M.	Mays	141 Chestnut Street #303
U	Inspector	Maureen	McCann	43 North Hill Avenue
R	Warden	William	McCarthy	1210 Greendale Ave #324
R	Inspector	Frank	McKernan	96 Plymouth Road
U	Inspector	Mary B.	McKernan	96 Plymouth Road
D	Inspector	Eileen A.	Mecagni	173 Valley Road
U	Clerk	Phyllis K.	Melick	508 Great Plain Ave
U	Inspector	Elizabeth	Mercer	67 Mayo Avenue
U	Inspector	Joy R.	Morrison	865 Central Ave, C403
	Inspector	Bella	Nikom	115 Wellesley Avenue
U	Inspector	Joan B.	Oakes	9 Grant Street
U	Inspector	Judith S.	Ogilvie	47 Powers Street
R	Clerk	Ford H.	Peckham	26 Lawton Road
D	Inspector	Claire E.	Pelletier	182 Linden Street Apt D
U	Inspector	Dorothy	Piligian	381 Hillcrest Road
R	Clerk	Sandra E.	Prinz	411 Cartwright Road
U	Inspector	Joseph	Reddington	199 Tudor Road
D	Clerk	Rosemary	Reddington	199 Tudor Road
U	Inspector	Elizabeth S.	Richardson	109 Arch Street
D	Inspector	Nancy E.	Ridill	102 Lindbergh Avenue
U	Inspector	Margaret A.	Riley	50 Edwardel Road
U	Clerk	Josephine A.	Roman	136 Valley Road

Party	Title	First Name	Last Name	St #	Street Name
U	Inspector	Carol	Rosenstock	44	Bess Road
	Inspector	Steven	Rosenstock	44	Bess Road
U	Inspector	Katherine	Rotchford	147	Maple Street
U	Inspector	David L.	Rutter	163	Paul Revere Road
U	Inspector	Lara	Seltzer	154	Hillcrest Road
U	Inspector	Kalpana M.	Shah	168	Linden Street, Apt B
U	Warden	Jean	Slattery	12	Dunbarton Road
U	Inspector	Arlene	Smookler	174	Pine Grove St
R	Inspector	Joan T.	Story	28	Perry Drive
U	Warden	M. Kathleen	Tedoldi	13	Maple Street
U	Inspector	Margaret A.	Tierney	378	Central Avenue
U	Clerk	Joan M.	Tirrell	389	Manning Street
U	Clerk	Sarah A.	Toran	945	Central Avenue
U	Inspector	Cynthia E.	Toto	94	Gayland Road
U	Inspector	Thomas	Totten	370	Central Avenue
U	Relief	Marjorie	Tucker	77	Lindbergh Avenue
U	Clerk	Ruth	Wegner	27	Dartmouth Ave
R	Inspector	Alan R.	West	1098	Webster Street
R	Inspector	Myra W.	West	1098	Webster Street
U	Inspector	Gladys	White	1775	Central Ave
D	Inspector	Natalie S.	Woodward	757	Highland Avenue 22
U	Inspector	Helaine	Yanofsky	111	High Rock Street
U	Inspector	Joan C.	Zwible	700	Webster Street



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 07/21/2015

Agenda Item	Purple Heart Community Certificate
Presenter(s)	Leo Agnew, Commander, Massachusetts Military Order of the Purple Heart Matt Ching, Deputy Director, West Suburban Veterans' District

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
Commander Agnew will present the Board with a certificate signifying that Needham has become a Purple Heart Community.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below)			



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 07/21/2015

Agenda Item	Public Hearing –Eversource Energy- Mount Vernon Avenue for Birds Hill Avenue
Presenter(s)	Maureen Carroll, Eversource Energy

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
Eversource Energy requests permission to install 8 feet of conduit in Mount Vernon Avenue. This work is necessary to provide underground electric service at 46 Birds Hill Avenue, Needham. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, the conduit must be placed at 24" below grade to the top of the conduit.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<u>Suggested Motion:</u> Move that the Board of Selectmen approve and sign a petition from Eversource Energy to install 8 feet of conduit in Mount Vernon Avenue. This work is necessary to provide underground electric service at 46 Birds Hill Avenue, Needham.			
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below) a. Letter of Application b. Petition c. Order d. Petition Plan e. Notice Sent to Abutters f. List of Abutters			

EVERSOURCE ENERGY

200 Calvary Street
Waltham, Ma 02453

June 23, 2015

Board of Selectmen
Town Hall
1471 Highland Ave
Needham, MA 02192

RE: Mount Vernon Avenue
Needham, MA
W.O. #2068886

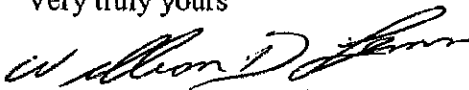
Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install 8± feet of conduit in Mount Vernon Avenue.

The reason for this work is to provide underground electric service to 46 Birds Hill Avenue.

If you have any further questions, contact Maureen Carroll @ (781) 314-5053.
Your prompt attention to this matter would be greatly appreciated.

Very truly yours



William D. Lemos, Supervisor
Rights and permits

WDL/cf
Attachments

OK to
proceed
M. J. [unclear], DPW Engr.
6/30/15
OK R.P. [unclear]
7/7/15

**ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM**

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Mount Vernon Avenue - Southerly from pole 92/8 approximately 40 ± feet west of Wachusett Road a distance of about 8 feet conduit.

WO: (2068886)

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **A. DeBenedictis, Dated June 15, 2015 with a revised date of June 19, 2015** on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the Board of Selectmen or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

Board of Selectmen
the Town of
NEEDHAM

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit: after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2015 at _____ in said Town.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

Board of Selectmen
the Town of
NEEDHAM

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **Board of Selectmen** of the Town of **NEEDHAM**, Massachusetts, duly adopted on the _____ day of _____, 2015 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter. Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the Town of **NEEDHAM**, Massachusetts

**PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY
FOR LOCATION FOR CONDUITS AND MANHOLES**

To the **Board of Selectmen** of the Town of **NEEDHAM** Massachusetts:

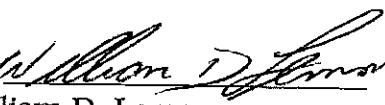
Respectfully represents **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **A. Debenedictis Dated June 15, 2015 with a revised date of June 19, 2015**, and filed herewith, under the following public way or ways of said Town:

Mount Vernon Avenue - Southerly from pole 92/8 approximately 40 ± feet west of Wachusett Road a distnace of about 8 feet conduit.

WO: (2068886)

**NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY**

BY 
William D. Lemos
Rights & Permits, Supervisor

Dated this 23rd day of June 2015

Town of **NEEDHAM** Massachusetts

Received and filed _____ 2015

S:\SHARED\CHAGE\BASELINE\MOUNT VERNON\VA.dwg



#25

#19

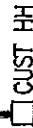
CUST TO INSTALL 1 - 3" PVC PIPES
SCHEDULE 40
NO CONCRETE 8.0'±

WACHUSETT RD

MOUNT VERNON AVE

92/7

92/8



#46 BIRDS HILL AVE

#24

SECTION - 1



SECTION OF PROPOSED LINE
4" PVC PIPE OR
4" PVC CONDUIT (SCH 40)
ON 1" BIRDS DUCT

FIGURE - 1

LINE ELEVATIONS				STATION			
STATION	A	B	C	STATION	A	B	C
1	10.2	10.2	10.2	11	10.2	10.2	10.2
2	10.2	10.2	10.2	12	10.2	10.2	10.2
3	10.2	10.2	10.2	13	10.2	10.2	10.2
4	10.2	10.2	10.2	14	10.2	10.2	10.2
5	10.2	10.2	10.2	15	10.2	10.2	10.2
6	10.2	10.2	10.2	16	10.2	10.2	10.2
7	10.2	10.2	10.2	17	10.2	10.2	10.2
8	10.2	10.2	10.2	18	10.2	10.2	10.2
9	10.2	10.2	10.2	19	10.2	10.2	10.2
10	10.2	10.2	10.2	20	10.2	10.2	10.2
11	10.2	10.2	10.2	21	10.2	10.2	10.2
12	10.2	10.2	10.2	22	10.2	10.2	10.2
13	10.2	10.2	10.2	23	10.2	10.2	10.2
14	10.2	10.2	10.2	24	10.2	10.2	10.2
15	10.2	10.2	10.2	25	10.2	10.2	10.2
16	10.2	10.2	10.2	26	10.2	10.2	10.2



A Northeast Utilities Company
1111 MASSACHUSETTS AVE. DORCHESTER, MASS. 02122

Plan of MOUNT VERNON AVE

NEEDHAM

Showing PROPOSED CUSTOMER CONDUIT

Proposed Structures: MA

Approved: A DEBENEDECTIS

Scale 1"=20'

Date June 15, 2015

SHEET 1 of 1

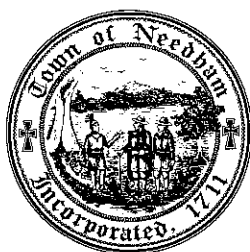
REVISED: JUNE 19, 2015

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MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233



NOTICE

To the Record

You are hereby notified that a public hearing will be held at the **Needham Town Hall, 1471 Highland Avenue, at 7:00 p.m. on July 21, 2015** upon petition of Eversource Energy dated **June 23, 2015** to install 8 feet of conduit in Mount Vernon Avenue. This work is necessary to provide underground electric service at 46 Birds Hill Avenue, Needham. A public hearing is required and abutters should be notified.

If you have any questions regarding this petition, please contact Eversource Energy representative, Maureen Carroll at 781-314-5053.

Maurice P. Handel
Matthew D. Borrelli
Marianne B. Cooley
Daniel P. Matthews
John A. Bulian

BOARD OF SELECTMEN

Dated: July 7, 2015

46 BIRDS HILL AVE

<u>PARCEL ID</u>	<u>St No.</u>	<u>Street</u>	<u>Owner Names</u>	<u>Owner Address</u>	<u>Mailing Address</u>		
					<u>OWNER</u>	<u>CITY</u>	<u>State</u>
199/022.0-0018-0000.0	0	BIRDS HILL AVE	TOWN OF NEEDHAM	1471 HIGHLAND AVE	NEEDHAM	MA	02492
199/022.0-0020-0000.0	51	BIRDS HILL AVE	KLAYMAN, EDWARD & KLAYMAN, ROSALYN C.	51 BIRDS HILL AVE	NEEDHAM	MA	02492
199/022.0-0021-0000.0	45	BIRDS HILL AVE	STEINBERG, JOHN R & STEINBERG, MAUREEN T	45 BIRDS HILL AVE	NEEDHAM	MA	02492
199/022.0-0022-0000.0	39	BIRDS HILL AVE	LEARY, THOMAS	19 WHITING RD	DOVER	MA	02030
199/022.0-0035-0000.0	38	BIRDS HILL AVE	WELCH, G. DUDLEY TR. 38 BIRDS HILL REALTY TRUST	38 BIRDS HILL AVE	NEEDHAM	MA	02492
199/022.0-0036-0000.0	46	BIRDS HILL AVE	MARTIN, AUSTIN R & MARTIN, LINDSAY	46 BIRDS HILL AVE	NEEDHAM	MA	02492
199/022.0-0037-0000.0	24	MT VERNON AVE	CIS, DAVIDE & SOLARI, CINZIA	24 MT VERNON AVE	NEEDHAM	MA	02492
199/022.0-0038-0000.0	32	MT VERNON AVE	OAKES, STEVEN M. & OAKES, MARGARET B.	32 MT VERNON AVE	NEEDHAM	MA	02492
199/022.0-0064-0000.0	25	MT VERNON AVE	KIRBY, FRANCIS A III + COLANTUONO, ANN E	25 MT VERNON AVE	NEEDHAM	MA	02492
199/022.0-0065-0000.0	19	MT VERNON AVE	MARTANCIK, LISA A.	19 MT VERNON AVE	NEEDHAM	MA	02492
199/022.0-0083-0000.0	9	WACHUSETT RD	GAO, CHUNHONG	9 WACHUSETT RD	NEEDHAM	MA	02492

Certified as list of parties in interest under Mass. General Laws and Needham Zoning By-Law, to the Best of our knowledge
For the Needham Board of Assessors.....

Board of Selectmen

AGENDA FACT SHEET for 07/21/15

Agenda Item: 7:00 pm Public Hearing for the removal of three (3) Public Shade Trees at 226 May St.

Presenter: Edward Olsen, Tree Warden / Parks & Forestry Superintendent

-
1. **BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:** Sarah Kulke is requesting permission to have three Public Shade Trees removed. Ms. Kulke, is proposing to construct a driveway located at 226 May St.. The construction of the driveway would impact three trees on the town property at the right side of the roadway. The Tree Warden does not object to the removal of the trees requested, but recommends the tree be removed at Ms. Fleming's expense and \$300.00 be paid to the Town of Needham for future tree planting.

2. **VOTE REQUIRED BY BOARD OF SELECTMEN:** YES NO (circle one)

Under M.G.L. Ch 87, Requires a Vote by the Board of Selectmen

Suggested Motions:

1. "That the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of three trees in front of 226 May St."
2. "That the Board vote to approve the sum of \$300.00 be paid to the Town of Needham for future tree planting"
3. "That the Board vote to approve the Tree Warden's request that the owner is required to replace these trees with another tree on their property of at least 4" caliber or greater, DBH."

3. **BACK UP INFORMATION ATTACHED:**

1. Legal Ad published in Needham Times, issues 7/9/15, 7/16/15
2. List of Notified Abutters
3. Public Shade Tree Hearing Approval Form
4. Request Email from Ms. Kulke to E. Olsen dated 6/1/2015
5. Approval Letter from Tree Warden E. Olsen to B.O.S. dated 6/22/15

4. **SIGN OFF/APPROVAL REQUIRED: (circle one)**

a. Town Manager	Yes	<u>No</u>	NA	_____
b. Town Counsel	Yes	<u>No</u>	NA	_____
c. Finance Director	Yes	<u>No</u>	NA	_____
d. Town Accountant	Yes	<u>No</u>	NA	_____

Staff use: Disposition by BOS:

Action taken: _____

Present on future Agenda: _____

Refer to/Inform: _____

Report back to BOS by: _____

EQ

Needham Times Paper

Legal Ad

Date: 7/9/15

DPW/TREE REMOVAL

LEGAL NOTICE
TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

NOTICE is hereby given that the Sarah F. Kulke has petitioned for the removal of three (3) PUBLIC SHADE TREES at 228 May Street on the left front corner of her residence.

<u>SPECIES</u>	<u>DIAMETER</u>	<u>CONDITION</u>
Black Birch	23 inches	Fair/Good
Red Maple	14 inches	Fair/Good
Black Birch	16 inches	Fair/Good

Permission is respectfully requested to remove three (3) Public Shade Trees.

A PUBLIC HEARING will be held in the Office of the Board of Selectmen, Town Hall, 1471 Highland Ave, Needham, Mass. at 7:00 PM, Tuesday the 21st day of July, 2015, at which time and place all interested persons may appear and be heard.

Needham Board of Selectmen

AD#13302465
Needham Times 7/9, 7/16/15

Needham Times Paper

Legal Ad

Date: 7/16/15

DPW/TREE REMOVAL

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A PUBLIC HEARING will be held in the Office of the Board of Selectmen, Town Hall, 1471 Highland Ave, Needham, Mass. at 7:00 PM, Tuesday the 21st day of July 2015, at which time and place all interested persons may appear and be heard.

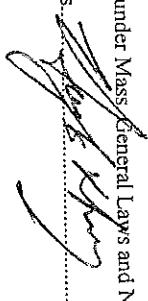
Needham Board of Selectmen

AD#13302465
Needham Times 7/9, 7/16/15

226 MAY ST

<u>PARCEL ID</u>	<u>St No.</u>	<u>Street</u>	<u>Owner Names</u>	<u>Owner Address</u>	<u>OWNER CITY</u>	<u>State</u>	<u>OWNER ZIP</u>
199/051.0-0025-0000.0	218	MAY ST	REDMOND, MATTHEW & REDMOND, PRECILLIA	218 MAY STREET	NEEDHAM	MA	02492
199/051.0-0026-0000.0	226	MAY ST	KULKE, SARAH F.	226 MAY ST	NEEDHAM	MA	02492
199/051.0-0027-0000.0	232	MAY ST	MUNGOVAN, THOMAS & MUNGOVAN, ELIZABETH	232 MAY ST	NEEDHAM	MA	02492
199/052.0-0039-0000.0	137	GARDEN ST	COOPER, PETER V + COOPER, PATRICIA G	137 GARDEN ST	NEEDHAM	MA	02492
199/052.0-0040-0000.0	5	LAKE DR	PAYER, ROBERT M + PAYER, TERESA E	5 LAKE DR	NEEDHAM	MA	02492

Certified as list of parties in interest under Mass. General Laws and Needham Zoning By-Law, to the Best of our knowledge
For the Needham Board of Assessors.





Town of Needham-DPW
Parks and Forestry Division

500 Dedham Ave.
Needham, MA 02492
781-455-7550, ext. 316

ABUTTER'S NOTICE

TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

NOTICE is hereby given that Sarah F. Kulke of 226 May St. has petitioned for the removal of
Three (3)

PUBLIC SHADE TREES

as follows: At 226 May St. on the left front of the property

<u>SPECIES</u>	<u>DIAMETER</u>	<u>CONDITION</u>
<u>Black Birch</u>	<u>23inches</u>	<u>Fair/Good</u>
<u>Red Maple</u>	<u>14inches</u>	<u>Fair/Good</u>
<u>Black Birch</u>	<u>16inches</u>	<u>Fair/Good</u>

Permission is respectfully requested to remove one (3) Public Shade Tree.

A PUBLIC HEARING will be held in the Office of the Board of Selectmen, Town Hall,
Needham, Massachusetts at 7:00 P.M., Tuesday the 21st day of July, 2015,
at which time and place all interested persons may appear and be heard.

If you have any questions, please call Edward Olsen at 781-455-7550 ext 316.

NOTICE

TOWN OF NEEDHAM PUBLIC WORKS DEPARTMENT

NOTICE is hereby given that Sarah F. Kulke of 226 May St. has petitioned for the removal of Three (3)

PUBLIC SHADE TREES

As follows: At 226 May St. on the Right front of the property

<u>SPECIES</u>	<u>DIAMETER</u>	<u>CONDITION</u>
<u>Black Birch</u>	<u>23inches</u>	<u>Fair/Good</u>
<u>Red Maple</u>	<u>14inches</u>	<u>Fair/Good</u>
<u>Black Birch</u>	<u>16inches</u>	<u>Fair/Good</u>

Permission is respectfully requested to remove one (3) Public Shade Tree.

A PUBLIC HEARING will be held in the Office of the Board of Selectmen, Town Hall, 1471 Highland Ave Needham, Massachusetts at 7:00 P.M.,
Tuesday the 21st day of July, 2015,
at which time and place all interested persons may appear and be heard.

Needham Board of Selectmen

June 1st, 2015

To Edward Olsen
Needham Department of Public Works
Needham, MA

Dear Edward.

As you know from our previous discussions, I own and reside at 226 May Street in Needham. My house has no driveway. I am officially requesting permission to take out three trees that reside on town land between the sidewalk and my house that are in the way and impeding placement of a driveway. They are the three trees marked with red X's on the enclosed plan. Placement of this driveway will alleviate my need to park in a carve out of May Street. I also enclose permission from the abutters (Matthew and Precillia Redmond) to build the driveway per the enclosed plan.

Sincerely,



Sarah F. Kulke
226 May Street
Needham, MA 02492
781-742-3581



Town of Needham-DPW
Parks and Forestry Division

500 Dedham Ave.
Needham, MA 02492
781-455-7550, ext. 316

July 17, 2015

Board of Selectmen
Town Hall
Needham, MA 02492

RE: TREE REMOVAL AT 226 May St.

Dear Members of the Board:

Sarah Kulke of 226 May St. has petitioned for the removal of three trees located on Town Property. Ms. Kulke is constructing a new driveway. The construction of the driveway would impact a Red Maple and two Black Birch trees on Town property. The trees are located within the Town layout and roadway. Since I found the trees in Fair condition, not a hazard to the public, a Public Shade Tree Hearing is required.

I feel Ms. Kulke is justified in her request seeking permission to remove these trees. I would ask the Selectmen to look favorably upon this request and vote to approve this tree removal.

In keeping with previous Town policy on the removal of live trees, and in accordance with Massachusetts General Laws Chapter 87 Section 3, and after public hearing, I recommend granting permission for the removal of the 23" Black Birch, 14 " Red Maple and the 16" Black Birch trees. I further recommend that this tree is removed at the owner's expense by a contractor approved by the Town Of Needham. In addition I recommend that there be some sum of money paid to the Town Of Needham for future tree planting. At the most recent tree hearings the amount has been \$100 per tree removal.

I will work with the homeowner to see if there is adequate space for a tree replacement somewhere at this location.

Sincerely,

Edward J. Olsen
Tree Warden / Superintendent, Parks and Forestry Division

NOTICE

TOWN OF NEEDHAM PUBLIC WORKS DEPARTMENT

NOTICE is hereby given that Sarah Kulke of 226 May St. has petitioned for the removal of three (3)

PUBLIC SHADE TREE

As follows: At 226 May St. on the front side of the property

<u>SPECIES</u>	<u>DIAMETER</u>	<u>CONDITION</u>
<u>Black Birch</u>	<u>23 inches</u>	<u>Fair/Poor</u>
<u>Red Maple</u>	<u>14 inches</u>	<u>Fair/Poor</u>
<u>Black Birch</u>	<u>16 inches</u>	<u>Fair/Poor</u>

Permission is respectfully requested to remove one (3) Public Shade Trees, which will impact the construction of a new driveway.

A PUBLIC HEARING will be held in the Office of the Board of Selectmen, Town Hall, Needham, Massachusetts at 7:00 P.M., Tuesday the 21st day of July, 2015 .
At which time and place all interested persons may appear and be heard.

☐

APPROVED

☐

NOT APPROVED

Needham Board of Selectmen



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 7/21/2015

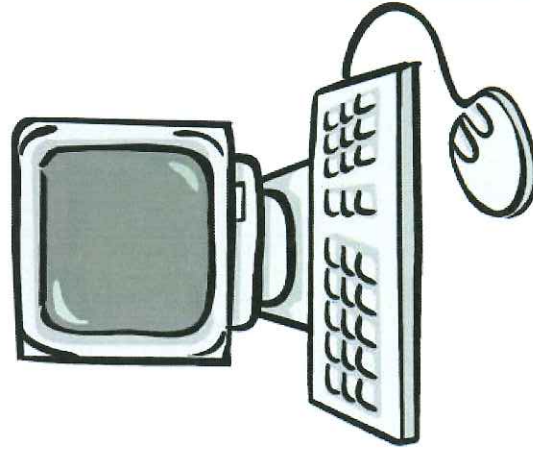
Agenda Item	SnowOps – Snow Storm Reporting Program
Presenter(s)	Carys Lustig, Supervisor of Administration/DPW

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
This presentation will cover the SnowOps program that was implemented by the DPW for the 2015 winter season. This program was developed by the DPW with PeopleGIS and was used to capture payroll and contractor hours and produce reporting during the 2015 snow season. This is the DPW's first utilization of the PeopleGIS product called PeopleForms, which allows for the creation of relational databases to improve data collection and information processing as part of the DPW's daily operations.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below) a) Powerpoint presentation.			



Technological Tools for Snow Reporting

Developing & Using Snow Ops
(PeopleGIS)



Introduction

- Town has PeopleGIS product PeopleForms
- PeopleForms allows for easy creation of relational databases tied to geographic areas and is flexible and customizable by the user
- When DPW interested in using, went to Wakefield to demo and found that the SnowOps program could be easily integrated into Needham's operations



Why SnowOps

- Wakefield developed SnowOps with PeopleGIS
 - Need to collect data accurately throughout snow storm for reporting, invoicing, and FEMA applications
- Needham does have a reporting system, but it is has deficiencies
 - Not automated
 - Relies on estimates
 - Relies on data entry after the fact which is less reliable than real time entry
 - Data entry is delayed when storms come one right after another
- Wakefield primarily uses contractors for snow removal, so program focuses on tracking contractor hours
- Required modification for Needham's needs

Snow Reporting in Needham



- Call down to staff via paper
- Sign-in contractors
- Check-in employees
- Plow Snow
- Sign-out Contractors
- Dismiss Employees
- Report activity of storm after storm is complete
- Generate Invoices Manually
- Employees hours entered into spreadsheet, then rates for hours worked determined

Implementation of SnowOps and Training

- Met with PeopleGIS for 2-3 hours to review the program Wakefield was using and how it could be adapted to Needham's needs
- PeopleGIS worked with Town over a month to create program
- PeopleGIS provided 2 hours of training to Town staff on using program
- Town staff can make small adjustments to program
- Remaining training was done in house
- Training January 9th and major blizzard January 26th
-



How SnowOps Works

Home

Find Data

Check All Data Out

Control Activities

Contributions and From Employees

Vehicle Log

Reports

Event Events

Weather Data

Snow Ops by PeopleGIS

Step 1: Initialize Snow Event

Initialize Snow Event

Step 2: Close Snow Event

Close Snow Event

Choose An Event For Generating Invoices

Choose

Step 3: Create Invoices for Mailing

Create

Step 4: Send Out Emailed Invoices

Send

Archive Last Season's Database

Archive

Click this function to establish a new Storm Event. The name you give the new storm event will appear on all Vehicle Log Records, Deduction Records, Invoices, etc. This will enable record searches and organization by Storm Event Name. Once you open a storm, you may click on the name to edit the storm information.

Once all vehicles have Checked-OUT, you can invoke this function to:

- Check that all vehicles are Invoiced. If they are not, this function will terminate and an error message will be displayed.
- Reset Event Name to blank (ready for next event).

By default, you're generating invoices for the last closed snow event, but you can pick any past event to generate invoices for.

Because not every Contractor has provided an email address, this function is provided to prepare printable PDF Invoices for every Contractor. Staff can click this function and download all Invoices as a single PDF. Once downloaded, you can send the PDF to a local printer, or print specific pages/invoices as necessary. Once printed and folded, the Invoices can be mailed to their respective Contractors.

This function will send emails to every Contractor that has provided an email address in their contractor record. The email will include a link they can click to re-view the Town's Invoice.

This will create a copy of all Snow Ops data forms and rename them with the Date added to the end of the form name. For example: `Snow_Ops_Contributions_20131003`. This is only needed at the end of the snow season as an archiving measure.

Initiate Calls

Storm Functions

Initial Calls

Check in Check Out

Current Activities

Contractors and Town Employees

Vehicle Logs

Reports

Storm Events

Spider Tool

Print

Search

Import

Export

Export Data

OWNER

Logout

Snow Ops Initial Call Logs

SNOW EVENT:

Town Employee or Private Contractor?

Town Employee

Contractor

CALL INFO

Contractor or Employee's Name: *

LUSTIG, CARLYA

Preferred Phone

Cell Phone:

Business Phone:

Home Phone:

Other Phone (if one exists):

Phone Numbers Called:

☒ Cell

☐ Business

☐ Home

☐ Other

Call:

Left Voicemail

Left Message

Spoke: Coming in

Spoke: Not coming in

No Answer

Call Time: *

am

Logout Time

Call Date:

July 15 2015

clear

Submit

Cancel

PeopleForms

100000

Check-In

Snow Ops Check-IN Check-OUT

SNOW EVENT:

1. Town Employee or Private Contractor?

☐ Town Employee
☒ Contractor

2. Check-IN or Check-OUT?

☒ Check-IN
☐ Check-OUT

3. Start Typing Contractor or Employee's Name (then select from list)

Bean Company LLC

4. Select vehicles below ONLY once.

Select Plow Vehicles

☐ 3 Yard Loader with 10 Plow
☐ Sm 6 Wheel Utility
☐ Sm 6 Wheel Dump

Select Sand Vehicles

Select Haul Vehicles

☐ #13 Tri-Axle 10 Wheel Dump
☐ 3 Yard Loader with 10 Plow
☐ Tri-Axle 10 Wheel Dump #20
☐ 10 Wheel Dump 1
☐ Tri-Axle 10 Wheel Dump #14

Select Other Roles

Set Date:
July 18, 2015

Set Time:
1:00 am

Check-IN Time:

☐ Use Set Time
☐ Use Initial Call Time

Time of Initial Call (only if NOT using Set Time above):

Notes:

1. For Contractors, you can Check-IN several vehicles at once, or you can Check-OUT several vehicles at once as long as the date and time are the same. You cannot Check-IN and Check-OUT vehicles at the same time.

Submit Cancel

Check-Out

Snow Ops Check-IN Check-OUT

SNOW EVENT: **Demo**

1. Town Employee or Private Contractor?

☐ Town Employee
☒ Contractor

2. Check-IN or Check-OUT?

☐ Check-IN
☒ Check-OUT

3. Start Typing Contractor or Employee's Name (then select from list)

Bean Company LLC

4. Select vehicles below only once.

Select **Plow** Vehicles

☒ 3 Yard Loader with 10' Plow **(PLow)**
☐ 5m 6 Wheel Utility

Select **Sand** Vehicles

Select **Haul** Vehicles

☒ #13 Tri-Axle 10 Wheel Dump **(HAULING)**
☒ 3 Yard Loader with 10' Plow **(PLow)**
☐ Tri-Axle 10 Wheel Dump #20

Select **Other Roles**

Set Date:

Set Time:

Check-OUT Time: *

☒ Use Set Time

☐ Round Current Time (Contractors - 15 min, Employees - 30 min)

Notes:

1. For Contractors, you can Check-IN several vehicles at once, or you can Check-OUT several vehicles at once as long as the date and time are the same. You cannot Check-IN and Check-OUT vehicles at the same time.
2. For Employees, you must Check-IN or Check-OUT a single Employee at a time.
3. If a vehicle or Employee changes activity, you only need to check that vehicle or Employee in for the new activity. The system will automatically end the vehicle or Employee's previous activity log record.
4. While you can enter several Contractor vehicles at one time, you cannot enter a vehicle for multiple activities, i.e. you cannot enter a vehicle for sanding and plowing at the same time.

Close Invoices

Storm Functions

With Calls

Check In Check Out

Current Activity

Contractors and Town Employees

Vehicle Log

Reports

Storm Events

Spillout Tool

Snow Ops by PeopleGIS

Step 1: Initialize Snow Event

Not Current Event

Step 2: Close Snow Event

Not Current Event

Choose An Event For Generating Invoices:

Demo

Step 3: Create Invoices for Mailing

Step 4: Send Out Emailed Invoices

Archive Last Season's Database

Click this function to establish a new Storm Event. The name you give the new storm event will appear on all Vehicle Log Records, Deduction Records, Invoices, etc. This will enable record searches and organization by Storm Event Name. Once you open a storm, you may click on the name to edit the storm information.

Once all vehicles have Checked-OUT, you can invoke this function to:

- Check that all vehicles are inactive. If they are not, this function will terminate and an error message will be displayed.
- Reset Event Name to blank ready for next event.

By default, you're generating invoices for the last closed snow event, but you can pick any past event to generate invoices for.

Because not every Contractor has provided an email address, this function is provided to create printable PDF Invoices for every Contractor. Staff can click this function and download all Invoices as a single PDF. Once downloaded, you can send the PDF to a local printer or print specific pages/invoices as necessary. Once printed and folded, the Invoices can be mailed to their respective Contractors.

This function will send emails to every Contractor that has provided an email address in their contractor record. The email will include a link they can click to review the Town's Invoice.

This will create a copy of all Snow Ops forms and rename them with the Date added to the end of the form name. For example, *Snow Ops Contractors - 2013/03*. This is only needed at the end of the snow season as an archiving measure.

Print Invoices

Home System

Event Calendar

Event Details

Event History

Event Reports

Event Logs

Event Maps

Event Photos

Event Videos

Event Audio

Event Documents

Event Settings

Event Tools

Event Templates

Event Widgets

Event Plugins

Event Extensions

Event Integrations

Event APIs

Event SDKs

Event Frameworks

Event Libraries

Event Packages

Event Bundles

Event Suites

Event Ecosystems

Event Platforms

Event Networks

Event Communities

Event Ecosystems

Event Platforms

Event Networks

Event Communities

Step 1: Initialize Snow Event

Step 2: Close Snow Event

Choose An Event For Generating Invoices:

Step 3: Create Invoices for Mailing

Step 4: Send Out Emailed Invoices

Archive Last Season's Database

Snow Ops by PeopleGIS

Click this function to initialize a new Snow Event. The name you give the new snow event will appear on all Vehicle Log Records, Deduction Records, Invoices, etc. This will enable record searches and organization by Storm Event Name. Once you open a storm, you may click on the name to edit the storm information.

Once all vehicles have Checked-OUT, you can invoke this function to:

- Check that all vehicles are Inactive. If they are not, this function will terminate and an error message will be displayed.
- Reset Event Counts to zero (ready for next event).

By default, you're generating invoices for the last closed snow event, but you can pick any past event to generate invoices for.

Because not every Contractor has provided an email address, this function is designed to generate printable PDF invoices for every Contractor. Staff can click this function and download all invoices as a single PDF. Once downloaded, you can send the PDF to a print partner, or print specific invoices as necessary. Once printed and folded, the invoices can be mailed to their respective Contractors.

This function will send emails to every Contractor that has provided an email address in their contractor record. The email will include a link they can click to review the Town's Invoice.

This will create a copy of all Snow Ops forms and reports from with the Date added to the end of the form name. For example: Snow_Ops_Contractors_20131003. This is only needed at the end of the snow season as an archiving measure.



Department of Public Works
PUBLIC SERVICE ADMINISTRATION BUILDING
500 Dedham Avenue
Needham, MA 02492
Tel: 781-455-7550
Fax: 781-449-9023

INVOICE

Bean Company LLC
740 Clapboardtree Street
Westwood, MA 02090

Event #17 February 8 2015
Date: 07/15/2015
Federal ID#: 47-0942091

Vehicle	Service	Rate	Date In	Time In	Date Out	Time Out	Hrs	Total
3 Yard Loader with 10' Plow	Plowing	\$ 155.00	02/09/2015	12:00 am	02/09/2015	11:00 pm	23.00	\$ 3,565.00
Sm 6 Vln Dump	Plowing	\$ 85.00	02/09/2015	12:00 am	02/09/2015	10:00 pm	22.00	\$ 1,870.00
Sm 6 Vln Utility	Plowing	\$ 85.00	02/09/2015	12:00 am	02/09/2015	10:00 pm	22.00	\$ 1,870.00

Payment Due: \$ 7,305.00

Town Official's Signature

Export Payroll Records

A	B	C	D	E	F	G	H	I	J	K
event	company	scid_town	sc_id	vehicle	function	date_in	time_in	date_out	time_out	hours
1	Event #23 GALLAGHER, HAROLD A	TOWN	sc-49	#57 - Pick up (Frontline Vehicle)	Plowing	21-Feb-15	4:00 PM	22-Feb-15	7:00 AM	15:00
2	Event #23 CASEY, THEODORE R	TOWN	sc-36	#102 - Loader/ Plow (Frontline Vehicle)	Plowing	21-Feb-15	4:00 PM	22-Feb-15	12:00 PM	20:00
3	Event #23 BOTTOMLEY, BRADFORD W	TOWN	sc-30	#6 - 6 Whl Spreader (Frontline Vehicle)	Plowing	21-Feb-15	4:00 PM	22-Feb-15	6:30 AM	14:30
4	Event #23 CASEY, JENNIFER A	TOWN	sc-35	Dispatch #2	Other	21-Feb-15	5:45 PM	22-Feb-15	1:00 AM	7:15
5	Event #23 MELIA, JOSHUA	TOWN	sc-74	#8 - 6 Whl Spreader (Frontline Vehicle)	Plowing	21-Feb-15	4:00 PM	22-Feb-15	6:30 AM	14:30
6	Event #23 COSTELLO, RICHARD II	TOWN	sc-38	#9 - 6 Whl Spreader (Frontline Vehicle)	Plowing	21-Feb-15	4:00 PM	22-Feb-15	7:00 AM	15:00
7	Event #23 WILLIAMS, KEITH A	TOWN	sc-104	#10 - 6 Whl Spreader (Frontline Vehicle)	Plowing	21-Feb-15	4:00 PM	22-Feb-15	6:30 AM	14:30
8	Event #23 SIMPSON, DARREN E	TOWN	sc-97	#47 - 6 Whl Spreader (Frontline Vehicle)	Plowing	21-Feb-15	4:00 PM	22-Feb-15	12:00 PM	20:00
9	Event #23 LAWLOR, JOSEPH P III	TOWN	sc-60	#49 - 10 Whl Spreader (Frontline Vehicle)	Plowing	21-Feb-15	4:00 PM	22-Feb-15	6:30 AM	14:30
10	Event #23 HURLEY, GREG J	TOWN	sc-53	#66 - Sm 6 Whl Dump/spr (Frontline Vehicle)	Plowing	21-Feb-15	4:00 PM	22-Feb-15	6:30 AM	14:30
11	Event #23 ROSSI, PAUL C	TOWN	sc-87	Equipment Mechanic #1	Other	21-Feb-15	4:00 PM	22-Feb-15	12:00 PM	20:00
12	Event #23 GAPO, MICHAEL M	TOWN	sc-48	Equipment Mechanic #2	Other	21-Feb-15	4:00 PM	22-Feb-15	12:00 PM	20:00
13	Event #23 WOLFSON, TERRY L	TOWN	sc-106	Dispatch #2	Other	22-Feb-15	8:00 AM	22-Feb-15	2:30 PM	6:30
14	Event #23 Nat Dowse Inc	sc-16	sc-16	Backhoe Loader with 10' Plow	Plowing	22-Feb-15	7:00 AM	22-Feb-15	2:30 PM	7:30
15	Event #23 Koshivaki Construction	sc-11	sc-11	3 Yard Loader with 11' Plow	Plowing	22-Feb-15	7:00 AM	22-Feb-15	2:30 PM	7:30
16	Event #23 Negoshian Towing	sc-18	sc-18	2 Yard Loader with 12' Plow	Plowing	22-Feb-15	7:00 AM	22-Feb-15	1:30 PM	6:30
17	Event #23 George D. McCarthy	sc-5	sc-5	2 Yard Loader with 12' Plow 1	Plowing	22-Feb-15	7:00 AM	22-Feb-15	3:00 PM	8:00
18	Event #23 George D. McCarthy	sc-5	sc-5	2 Yard Loader with 12' Plow 2	Plowing	22-Feb-15	7:00 AM	22-Feb-15	3:00 PM	8:00
19	Event #23 BOTTOMLEY, BRADFORD W	TOWN	sc-60	#48 - Sm 6 Whl Utility (Frontline Vehicle)	Plowing	22-Feb-15	6:30 AM	22-Feb-15	12:00 PM	5:30
20	Event #23 HOWLEY JR, JOHN H	TOWN	sc-30	#43 - Pick up (Frontline Vehicle)	Plowing	22-Feb-15	6:30 AM	22-Feb-15	12:00 PM	5:30
21	Event #23 OGARRO, GEORGE N	TOWN	sc-51	Equipment Mechanic #3	Other	22-Feb-15	6:30 AM	22-Feb-15	5:30 PM	11:00
22	Event #23 BUCHANAN, JOHN S	TOWN	sc-82	Master Mechanic	Other	22-Feb-15	6:30 AM	22-Feb-15	5:30 PM	11:00
23	Event #23 HURLEY, GREG J	TOWN	sc-34	#49 - 10 Whl Spreader (Frontline Vehicle)	Plowing	22-Feb-15	6:30 AM	22-Feb-15	12:00 PM	5:30
24	Event #23 COSTELLO, RICHARD II	TOWN	sc-53	#6 - 6 Whl Spreader (Frontline Vehicle)	Plowing	22-Feb-15	6:30 AM	22-Feb-15	12:00 PM	5:30
25	Event #23 BROTHERS, JERRY S	TOWN	sc-33	#8 - 6 Whl Spreader (Frontline Vehicle)	Plowing	22-Feb-15	6:30 AM	22-Feb-15	5:30 PM	11:00
26	Event #23 VENINI, DAVID M	TOWN	sc-38	#116 - Sidewalk Tractor (Sidewalk)	Plowing	22-Feb-15	7:00 AM	22-Feb-15	12:00 PM	5:00
27	Event #23 WILLIAMS, KEITH A	TOWN	sc-103	#9 - 6 Whl Spreader (Frontline Vehicle)	Plowing	22-Feb-15	7:00 AM	22-Feb-15	12:00 PM	5:00
28	Event #23 NEWCOMB, DAVID G	TOWN	sc-104	#55 - Sm 6 Whl Dump (Frontline Vehicle)	Plowing	22-Feb-15	6:30 AM	22-Feb-15	12:00 PM	5:30
29	Event #23 RUDOLPH, JOHN C.	TOWN	sc-79	#133 - Backhoe/ Plow (Frontline Vehicle)	Plowing	22-Feb-15	7:00 AM	22-Feb-15	12:00 PM	5:00
30	Event #23 SHEA, MICHAEL F	TOWN	sc-90	#10 - 6 Whl Spreader (Frontline Vehicle)	Plowing	22-Feb-15	7:00 AM	22-Feb-15	12:00 PM	5:00
31	Event #23 BOYLE, JOHN B	TOWN	sc-96	#5 - 6 Whl Dump (Frontline Vehicle)	Plowing	22-Feb-15	7:00 AM	22-Feb-15	12:00 PM	5:00
32	Event #23 DUFFIELD, ZACHARIAH M	TOWN	sc-31	#103 - Back - hoe/ Plow (Frontline Vehicle)	Plowing	22-Feb-15	7:00 AM	22-Feb-15	1:00 PM	6:00
33	Event #23 HOEFFLER, MARK A	TOWN	sc-43	#50 - Pick up (Hand Crew)	Plowing	22-Feb-15	7:00 AM	22-Feb-15	12:00 PM	5:00
34	Event #23 I OGAN, MICHAEL I	TOWN	sc-50	#71 - Sm 6 Whl Dump (Frontline Vehicle)	Plowing	22-Feb-15	7:00 AM	22-Feb-15	12:00 PM	5:00
35	Event #23	TOWN	sc-63	#41 - Pick up (Supervisor)	Other	22-Feb-15	7:00 AM	22-Feb-15	12:00 PM	5:00

Reporting

DATE: 02/17/15-02/17/15

DAY: Tuesday - Tuesday

EVENT: Event #21 February 15 2015

TYPE: Business District Parking Lot Removal

PUBLIC WORKS DEPARTMENT
WINTER STORM SUMMARY REPORT



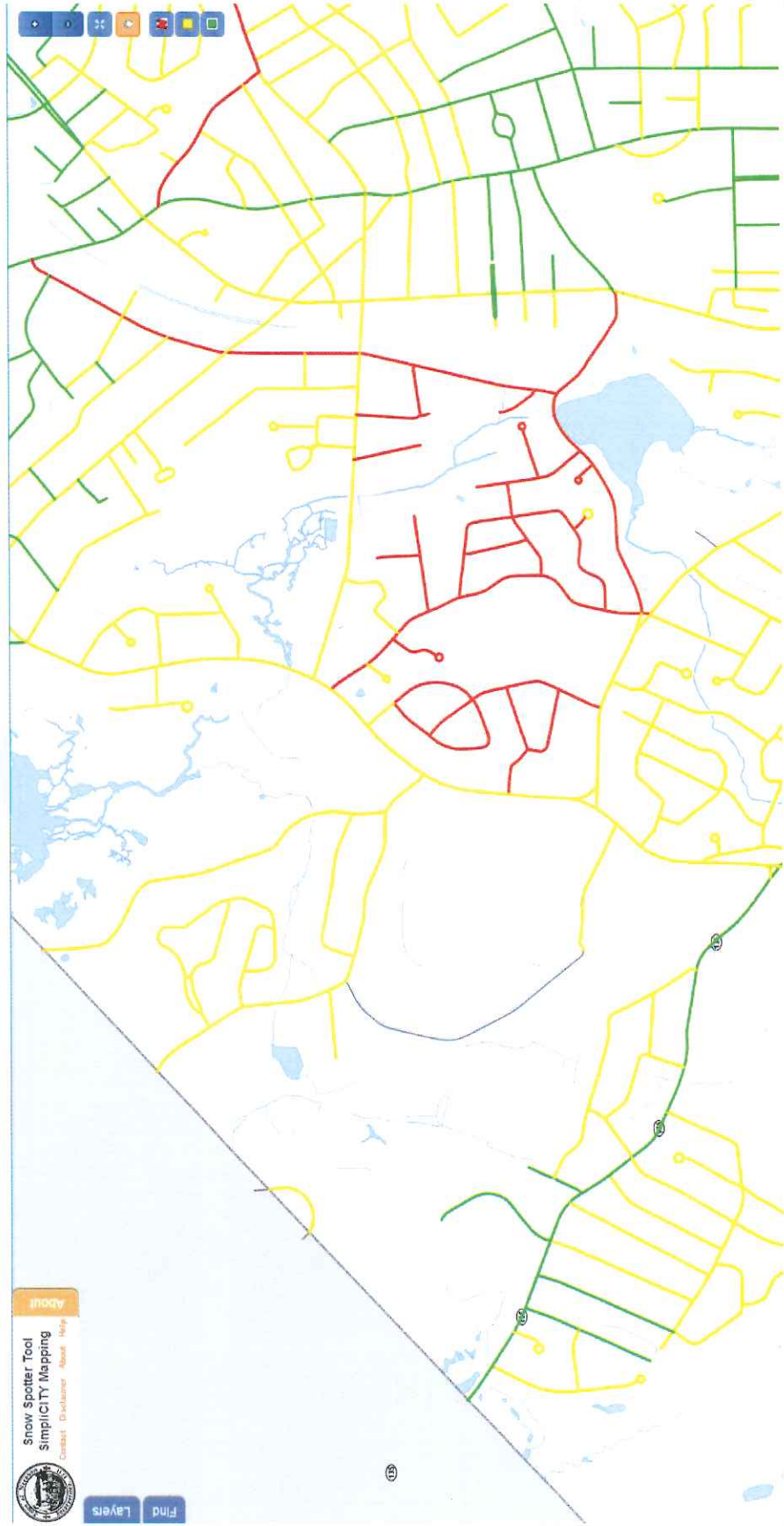
Type of Storm	Amount	Began	Ended	Storm Duration	Low Temp	High Temp
Business District		02/17/15 9:38 am	02/17/15 10:13 am	00:35		

Salt shift from 7pm 2/15/15 to 11pm

COST AGAINST SNOW AND ICE BUDGET

Type of Unit	Units	Est Cost / in	Estimated Cost
Labor			
Non-Represented Cost	0		\$ 0.00
DPW Double Time Cost	45		\$ 2040.30
DPW Time & 1/2 Cost	0		\$ 0.00
DPW Fuel Consumption	67.5		\$ 168.75
Salt	70		\$ 4690.00
Sand	63		\$ 922.32
Meltdown	1300		\$ 1157.00
Contractors	hours		
TOTAL			\$ 8978.37

Spotter Tool



Successes

- Reduced time to produce invoices
- Initially intended to run old and new processes simultaneously, but due to frequency of storms, relied on SnowOps
- Increased confidence in data



The Future

- Increase participation
- Increased training during off season
- Collect more data in real time
- Upgrade program
 - Auto-calculate payroll
 - Allow for multiple events at the same time
 - Materials form to reduce manual entry
 - Calculate fuel consumed based on vehicle to match FEMA schedule
 - Update reporting to provide more detail and reflect more real costs



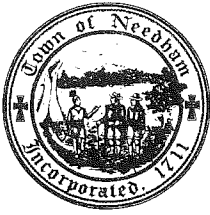


**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 7/21/2015

Agenda Item	Acceptance of Municipal Declaration of Restriction and Grant of Access Easement
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Planning Board has requested that the Board of Selectmen accept and execute a Municipal Declaration of Restriction and Grant of Access Easement for the 36 Rockwood Lane Definitive Subdivision Plan. The documents were required by the Planning Board as part of the approval of the subdivision plan for the construction of the subdivision, and set forth the requirements of the developer particularly with respect to the on-going private responsibility for appropriate maintenance of the drainage system. The Access Easement, which will also require Town Meeting approval, will also allow perpetual right to pass and repass over the way and over a thirteen foot access easement.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
Suggested Motion: At the request of the Planning Board, that the Board accept and authorize the Chairman to sign the Municipal Declaration of Restriction and Grant of Access Easement for the Rockwood Lane Definitive Subdivision Plan.			
3.	BACK UP INFORMATION ATTACHED	YES	NO
a. Letter from Lee Newman, Director of Planning & Community Development b. Municipal Declaration of Restriction (for execution) c. Grant of Access Easement (for execution) d. Acknowledgement and Assent of Mortgagor – Hillcrest Development (for information) e. Acknowledgement and Assent of Mortgagor – Citizens Bank NA (for information) f. Definitive Subdivision Decision date February 24, 2015 (for information) g. Wayside Realty Trust Trustee Certificate (for information) h. Declaration of Restriction (for information) i. Declaration of Trust – Rockwood Estates Homeowners Trust (for information) j. Subdivision Covenant (for information)			



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7500

PLANNING

July 16, 2015

Ms. Kate Fitzpatrick
Town Manager
1471 Highland Avenue
Needham, MA 02492

Re: DEFINITIVE SUBDIVISION
Rockwood Lane, Needham, MA

Dear Ms. Fitzpatrick:

Enclosed please find the following documents:

1. Municipal Declaration of Restriction by Chris Kotsiopoulos, Individually, and as Trustee of Wayside Realty Trust to the Town of Needham, Massachusetts (original copy provided);
2. Grant of Access Easement by Chris Kotsiopoulos, Individually, and as Trustee of Wayside Realty Trust to the Town of Needham, Massachusetts (original copy provided);
3. Acknowledgement and Assent of Mortgagor for above-named Municipal Declaration of Restriction and Grant of Access Easement from Citizens Bank, N.A. (copy provided);
4. Acknowledgement and Assent of Mortgagor for above-named Municipal Declaration of Restriction and Grant of Access Easement from Hillcrest Development, Inc., and Elite Home Builders, LLC (copy provided);
5. Definitive Subdivision Decision, 36 Rockwood Lane, dated February 24, 2015 (copy provided);
6. Wayside Realty Trust, Trustee Certificate, recorded in the Norfolk County Registry of Deeds, Book 33288, Page 106 (copy provided);
7. Declaration of Restrictions by Chris Kotsiopoulos, Individually, and as Trustee of Wayside Realty Trust, recorded in the Norfolk County Registry of Deeds, Book 33288, Page 117 (copy provided);
8. Declaration of Trust Rockwood Estates, Homeowners Trust by Chris Kotsiopoulos, Individually, and as Trustee of Wayside Realty Trust, recorded in the Norfolk County Registry of Deeds, Book 33288, Page 163 (copy provided);
9. Subdivision Covenant Under Provisions of General Laws, Chapter 41, Section 81-U by Chris Kotsiopoulos, Individually, and as Trustee of Wayside Realty Trust, recorded in the Norfolk County Registry of Deeds, Book 33288, Page 107 (copy provided);

MUNICIPAL DECLARATION OF RESTRICTION

Chris Kotsiopoulos, Individually, and as Trustee of Wayside Realty Trust, u/d/t dated July 1, 1998 recorded in the Norfolk County Registry of Deeds in Book 22616, Page 491, of 36 Rockwood Lane, Needham, Massachusetts, as the owner of the land described on Exhibit A attached hereto and having received approval of the Rockwood Lane Subdivision by the decision of the Needham Planning Board entitled Definitive Subdivision Decision, Rockwood Lane dated 24, 2015 recorded herewith (the "Decision") hereby imposes upon Lots 1 through 9, inclusive, and the Private Way (Rockwood Lane Extension) as shown on a plan entitled, "Rockwood Lane Subdivision" dated May 6, 2014, last revised April 24, 2015, prepared by Samiotes Consultants, Inc., recorded in the Norfolk County Registry of Deeds as Plan No. _____ of 2015 in Book _____, Page _____" (hereinafter "Subdivision Plan") for the benefit of the Town of Needham and each owner or owners of Lots 1 through 9, as shown on the Subdivision Plan, their successors and assigns, in perpetuity the following conditions:

1. The waiver of street construction requirements, as fully set forth in paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, and 1.g of the Decision is expressly conditioned upon and subject to the restriction that neither the owner nor any successor owner or owners of Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8 or Lot 9, as shown on the Subdivision Plan (hereinafter referred to individually as a Lot or collectively as the Lots) shall use the Lots for any purpose other than single-family residential use or Lot owner home occupations as allowed under the Zoning By-Law, as shown on the Subdivision Plan, as approved by the Board and recorded herewith, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.
2. Each and every owner or owners of any Lot shall be jointly and severally responsible and liable, and shall fulfill all lot owners' obligations under the Rockwood Estates Homeowners Trust Agreement, for the costs of the maintenance, repair and reconstruction of the Private Way shown on the Subdivision Plan and designated thereon and all services, (whether the services are located within the Private Way or in areas shown partially on the Private Way and partially on a Lot), the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water, sewer and drainage facilities and other utilities and related equipment, curbs, monuments, sidewalks, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain the Private Way in a good, safe and passable condition, including snow plowing, providing access from each Lot to the public portion of Rockwood Lane, as shown on the Subdivision Plan, and providing adequate services to each Lot, all in accordance with these conditions. The Rockwood Estates Homeowners Trust shall maintain a dedicated capital reserve account having a minimum balance of \$10,000 to meet the obligations of this section.
3. Each and every owner or owners of any Lot shall be jointly and severally responsible and liable, and shall fulfill all Lot owners' obligations under the Rockwood Estates Homeowners Trust Agreement, for all maintenance, repairs and reconstruction required for or on the Private Way in compliance with and in conformity with requirements of the Town of Needham and

other requirements imposed by law or governmental authority. The within requirement shall be included in all deeds of the Lots.

4. The Trustees under the Rockwood Estates Homeowners Trust Agreement and each owner of a Lot shall not use or permit use of the Private Way for any purpose other than ingress and egress from the Lots by the residents of the Lots and their guests and invitees, such use to be limited to pedestrian and private-passenger vehicular traffic, and such other vehicular traffic as is necessary from time to time in cases of emergency, delivery of customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of the Private Way, the Lot, and any structures thereon and services installed thereon, or hereunder.

5. No owner or owners of any Lot shall park or cause to be parked any motor vehicle on the Private Way. A no parking sign shall be posted on the turn-around stating "No Parking Emergency Vehicles Only".

6. Neither the Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement shall perform, nor shall they permit changes to be made to any Lot, which would impact the functionality or design of the drainage improvements as shown on the Plan, except in accordance with Condition 19 of the Decision.

7. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder by or at the direction of any owner or owners of any Lot or the Trustees under the Rockwood Estates Homeowners Trust Agreement as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into any storm drainage system, and soil and other material or debris shall be removed from the site only if such removal will not impact the functionality or design of the drainage improvements shown on the Subdivision Plan, and only to the extent necessary in connection with such work.

8. No Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement shall at any time request that the Private Way be laid out or accepted as a public way in the Town of Needham unless such owner or owners or Trustees at its or their sole expense, perform and complete such work as is necessary to cause the Private Way to comply with all standards and regulations of the Town of Needham without waiver, and obtain all permits and approvals required by law in connection therewith. If the Private Way is accepted by the Town of Needham as a public way at any time, then the provisions hereof applicable to ownership and maintenance of the Private Way shall thereupon terminate.

9. No Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement, shall at any time request or petition that any drainage system, water pipes, sewer pipes or related equipment or any other improvement within the subdivision for which design or improvement requirements have been waived by the Board as provided herein, be accepted or maintained by the Town of Needham.

10. The Town of Needham and its designees shall have the right to enter upon the Private Way for all purposes for which public ways are used in the Town of Needham.

11. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 12 inclusive and condition 15, of the Decision, and any conveyance shall include transfer of a fee interest or the perpetual right and easement to use the Private Way in common with others lawfully entitled thereto for all purposes for which public ways in the Town of Needham may now or hereafter be used consistent with the provisions hereof, and the subsurface areas, equipment and facilities used and maintained in connection with the provision of water, sewer, drainage and other utility services provided to the conveyed premises. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots which does not expressly refer to and incorporate these conditions shall nevertheless be deemed to contain the same and in all events shall be subject thereto.

12. Every Lot owner of Lots 1 through 9, as shown on the Subdivision Plan, shall maintain and keep operational their respective roof runoff system and yard system in accordance with the Plan, as approved by the Decision, and as further described in the "Rockwood Lane Subdivision, Stormwater Management Report", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014 (Exhibit 58 of the Decision) as revised by (Exhibit 87 of the Decision). Care shall be taken to retain the landscaping as shown on the Plan. The Rockwood Estates Homeowners Trust shall inspect the roof and yard systems once per calendar year shortly after a small rainstorm event to ensure proper operation and to ensure that the runoff from the entire roof area of the house system is draining into the roof system and where applicable, that runoff from the yard is draining into the yard system. Additionally, the landscaping, as shown on the Subdivision Plan, shall be inspected to assure compliance with the approved landscape plan. Systems shall be replaced/repared by individual Lot owners as needed to ensure their continued operation in accordance with the Subdivision Plan and the "Rockwood Lane Subdivision, Stormwater Management Report" (Exhibit 58) as revised by (Exhibit 87).

13. This Restrictive Covenant incorporating Conditions 3 through 12 and Condition 25 of the Decision will be recorded in the Registry of Deeds and shall run with the land.

This Restrictive Covenant shall be referenced on the Plan and shall be recorded therewith. This Restrictive Covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

14. Enforcement: In the event that a breach of these restrictions by the Owner, or by the successors or assigns of the Owner, or by The Rockwood Estates Homeowners Trust, or by a third party under the control of the Owner, the Trust or any such successors or assigns, comes to the attention of the Town of Needham, the Town of Needham, acting through its Planning Board, may notify the Trust in writing of such a breach.

The Trust shall have sixty (60) days after receipt of such notice to undertake actions, including restoration of the restricted lots that are reasonably calculated to correct swiftly the

conditions constituting such a breach. If the Trust fails to take such corrective action within such time period, (or in the case of corrective actions requiring construction activities by the Trust, within such longer time period as is reasonable due to weather conditions, but in no event shall the time period exceed the greater of sixty (60) days after receipt of written notice as aforesaid or the June 1 next following the date of receipt of said notice) the Town of Needham may take appropriate legal proceedings, as are reasonably necessary to effect compliance with these restrictions and the town may recover its reasonable expenses, including expert fees, court costs and legal fees, which shall be paid by the Trust and/or the breaching party to the Town of Needham, provided the Trust and/or breaching party is determined to be responsible for the breach. If the Trust fails to pay for such restorations and reasonable expenses, etc., then the Town may recover such costs from each of the Lot Owners of record.

The rights hereby granted shall include the right to enforce this Municipal Declaration of Restrictive Covenants by appropriate legal proceedings and to obtain injunctive and other equitable relief and shall be in addition to, and not in limitation of, any other rights and remedies available to the Trust and the Town of Needham.

Executed as a sealed instrument this 6 day of July, 2015.

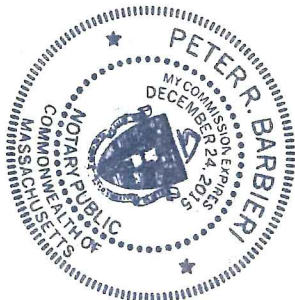


Chris Kotsiopoulos, Individually and as
Trustee of Wayside Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 6 day of July, 2015, before me, the undersigned notary public, personally appeared Chris Kotsiopoulos, individually and as Trustee of Wayside Realty Trust, proved to me through satisfactory evidence of identification, which was Photo ID to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public Peter R. Barbieri
My Commission Expires:

12-24-15

ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Municipal Declaration of Restriction is hereby accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM
By its Board of Selectmen

By: _____
Name: _____
Title: _____

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ____ day of May, 2015, before me, the undersigned notary public, personally appeared _____, as Chairman of the Board of Selectmen of the Town of Needham, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Description of Land

PARCEL 1

The land located off Richard Road in Needham, Norfolk County, Massachusetts shown as Lot 59A on a Plan entitled "Plan of Land in Needham, Mass., Scale 1" = 40', July 2, 1957, planned by MacCarthy Engineering Service, Inc." being Plan No. 756 of 1957 duly recorded with Norfolk Registry of Deeds in Book 3572, Page 173. Said Lot 59A is bounded according to said Plan as follows:

NORTHERLY by Lot 60A as shown on said Plan, two hundred seventy and 99/100 (270.99) feet;

EASTERLY by Lot 59 as shown on said Plan, eighty and 00/100 (80.00) feet;

SOUTHEASTERLY by Lot 58A as shown on said Plan, one hundred ninety-two and 67/100 (192.67) feet; and

SOUTHWESTERLY by Lots 15A and 14B as shown on said Plan, one hundred forty-five and 00/100 (145.00) feet.

Said Lot containing 23,822 square feet according to said Plan.

See deed of John Kotsiopoulos Trustee recorded with Norfolk Registry of Deeds in Book 22616, Page 513.

PARCEL 2

A Parcel of land located off Richard Road in Needham, Massachusetts shown as Lot 62A on a Plan entitled "Plan of Land in Needham, Mass., July 2, 1957 MacCarthy Engineering Services, Inc., Natick, Massachusetts", said plan being recorded in the Norfolk Registry of Deeds in Book 3572, Page 173 as Plan No. 756 of 1957. Said Lot 62A is bounded according to said plan as follows:

EASTERLY by Lot 62 as shown on said Plan, eighty-three and 90/100 (83.90 feet);

SOUTHERLY By Lot 61A as shown on said Plan, two hundred and eighty-seven and 35/100 (287.35 feet);

WESTERLY by Lot 54 as shown on said Plan, by two lines measuring thirty-three and 89/100 (33.89) feet and fifty-six and 11/100 (56.11) feet respectively; and

NORTHERLY by Lot 64A and 63A as shown on said Plan, one hundred twenty and 92/100 (120.92) feet and one hundred thirty-nine and 18/100 (139.18) feet.

Containing according to said Plan, 23,325 square feet of land, more or less

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

PARCEL 3

The land with the buildings thereon in Needham, Norfolk County, Massachusetts, bounded and described as follows:

EASTERLY by Lot 58 and by Rockwood Lane, shown on the plan hereinafter mentioned as Irmgrad Road, by two lines measuring sixty-six and 17/100 (66.17) feet and fifty-two and 07/100 (52.07) feet, respectively;

SOUTHEASTERLY by Lot 71 as shown on said Plan, eighty-six and 83/100 (86.83) feet;

SOUTHWESTERLY by land of owners unknown and by Lots 13-B as shown on said Plan, by two lines measuring one hundred nine and 26/100 (109.26) feet and seventy-five and 00/100 (75.00) feet, respectively; and

NORTHWESTERLY by Lot 59A as shown on said Plan, one hundred ninety-two and 67/100 (192.67) feet.

Containing 19,939 square feet of land according to said Plan and being shown as Lot 58A on a Plan entitled "Plan of Land in Needham, Mass.", dated July 2, 1957 by MacCarthy Engineering Service, Inc. recording with Norfolk Registry of Deeds in Book 3572, Page 173 as Plan No. 756 of 1957.

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

PARCEL 4

The land being shown as Lot 61A on a Plan of Land entitled "Plan of Land in Needham, Mass., July 2, 1957, MacCarthy Engineering Service, Inc., Natick, Massachusetts" said Plan being recorded in Norfolk Registry of Deeds as Plan No. 756 of 1957, Book 3572, Page 173; said Lot 61A being more particularly described according to said Plan as follows:

EASTERLY by Lot 61 as shown on said Plan, eighty and 00/100 (80.00) feet;

SOUTHERLY by Lot 60A as shown on said Plan, three hundred nine and 06/100 (309.06) feet;

{Client Files/29519/0009/01763235.DOC } {Client Files/29519/0009/01763235.DOC } {Client Files/29519/0009/01763235.DOC } {Client Files/29519/0009/01763235.DOC }

WESTERLY by Lot 55 as shown on said Plan, in two lines measuring forty and 00/100 (40.00) feet and fifty and 00/100 (50.00) feet, respectively;

NORTHERLY by Lot 62A as shown on said Plan, two hundred eighty-seven and 35/100 (287.35) feet.

Said Lot containing 25.006 square feet according to said Plan.

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

All Parcels are subject to and with the benefit of easements, restrictions, agreements and rights of way of record, if any there be, insofar as the same are now in force and applicable.

Said Parcels 1, 2, 3 and 4 also being shown as the land located at the end of Rockwood Lane, Needham, Massachusetts, as more particularly shown on Plans entitled "Rockwood Lane Subdivision" prepared by Samiotes Consultants, Inc. dated May 6, 2014, last revised through April 24, 2015, (the "Plans"), which Plans depict Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, (the "Lots) and "Proposed Rockwood Lane (Ext.)" and which plans were endorsed by the Needham Planning Board on May 26, 2015 and which plans are recorded herewith.

Ms. Kate Fitzpatrick
Town Manager
Page 2

The above-named documents were required by the Needham Planning Board as a condition of the Board's approval of the Rockwood Lane Subdivision. Please have the Board of Selectmen accept and execute items 1 and 2 above at their meeting of Tuesday, July 21, 2015. I am currently awaiting delivery of items 3 and 4 in original form and will confirm receipt prior to the Selectmen's meeting. David Tobin will need to approve and endorse the documents "approved as to form". I will arrange to have David Tobin contact you directly regarding his approval of the documents prior to your meeting.

Finally, I have included the remainder of the subdivision documents under items 5 thru 9 for your reference.

Please return the executed documents to the Planning Office. Should you have any questions regarding this matter, please feel free to contact me directly. Thank you for your assistance.

Very truly yours,

NEEDHAM PLANNING BOARD



Lee Newman
Director of Planning and Community Development

cc: David Tobin
Rick Merson
Tony Del Gaizo

GRANT OF ACCESS EASEMENT

Chris Kotsiopoulos, Individually, and as Trustee of Wayside Realty Trust, u/d/t dated July 1, 1998 recorded in the Norfolk Registry of Deeds in Book 22616 Page 491, of 36 Rockwood Lane, Needham, Massachusetts ("Grantor")

for consideration paid, and in full consideration of ONE DOLLAR

grants to the Town of Needham, acting through its Board of Selectmen, and members of the general public and their successors and assigns ("Grantee")

the perpetual right to pass and repass on foot or by vehicle over the area shown as "Proposed Rockwood Lane (Ext.)" (the "Rockwood Lane Easement") on a plan entitled "Rockwood Lane Subdivision" dated May 6, 2014, last revised September 26, 2014, prepared by Samiotes Consultants, Inc., recorded in the Norfolk County Registry of Deeds as Plan No. _____ of 2015 in Book _____, Page _____ (hereinafter "Subdivision Plan").

The Grantor further grants to the Grantee an access easement to pass and repass on foot or by vehicle over the area shown as "13' Wide Access Easement to be Granted to Town" (the "Town Access Easement"), as depicted on the Subdivision Plan.

The Grantor further grants to the Grantee the right to enter upon the area shown as "20' Drainage & Landscape Easement" on each of the Lots as shown on the Subdivision Plan for the purpose of inspecting or making repairs in the event of an emergency. The Town's rights to enter upon the Lots and to maintain and repair herein granted are subject to the terms and conditions of the Rockwood Estates Homeowners Trust dated _____ July _____, 2015 recorded in the Norfolk Registry of Deeds in Book _____, Page _____. An emergency shall be defined as the creation of a condition that results or could result in flooding of adjacent properties or overloading of the municipal drainage system or the creation of a condition that is injurious to the public health or safety.

In accordance with the provisions of Massachusetts General Laws Chapter 21, Section 17C, the Grantor, his successors and assigns shall not be liable for personal injuries or property damage sustained by such members of the public, including, without limitation, a minor, while on said land resulting from the grant of said Town Access Easement, in the absence of willful, wanton or reckless conduct by said Grantor. Such access shall not confer upon any member of the public using said land, including, without limitation, a minor, the status of an invitee or licensee to whom any duty would be owed by said Grantor.

The Owner hereby reserves the right for itself, its heirs, successors and assigns, to use and enjoy the Town Access Easement, 20' Drain Easement and Rockwood Lane Easement for all legal purposes not inconsistent with the rights and easements granted hereby. Under no circumstances shall any use be made by Owner, its heirs, successors and assigns of the Town Access Easement, 20' Drain Easement and Rockwood Lane Easement which in any way impedes, restricts, or impairs its use by the Town and/or members of the public.

The within grant of easements shall be binding upon the Owner and all respective successors and assigns and shall inure to the benefit of the Town of Needham, Massachusetts, and the benefits and burdens hereof shall run with the land described herein as the "Town Access Easement, 20' Drain Easement and Rockwood Lane Easement" in the Plan.

The Town Access Easement is to be used by members of the public only for walking. Gatherings, parties, amplified music, use of alcoholic beverages or drugs are strictly prohibited. Leashed dogs or other pets shall be allowed in the Pedestrian Access Easement. The Easement shall only be available between the hours of dawn and dusk. No structures are to be placed within the Town Access Easement. The Grantor, his successors and assigns, shall have no responsibility to maintain the Town Access Easement.

In accordance with the provisions of Massachusetts General Laws Chapter 21, Section 17C, the Grantor, his successors and assigns shall not be liable for personal injuries or property damage sustained by such members of the public, including, without limitation, a minor, while on said land resulting from the grant of said easement, in the absence of willful, wanton or reckless conduct by said Grantor. Such access shall not confer upon any member of the public using said land, including, without limitation, a minor, the status of an invitee or licensee to whom any duty would be owed by said Grantor. The purpose of the prohibitions and limitations on activities within the Town Access Easement is to prevent any disturbance to the tranquility of the area and to not disturb the existing natural habitat and wildlife, and to be minimally invasive, including that of noise.

The grant of the Town Access Easement and the Rockwood Lane Easement shall be subject to easements, restrictions and covenants now of record (excluding mortgages and other monetary liens).

Should the Owner, his heirs, successors or assignees fail or refuse to comply with their obligations hereunder, the Town may look to enforce its provisions by appropriate legal proceedings and to obtain injunctive and other equitable relief, which rights shall be in addition to, and not in limitation of, any other rights and remedies available to the Town.

For Grantor's title see Deeds recorded in the Norfolk Registry of Deeds in Book 22616, Page 513, Book 22616, Page 515 and Book 30871, Page 486.

Executed as a sealed instrument this 6 day of July, 2015.


Chris Kotsiopoulos, Individually and as

Trustee of Wayside Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 6 day of May, 2015, before me, the undersigned notary public, personally appeared Chris Kotsiopoulos, individually and as Trustee of Wayside Realty Trust, proved to me through satisfactory evidence of identification, which was Photo ID to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public Peter Barbieri
My Commission Expires: 12-24-15



ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Grant of Town Access Easement and Rockwood Lane Easement hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM
By its Board of Selectmen

By: _____
Name: Maurice P. Handel
Title: Chairman

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ____ day of _____, 2015, before me, the undersigned notary public, personally appeared Maurice P. Handel, Chairman of the Board of Selectmen of the Town of Needham, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**ACKNOWLEDGEMENT
AND
ASSENT OF MORTGAGOR**

The present holder of a Mortgage (the "Mortgage") upon the property is Hillcrest Development, Inc. and Elite Home Builders, LLC (the "Mortgagee"), of 70 Hillcrest Road, Needham, Massachusetts 02492. The Mortgage is dated October 16, 2013, and is recorded at the Norfolk Registry of Deeds in Book 31855, Page 325. The Mortgagee agrees that the Grant of Access Easement from Chris Kotsiopoulos, Individually and as Trustee of Wayside Realty Trust, u/d/t dated July 1, 1988 to the Town of Needham (the "Easement") and the Municipal Declaration of Restriction from Chris Kotsiopoulos, Individually and as Trustee of Wayside Realty Trust, u/d/t dated July 1, 1988 to the Town of Needham (the "Restriction"), to be recorded herewith, shall have the same status, force and effect as though executed and recorded before Mortgagee's acceptance of the Mortgage and further agrees that the Mortgage shall be subordinate to the Easement and Restriction.

IN WITNESS WHEREOF, the said Hillcrest Development, Inc. and Elite Home Builders, LLC has caused its corporate seal to be affixed and these presents to be signed, acknowledged and witnessed in its name and on its behalf by Dainius Kuper, hereby duly authorized on this 15 day of July, 2015.

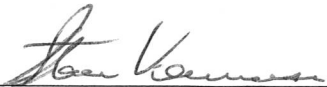
HILLCREST DEVELOPMENT, INC.

By:

Name:
Title:

Dainius Kuper
President

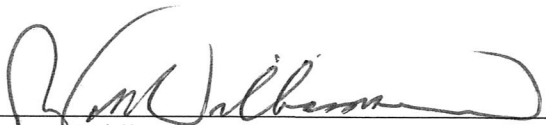
ELITE HOME BUILDERS, LLC

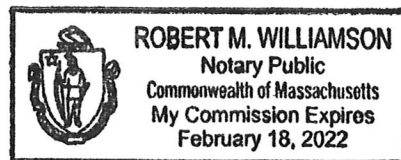
By: 
Name: STEVEN VENINCASA
Title: Manager

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this 10 day of July, 2015, before me, the undersigned notary public, personally appeared STEVEN VENINCASA, as MANAGER of Elite Home Builders, LLC, proved to me through satisfactory evidence of identification, which was PERSONAL KNOWLEDGE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

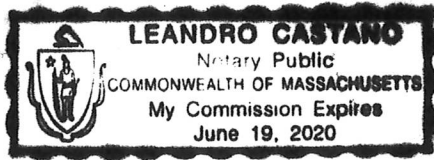

Notary Public
My Commission Expires:

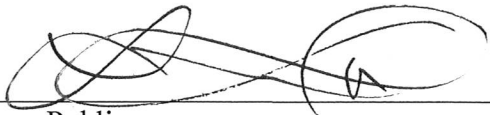


Norfolk, ss.

COMMONWEALTH OF MASSACHUSETTS

On this 15th day of July, 2015, before me, the undersigned notary public, personally appeared Dainius Kuper, as President of Hillcrest Development, Inc., proved to me through satisfactory evidence of identification, which was MA Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.





Notary Public
My Commission Expires: June 19, 2020

**ACKNOWLEDGEMENT
AND
ASSENT OF MORTGAGOR**

The present holder of a Mortgage (the "Mortgage") upon the property is Citizens Bank, N.A. formerly RBS Citizens, N.A. (the "Mortgagee"), of 1 Citizens Plaza, Providence, Rhode Island 02903. The Mortgage is dated May 22, 2008, and is recorded at the Norfolk Registry of Deeds in Book 25897, Page 53. The Mortgagee agrees that the Grant of Access Easement from Chris Kotsiopoulos, Individually and as Trustee of Wayside Realty Trust, u/d/t dated July 1, 1988 to the Town of Needham (the "Easement") and the Municipal Declaration of Restriction from Chris Kotsiopoulos, Individually and as Trustee of Wayside Realty Trust, u/d/t dated July 1, 1988 to the Town of Needham (the "Restriction"), to be recorded herewith, shall have the same status, force and effect as though executed and recorded before Mortgagee's acceptance of the Mortgage and further agrees that the Mortgage shall be subordinate to the Easement and Restriction.

IN WITNESS WHEREOF, the said Citizens Bank, N.A. formerly RBS Citizens, N.A. has caused its corporate seal to be affixed and these presents to be signed, acknowledged and witnessed in its name and on its behalf by YVONNE DIETRICH and MARVIN L. WATTS, hereby duly authorized on this 14th day of July, 2015.

CITIZENS BANK, N.A.

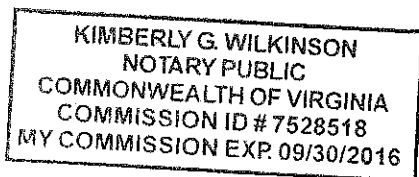
By: Yvonne Dietrich
Name: Yvonne Dietrich
Title: Vice President

By: Marvin L. Watts
Name: Marvin L. Watts
Title: SVP

State of Virginia

, ss. County of Henrico

On this 14th day of July, 2015, before me, the undersigned notary public, personally appeared YVONNE DIETRICH, as VICE PRESIDENT of Citizens Bank, N.A., proved to me through satisfactory evidence of identification, which was PERSONALLY KNOW (COWORKER), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

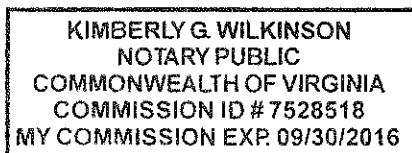


Kimberly G. Wilkinson
Notary Public
My Commission Expires: 09/30/2016

State of Virginia

, ss. County of Henrico

On this 14th day of July, 2015, before me, the undersigned notary public, personally appeared MARVIN L. WATTS, as SENIOR VICE PRESIDENT of Citizens Bank, N.A., proved to me through satisfactory evidence of identification, which was PERSONALLY KNOW (COWORKER), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.



Kimberly G. Wilkinson
Notary Public



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2015 MAR -3

500 Dedham Ave
Needham, MA 02492

781-455-7500

PLANNING

DEFINITIVE SUBDIVISION DECISION

36 Rockwood Lane

Chris Kotsiopoulos, Individually and as Trustee, Wayside Realty Trust

February 24, 2015

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of Chris Kotsiopoulos, Individually and as Trustee, Wayside Realty Trust, 36 Rockwood Lane, Needham, Massachusetts (to be referred to hereinafter as the Petitioner) for property located at 36 Rockwood Lane, Needham, Massachusetts. The subject land is shown on Assessors Plan No. 17 as Parcels 22, 23, and 24 and Plan No. 20 as Parcels 57, 60 and 61. The land is further described as follows:

Beginning at a re-bar on the southerly line of Rockwood Lane at the end of the public right of way; Thence S 51° 47' 23" W, Eighty six and eighty-three hundredths feet (86.83') by land now or formerly of Fooksa, to a re-bar; Thence N 53° 54' 39" W, One hundred nine and twenty-seven hundredths feet (109.27'), by land now or formerly of Jalia and Vielhauer to a point; Thence N 35° 01' 03" W, Two hundred twenty and thirty-seven hundredths feet (220.37') by land now or formerly of Levitt, Lavrentios and McNeilly to a point; Thence S 60° 30' 43" W, Fifty nine and forty-two hundredths feet (59.42') by land now or formerly of McNeilly to a point; Thence S 01° 40' 13" W, a distance of thirteen and seven hundredths feet (13.07') by land now or formerly of Smith, to a point; Thence N 07° 03' 10" E, Seventy seven and sixty-two hundredths feet (77.62') by land now or formerly of Smith to a point; Thence N 12° 04' 08" E, Sixty Two and ninety hundredths feet (62.90') by land now or formerly of Smith and Fradkin to a point; Thence N 15° 52' 50" E, Eighty three and eighty-nine hundredths feet (83.89') by land now or formerly of Fradkin and O'Hara to a point; Thence N 19° 03' 39" E, Fifty-six and eleven hundredths feet (56.11') by land now or formerly of O'Hara to a re-bar; Thence S 88° 37' 30" E, One hundred twenty and ninety-two hundredths feet (120.92') by land now or formerly of the Town of Needham to a point; Thence N 25° 14' 30" E, One hundred ten feet (110.00') by land now or formerly of the Town of Needham to a point; Thence S 88° 37' 30" E, One hundred thirty nine and eighteen hundredths feet (139.18') by land now or formerly of the Town of Needham to a point; Thence S 25° 04' 43" W, One hundred ten and twenty-two hundredths feet (110.22') by land now or formerly of Fitzgerald to a point; Thence S 00° 12' 55" W, Three hundred ninety and seven hundredths feet (390.07') by land now or formerly of Lovett, Katsh, Edelstein, Zhang and Lee to a point on the Northerly side of Rockwood lane; Thence S 13° 46' 03" E, Fifty-two and seven hundredths feet (52.07') by the line of Rockwood Lane to the point of beginning.

Containing one hundred thirty-two thousand eight hundred ninety-one (132,891) square feet or 3.051 acres of land more or less, as shown on a plan entitled, "Subdivision Plan of Land, Needham, Norfolk County, Massachusetts", Scale 1"=40', dated May 6, 2014, by Samiotes Consultants, Inc.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on May 7, 2014, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the plan would create nine (9) building lots. Presently, one of the parcels is occupied by a single family dwelling and associated accessory structures, driveways and yard area. All of the lots would have access from a new roadway that would be a private way extension of the existing public Rockwood Lane (hereinafter the Private Way).

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 10, 2014 at 8:30 p.m. in the Charles River Room, first floor, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Wednesday, August 6, 2014 at 7:30 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Tuesday, September 2, 2014 at 8:00 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Tuesday, October 7, 2014 at 8:00 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Wednesday, November 5, 2014 at 8:00 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Monday, December 15, 2014 at 7:30 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. Board members Bruce T. Eisenhut, Elizabeth J. Grimes, Martin Jacobs, and Jeanne S. McKnight were present throughout the June 10, 2014, August 6, 2014, September 2, 2014, October 7, 2014, November 5, 2014 and December 15, 2014 proceedings. Board member Sam Bass Warner was present for all of the proceedings except the hearing occurring on November 5, 2014. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Warner examined all evidence received at the missed session and listened to an audio recording of the meeting. The deadline for action on the application was extended by the Board upon request of the Petitioner until March 7, 2015. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on February 24, 2015, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - Application for Approval of a Definitive Subdivision Plan, dated May 7, 2014.
- Exhibit 2 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated May 7, 2014.
- Exhibit 3 - Letter to Bruce Eisenhut, Chairman of the Planning Board, from Stephen Garvin, Samiotes Consultants, Inc., dated May 6, 2014.
- Exhibit 4 - Description of Land proposed to be subdivided.
- Exhibit 5 - Lot Closures.
- Exhibit 6 - The Plan entitled, "Definitive Subdivision Plan of Rockwood Lane Extension, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street,

Framingham, MA 01701 consisting of thirteen (13) Sheets; Sheet No. 1, Cover Sheet entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014; Sheet No. 2, Sheet Ex-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No 3, entitled "Subdivision Plan of Land", dated May 5, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014; Sheet No. 6, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014; Sheet No. 7, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014; Sheet No. 8, Sheet CE-4.1, entitled "Proposed Road and Profile Plan", dated May 6, 2014; Sheet No. 9, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014; Sheet No. 10, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014; Sheet No. 11, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014; Sheet No. 12, Sheet L1, entitled "Landscape Plan," dated May 6, 2014; Sheet No. 13, Sheet L2, entitled "Landscape Notes and Details," dated May 6, 2014.

- Exhibit 7 - Stormwater Management Hydrology Calculations for Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014.
- Exhibit 8 - Email from Alicja Zukowski, Samiotes Consultants, Inc., to Fire Chief Paul Buckley with attached plan, dated May 29, 2014.
- Exhibit 9 - Letter from Gregg Fradkin, 99 Tudor Road, to the Planning Board, dated June 5, 2014.
- Exhibit 10 - Letter from Martin Sklar, 60 Richard Road, to the Planning Board, dated June 5, 2014.
- Exhibit 11 - Letter from Bonnie Shuer, 37 Richard Road, to the Planning Board, dated June 5, 2014.
- Exhibit 12 - Letter from Kurt and Jodi Lockwood, 131 Bird Street, to the Planning Board, dated June 5, 2014.
- Exhibit 13 - Letter from the Residents of Tudor Road, Richard Road, Rockwood Lane, to the Planning Board, dated June 5, 2014 with attachments.
- Exhibit 14 - Letter from Janet Bernardo, Senior Project Manager, Horsley Witten Group, to Lee Newman, Director of Planning and Community Development, dated June 5, 2014.
- Exhibit 15 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated June 5, 2014.
- Exhibit 16 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated June 10, 2014.
- Exhibit 17 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated June 26, 2014 with attachment.

- Exhibit 18 - Letter to Planning Board Members and Lee Newman, Director of Planning and Community Development, from Stephen Garvin, Samiotes Consultants, Inc., dated July 3, 2014.
- Exhibit 19 - Plan entitled, "Rockwood Lane Subdivision", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Sheet C-1.0, entitled "Site Layout Plan with 60'R Cul-de-Sac," dated July 3, 2014.
- Exhibit 20 - Plan entitled, "Definitive Subdivision Plan, Rockwood Lane Extension, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701 consisting of thirteen (13) Sheets; Sheet No. 1, Cover Sheet entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014, revised July 3, 2014; Sheet No. 2, Sheet EX-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No 3, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 6, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 7, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 8, Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 9, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 10, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 11, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 12, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014; Sheet No. 13, Sheet L2, entitled "Landscape Notes and Details," dated May 6, 2014, revised July 3, 2014.
- Exhibit 21- Stormwater Management Hydrology Calculations, Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 3, 2014.
- Exhibit 22 - Letter to Tara Gurge, Needham Health Department, from Chris Kotsiopoulos, dated July 22, 2014.
- Exhibit 23 - Email to Tara Gurge, Needham Health Department from Peter Barbieri, Attorney, dated July 24, 2014.
- Exhibit 24 - Letter from residents of Tudor Road, Richard Road, Rockwood Lane, to Lee Newman, Director of Planning and Community Development, dated July 31, 2014.
- Exhibit 25 - Letter from Janet Bernardo, Senior Project Manager, Horsley Witten Group, to Lee Newman, Director of Planning and Community Development, dated July 31, 2014.
- Exhibit 26 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated July 31, 2014.

- Exhibit 27 - Materials concerning zoning compliance submitted by Robert T. Smart, Jr., Attorney, received, August 6, 2014.
- Exhibit 28 - Email from Janet Bernardo, Senior Project Manager, Horsley Witten Group, to Lee Newman, Director of Planning and Community Development, dated August 11, 2014.
- Exhibit 29 - Letter from Edwin Harwood, 133 Tudor Road, to the Planning Board, dated August 10, 2014.
- Exhibit 30 - Letter from Alice Schwartz, 133 Tudor Road, to the Planning Board, dated August 14, 2014.
- Exhibit 31 - Letter from Carl and Brigid O'Hara, 107 Tudor Road, to the Planning Board, dated August 18, 2014.
- Exhibit 32 - Email from Don Boroson, 139 Tudor Road, to the Planning Board, dated August 21, 2014.
- Exhibit 33 - Letter from George Giunta, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated August 26, 2014.
- Exhibit 34 - Letter to Planning Board Members and Lee Newman, Director of Planning and Community Development, from Stephen Garvin, Samiotes Consultants, Inc., dated August 25, 2014.
- Exhibit 35 - Particle Size Analysis, prepared by UMass Extension, Center for Agriculture, prepared for Samiotes Consultants, dated August 20, 2014.
- Exhibit 36 - Commonwealth of Massachusetts Form 11 – Soil; Suitability Assessment for On-Site Sewage Disposal, five submitted for Deep Hole Observation Numbers: 6, 2, 4, 9A, and 7.
- Exhibit 37 - Approximate Storm Drainage Maintenance Cost, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated August 22, 2014.
- Exhibit 38 - 2015 Landscape Maintenance Proposal, prepared by Labadini Corporation, 355 Boston Post Road West, Marlborough, MA 01752, dated August 19, 2014.
- Exhibit 39 - Landscape Operations and Maintenance Plan.
- Exhibit 40 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of eleven (11) Sheets; Sheet No. 1, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014 and August 25, 2014; Sheet 2, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 3, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 4, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22,

2014; Sheet No. 5, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 6, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014; Sheet No. 7, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 8, Sheet CE-2.1a, entitled "Site Grading Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 9, Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 10, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 11, Sheet L2, entitled "Landscape Notes and Details," dated May 6, 2014, revised July 3, 2014 and August 22, 2014.

- Exhibit 41 - Plan Sheet CC-1.1 prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, entitled "Cut and Fill Plan," dated August 22, 2014.
- Exhibit 42 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated September 11, 2014 with attachments.
- Exhibit 43 - Letter from Richard Road and Rockwood Lane Residents, undated, received September 29, 2014 with photos.
- Exhibit 44 - Drainage Calculations, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated September 26, 2014.
- Exhibit 45 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of nine (9) Sheets; Sheet No. 1, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 2, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 3, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 4 Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 5, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 6, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014 and September 26, 2014; Sheet No. 7, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 8, Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 9, Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.
- Exhibit 46 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, consisting of 2 sheets, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

- Exhibit 47 - Email from Peter Barbieri, Attorney, dated October 1, 2014 with attached Declaration of Restrictions, Declaration of Trust and exhibits, and Easement Plan.
- Exhibit 48 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated October 3, 2014.
- Exhibit 49 - Letter from John Lee and Susan Liang, 85 Richard Road, to the Planning Board, undated, received October 6, 2014.
- Exhibit 50 - Letter from Carl and Brigid O'Hara, 107 Tudor Road, to the Planning Board, dated October 6, 2014.
- Exhibit 51 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 7, 2014.
- Exhibit 52 - Sheet entitled "Noise Conditions," prepared by the Applicant, received October 7, 2014.
- Exhibit 53 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated October 7, 2014.
- Exhibit 54 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated October 10, 2014 with attachment.
- Exhibit 55 - Email from Peter Barbieri, Attorney, dated October 21, 2014 with attached Declaration of Restrictions, Declaration of Trust and exhibits, Quitclaim Deed and Easement Plan.
- Exhibit 56 - Plan entitled, "Rockwood Lane Subdivision, Needham, Massachusetts", prepared by Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 31, 2014.
- Exhibit 57 - "Infiltration System Size" table.
- Exhibit 58 - Rockwood Lane Subdivision, Stormwater Management Summary, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014. (hard copy received November 3, 2014).
- Exhibit 59 - Letter to Lee Newman, Director of Planning and Community Development, from Chris Kotsiopoulos, dated October 31, 2014.

- Exhibit 60 - Letter to Lee Newman, Director of Planning and Community Development, from Peter R. Barbieri, Attorney, dated November 3, 2014.
- Exhibit 61 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated November 4, 2014 with attached redlined Declaration of Restrictions, Declaration of Trust, and Quitclaim Deed.
- Exhibit 62 - Email from Elizabeth Grimes, Planning Board Member, to Alexandra Clee, Assistant Town Planner, dated November 5, 2014 with attached redlined Road Maintenance & Improvement Plan, Declaration of Trust, and Declaration of Restrictions.
- Exhibit 63 - Email from George Giunta, Jr., Attorney, to Alexandra Clee, Assistant Town Planner, dated November 5, 2014 with attached Approximate Storm Drainage Maintenance Cost, dated August 22, 2014 and Construction Period Pollution Prevention and Erosion Control Operation and Maintenance Plan, July 2014.
- Exhibit 64 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated November 6, 2014.
- Exhibit 65 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated November 6, 2014 with attachment.
- Exhibit 66 - Letter from Carol and Brigid O'Hara, 107 Tudor Road, to the Planning Board, dated November 7, 2014 with two photos.
- Exhibit 67 - Letter from Peter Barbieri, Attorney, to Lee Newman, Director of Planning and Community Development, dated November 26, 2014 with attached Homeowners' Trust with exhibits, Declaration of Restrictions with Exhibits, Deed, and Easement.
- Exhibit 68 - Construction Minimization and Mitigation Measures, received December 3, 2014.
- Exhibit 69 - Document Response, received December 4, 2014.
- Exhibit 70 - Letter from Gregg Fradkin, 99 Tudor Road, to Lee Newman, Director of Planning and Community Development, dated December 8, 2014.
- Exhibit 71 - Letter from John Lee and Susan Liang, 85 Richard Road, to the Planning Board, dated December 8, 2014, with attached plot plan.
- Exhibit 72 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated December 15, 2014.
- Exhibit 73 - Email from Don Boroson, 139 Tudor Road, to the Planning Board, dated December 11, 2014.
- Exhibit 74 - Plan entitled, "Rockwood Lane Subdivision, Needham, Massachusetts", prepared by Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, Sheet L1, entitled "Landscape Plan," dated May 6,

2014, revised July 3, 2014, August 22, 2014, September 26, 2014 October 31, 2014 and December 18, 2014.

Exhibit 75 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of eighteen (18) Sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 2, Sheet EX-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No. 3, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 6, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 7, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 8, Sheet CE-2.1a, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 9, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 10, Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014. Sheet No. 11 Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 12, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 13, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 14, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 7, 2014; Sheet No. 15, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014 and September 26, 2014; Sheet No. 16, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 17, Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 18, Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

Exhibit 76 - Letter to Alexandra Clee, Assistant Town Planner, from Michael Radner, Radner Design Associates, Inc., dated December 18, 2014.

Exhibit 77 - Letter from Peter Barbieri, Attorney, to Lee Newman, Director of Planning and Community Development, dated December 22, 2014 with attached Declaration of Trust.

- Exhibit 78 - Letter from Michael Radner, Radner Design Associates, Inc., to Alexandra Clee, Assistant Town Planner, dated December 18, 2014.
- Exhibit 79 - Letter from Stephen Gavin, Samiotes Consultants Inc., to the Planning Board and Lee Newman, Director of Planning and Community Development, dated January 5, 2015.
- Exhibit 80 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated January 8, 2015 with attachment.
- Exhibit 81 - Estimated Construction Schedule, Rockwood Lane Extension, dated January 8, 2015.
- Exhibit 82 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated January 9, 2015.
- Exhibit 83 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated January 20, 2015.
- Exhibit 84 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated January 21, 2015 with attachment.
- Exhibit 85 - Interdepartmental Communication (IDC) to the Board from Anthony DelGaizo, Town Engineer, dated June 10, 2014, August 29, 2014, October 7, 2014, October 23, 2014, December 15, 2014, December 22, 2014, and January 12, 2015; IDC to the Board from Paul F. Buckley, Fire Chief, Needham Fire Department, dated May, 29, 2014, May 30, 2014, June 4, 2014 and August 28, 2014; IDC to the Board from John Kraemer, Police Lt., Needham Police Department, dated May 13, 2014 and July 11, 2014; and IDC to the Board from Tara Gurge, Agent, Needham Board of Health, dated July 1, 2013, May 28, 2014, July 17, 2014, July 30, 2014.

Submitted for their deliberations following the close of the public hearing were the following exhibits.

- Exhibit 86 - Modification received from the Town of Needham Engineering Department on February 18, 2015 to the "Construction Minimization and Mitigation Measures", submitted by the Petitioner on December 3, 2014 (Exhibit 68).
- Exhibit 87- Requested modifications to "Rockwood Lane Subdivision Construction Period Pollution Prevention Plan and Erosion Control Operation and Maintenance Plan", dated July 2014 and comprising a portion of Stormwater Management Hydrology Calculations, Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 3, 2014 (Exhibit 21), received from the Town of Needham Engineering Department on February 19, 2015.

Exhibit 88 - Email from Peter Barbieri, Attorney, to Lee Newman, Director of Planning and Community Development, dated February 5, 2015 with attached Declaration of Trust.

Exhibits 41, 44, 58 and 75 are referred to hereinafter as the Plan.

The Board by a vote of 4-1 hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. On the motion to approve the Subdivision Board members Bruce T. Eisenhut, Martin Jacobs, Jeanne S. McKnight, and Elizabeth J. Grimes voted in the affirmative with Board member Sam Bass Warner voting in the negative. The approval herein granted is based on the Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of eighteen (18) Sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 2, Sheet EX-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No. 3, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 6, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 7, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 8, Sheet CE-2.1a, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 9, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 10, Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014. Sheet No. 11 Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 12, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 13, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 14, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 7, 2014; Sheet No. 15, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014 and September 26, 2014; Sheet No. 16, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 17, Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 18, Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

1. The Board hereby waives compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

a) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be laid out to a width of 50 feet and approves instead a 40-foot wide right-of-way, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the

provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board acknowledged that the existing right-of-way width for the public portion of Rockwood Lane is 40 feet and that an extension of the private portion of Rockwood Lane at a 40 foot right-of-way width was appropriate. Additionally, the Board found a right-of-way width of 40 feet to be sufficient to accommodate the 9 lot residential subdivision.

b) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be paved to a width of 24 feet and approves instead a pavement width of 20 feet, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board acknowledged that the existing pavement width for the public portion of Rockwood Lane is 20 feet and that an extension of the private portion of Rockwood Lane at a pavement width of 20 feet was appropriate. Additionally, the Board found a pavement width of 20 feet to be sufficient to accommodate the 9 lot residential subdivision.

c) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that the maximum grade of a street not exceed eight percent, and approves instead an eight and one-half percent (8.5%) grade at the locale of the new roadway connection to the existing Rockwood Lane pavement for a distance not to exceed 100 feet, as shown on the Plan, as modified by this Decision. In the granting of this waiver, the Board considered the unique topographic features of the land as shown on the Plan.

d) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the "Standard Specifications" of the Town of Needham along both sides of Rockwood Lane and approves instead a walkway on only one side of the street, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered that by means of limiting the amount of impervious surface on the site the objective that the drainage system design would be adequate to serve the needs of the 9 residential lots would be addressed so as to minimize off-site drainage impacts on neighboring properties.

e) The Board hereby waives the requirements of Section 3.3.5 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all cul-de-sacs have a minimum radius of 60 feet and approves instead a hammerhead, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the specific goal of minimizing tree removal at the rear of Lot 6 and Lot 7 which would otherwise be required if a 60 foot radius diameter circle turnaround was to be required.

f) The Board hereby waives the requirements of Section 3.6.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be constructed in accordance with the standard street cross-section and approves instead the cross-section as shown on the Plan, showing a 20-foot pavement width, a sidewalk along one side of the roadway and a uniform cross slope towards one side of the roadway instead of a crowned cross section. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered all matters described in sections 1.a, 1.b, 1.c, 1.d and 1.e above.

g) The Board hereby waives the requirements of Section 3.3.6 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that bituminous concrete berms be installed along both sides of the roadway at the edge of pavement in a continuous manner and waives the requirement for the placement of cape cod berm along the west side of the proposed roadway, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the need to allow the drainage on the west side of the roadway to flow unimpeded to the swale located east of the roadway as shown on the Plan.

2. Petitioner shall cause the Plan and documents to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:

a) The Plan shall be revised to show a speed bump at the juncture of the private portion of Rockwood Lane with the public portion of Rockwood Lane and which is located entirely on the private portion. Said speed pump shall be installed if the Petitioner is unable to secure approval for a stop sign at the intersection of Rockwood Lane and Richard Road as further described in paragraph 29 of this Decision. In the event that a speed bump is required, as noted herein, it shall be installed at the time the final coat of pavement is laid on the new roadway.

b) The "Rockwood Lane Subdivision Construction Period Pollution Prevention Plan and Erosion Control Operation and Maintenance Plan", dated July 2014 and comprising a portion of the "Stormwater Management Hydrology Calculations, Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 3, 2014 (Exhibit 21), shall be revised to incorporate the recommendations of the Town of Needham Engineering Department as detailed in Exhibit 87.

c) The Plan shall be revised to include a Stormwater Pollution Prevention Plan and further revised to provide for the timely installation of erosion control measures.

3. The waiver of street construction requirements, as fully set forth in paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, and 1.g is expressly conditioned upon and subject to the restriction that neither the owner nor any successor owner or owners of Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8 or Lot 9 as shown on the Plan (hereinafter referred to individually as a Lot or collectively as the Lots) shall use the Lots for any purpose other than single-family residential use or Lot owner home occupations as allowed under the Zoning By-Law, as shown on the Plan, as approved by the Board and recorded herewith, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

4. Each and every owner or owners of any Lot shall be jointly and severally responsible and liable, and shall fulfill all lot owners' obligations under the Rockwood Estates Homeowners Trust Agreement, for the costs of the maintenance, repair and reconstruction of the Private Way shown on the Plan and designated thereon and all services, (whether the services are located within the Private Way or in areas shown partially on the Private Way and partially on a Lot), the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water, sewer and drainage facilities and other utilities and related equipment, curbs, monuments, sidewalks, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain the Private Way in a good, safe and passable condition, including snow plowing, providing access from each Lot to the public

portion of Rockwood Lane, as shown on the Plan, and providing adequate services to each Lot, all in accordance with these conditions. The Rockwood Estates Homeowners Trust shall maintain a dedicated capital reserve account having a minimum balance of \$10,000 to meet the obligations of this section.

5. Each and every owner or owners of any Lot shall be jointly and severally responsible and liable, and shall fulfill all Lot owners' obligations under the Rockwood Estates Homeowners Trust Agreement, for all maintenance, repairs and reconstruction required for or on the Private Way in compliance with and in conformity with requirements of the Town of Needham and other requirements imposed by law or governmental authority. The within requirement shall be included in all deeds of the Lots.

6. The Trustees under the Rockwood Estates Homeowners Trust Agreement and each owner of a Lot shall not use or permit use of the Private Way for any purpose other than ingress and egress from the Lots by the residents of the Lots and their guests and invitees, such use to be limited to pedestrian and private-passenger vehicular traffic, and such other vehicular traffic as is necessary from time to time in cases of emergency, delivery of customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of the Private Way, the Lot, and any structures thereon and services installed thereon, or hereunder.

7. No owner or owners of any Lot shall park or cause to be parked any motor vehicle on the Private Way. A no parking sign shall be posted on the turn-around abutting Lot 6 stating "No Parking Emergency Vehicles Only".

8. Neither the Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement shall perform, nor shall they permit changes to be made to any Lot, which would impact the functionality or design of the drainage improvements as shown on the Plan.

9. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder by or at the direction of any owner or owners of any Lot or the Trustees under the Rockwood Estates Homeowners Trust Agreement as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into any storm drainage system, and soil and other material or debris shall be removed from the site only if such removal will not impact the functionality or design of the drainage improvements shown on the Plan, and only to the extent necessary in connection with such work.

10. No Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement shall at any time request that the Private Way be laid out or accepted as a public way in the Town of Needham unless such owner or owners or Trustees at its or their sole expense, perform and complete such work as is necessary to cause the Private Way to comply with all standards and regulations of the Town of Needham without waiver, and obtain all permits and approvals required by law in connection therewith. If the Private Way is accepted by the Town of Needham as a public way at any time, then the provisions hereof applicable to ownership and maintenance of the Private Way shall thereupon terminate.

11. No Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement, shall at any time request or petition that any drainage system, water pipes, sewer pipes or related equipment or any other improvement within the subdivision for which design or improvement requirements have been waived by the Board as provided herein, be accepted or maintained by the Town of Needham.

12. The Town of Needham and its designees shall have the right to enter upon the Private Way for all purposes for which public ways are used in the Town of Needham.

13. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 12 inclusive and condition 15, and any conveyance shall include transfer of a fee interest or the perpetual right and easement to use the Private Way in common with others lawfully entitled thereto for all purposes for which public ways in the Town of Needham may now or hereafter be used consistent with the provisions hereof, and the subsurface areas, equipment and facilities used and maintained in connection with the provision of water, sewer, drainage and other utility services provided to the conveyed premises. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots which does not expressly refer to and incorporate these conditions shall nevertheless be deemed to contain the same and in all events shall be subject thereto.

14. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 3 through 12 inclusive and condition 15 of this Decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

15. The Petitioner shall grant a 13-foot wide pedestrian access easement to the Town of Needham as a condition of this approval. The pedestrian access easement as shown on the Plan generally runs over the westerly edge of Lot 6. The 13-foot access easement is to be used by members of the public for walking and as access to Town of Needham property to the north of the subdivision. Gatherings, parties, use of alcoholic beverages or drugs are strictly prohibited. The easement shall only be available between the hours of dawn and dusk. No structures are to be placed within the 13-foot easement area nor are any other improvements permitted which would impede or obstruct the passage of pedestrian access. In accordance with the provisions of MGL Chapter 21, Section 17C, the Petitioner, his successors and assigns shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land resulting from the grant of said easement, in the absence of willful, wanton, or reckless conduct by said Petitioner. Such access shall not confer upon any member of the public using said land, including without limitation a minor, the status of an invitee or licensee to whom any duty would be owed by said Petitioner. In addition to the above-noted 13-foot pedestrian access easement, the Petitioner shall provide a pedestrian access easement across the entirety of the Private Way to be used by members of the public for walking and as pedestrian access to Town of Needham property to the north of the subdivision. Parking of motor vehicles by members of the public shall not be permitted on the Private Way.

It shall not be the responsibility of the Petitioner, and it shall not be a condition precedent to the relief and permissions granted by this Decision, or the construction of the subdivision and sale of Lots, for Petitioner to obtain the acceptance of said easements by the Town of Needham, provided that the Petitioner shall obtain the subordination or partial release of all mortgages or monetary liens encumbering the easement areas and shall deliver same with the easements(s). The Petitioner shall record the noted easements and shall provide an attorney's certification stating that as of the date of the recording of the easement, the Town has a good and clear record and marketable easement.

16. In any sale or transfer by the record owner of Lot 6, as shown on the Plan, or any successor record owner of title to Lot 6, as shown on the Plan, the deed or other instrument shall refer to and incorporate by reference condition 15 of this Decision. Any deed or other instrument purporting to transfer or convey any interest in Lot 6 which does not expressly refer to and incorporate condition 15 shall, nevertheless, be deemed to contain the same and all events shall be subject thereto.

17. Street lighting shall be provided in the subdivision in accordance with the Plan. The light sources shall be on posts at least 10 feet high and shall be controlled by photovoltaic switches. Post lighting shall be supplied as shown on the Plan. The lighting system shall be maintained and the electricity shall be supplied by the Lot owners, and each Lot owner shall fulfill all Lot owner obligations relating thereto under the Rockwood Estates Homeowners Trust Agreement.

18. The Lot owners and the Rockwood Estates Homeowners Trust shall maintain the landscape vegetation within the "20-foot Drainage and Landscape Easement" and the Private Way in accordance with the Plan entitled, "Rockwood Lane Subdivision, Needham, Massachusetts", prepared by Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701: Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; and Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014. There shall be no further changes to the landscape approach as depicted on the above-noted plans, which formed the basis of the findings of fact upon which the drainage system design was derived and approved, except as otherwise provided in paragraph 19.

19. There shall be no alteration or change to a Lot so as to effect the drainage system for any Lot, or the drainage systems running across a Lot, as shown on the Plan, as modified by this Decision, without the prior written approval of the Planning Board or Town Engineer as noted below. Any Lot owner who proposes to make a change from the approved Plan shall first file a copy of a plan depicting the proposed changes with the Needham Town Engineer, with a request for a determination as to whether the changes affect the drainage system. If the Town Engineer determines that the changes affect the drainage system, or if the Town Engineer fails to respond to the request for a determination within 45 days, the Lot owner may file the plan with the Planning Board for its review. In such event, the Lot owner shall file with the Planning Board such information as the Planning Board determines necessary for its review. The Planning Board shall hold a public hearing within 60 days of receiving a complete filing. After said public hearing, the Board may, in its sole discretion, find that the proposed changes do not appear to negatively impact down gradient property owners or interfere with the functioning of the drainage system(s) of the Lot or subdivision. In such event the Lot owner, only upon receipt of a written decision from the Planning Board, may implement the changes as shown on the new plan.

20. The Town of Needham shall have the authority with respect to any emergency as relates to the maintenance of the drainage system, to enter and make necessary repairs in order to abate said emergency. Emergency shall be defined as the creation of a condition that results or could result in flooding of adjacent properties, the overloading of the municipal drainage system or the creation of a condition that is injurious to the public health or safety. Within thirty days of invoice by the Town all costs incurred by the Town of Needham in the event of such emergency shall be paid by the Rockwood Estates Homeowners Trust, and if not paid within said thirty days, then such costs shall be assessed against all the Lot owners and shall become a lien on all the Lots in the subdivision which may be collected and enforced in the manner fixed by law for

the collection of taxes. All costs shall include, but shall not be limited to, the cost of materials and the salary costs for all employees involved with the emergency actions. Notice of lien shall be recorded in the Norfolk County Registry of Deeds.

21. Off-street drainage surety in the amount of \$31,500.00 shall be posted (\$3,500.00 per lot) prior to the release of Lots 1-9 inclusive as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated May 28, 2014, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.

22. In order to maximize the continued effectiveness of Stormwater Management Best Management Practices for the Rockwood Lane Subdivision, the operations and maintenance requirements as outlined in the "Rockwood Lane Subdivision, Stormwater Management Summary", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014 (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87) shall apply to all stormwater facilities within the development. The stormwater facilities are depicted on the Plan and are hereinafter referred to as the "Stormwater Facilities". Operations and maintenance tasks shall be commenced once each respective stormwater facility is fully constructed and is receiving runoff from the new roadway system or house.

23. Prior to subdivision bond release, commencement of the operations and maintenance obligations by the Rockwood Estates Homeowners Trust and/or Petitioner shall be on a Lot by Lot basis and shall commence once each individual stormwater facility construction is substantially complete. Each transfer of operational control to the Rockwood Estates Homeowners Trust shall be documented by a letter to the Planning Board and Department of Public Works indicating the stormwater facilities which are substantially complete and transferred to the Trust for operation and maintenance. The Petitioner shall be responsible for the completion of construction of any stormwater management facilities in accordance with the approved permits and plans.

After subdivision bond release and after completion of the stormwater facilities on a particular Lot, as evidenced by release of the Planning Board bond for the associated items, the Rockwood Estates Homeowners Trust shall be responsible for all operations and maintenance requirements for the stormwater facilities within the "20-foot Drainage and Landscape Easement" and within the Private Way along with any future construction or repair of the stormwater facility. Roof runoff infiltration systems and yard run-off systems located outside of the "20-foot Drainage and Landscape Easement" shall be the responsibility of the owner of each Lot.

24. Operations and Maintenance Tasks shall be completed in accordance with the Rockwood Lane Subdivision, Stormwater Management Summary, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014 (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87).

25. Every Lot owner of Lots 1 through 9, as shown on the Plan, shall maintain and keep operational their respective roof runoff system and yard system in accordance with the Plan, as

approved by this Decision, and as further described in the "Rockwood Lane Subdivision, Stormwater Management Summary", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014 (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87). Gutters and downspouts shall be maintained in good working order at all times. Care shall be taken to retain the landscaping as shown on the Plan. Any shrubs that die shall be replaced by the Lot owner. The Rockwood Estates Homeowners Trust shall inspect the roof and yard systems once per calendar year shortly after a small rainstorm event to ensure proper operation and to ensure that the runoff from the entire roof area of the house system is draining into the roof system and where applicable, that runoff from the yard is draining into the yard system. Additionally, the landscaping, as shown on the Plan, shall be inspected to assure compliance with the approved landscape plan. Systems shall be replaced/repared by individual Lot owners as needed to ensure their continued operation in accordance with the Plan and the "Rockwood Lane Subdivision, Stormwater Management Summary" (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87).

26. Except for the individual house roof and yard systems noted in paragraphs 23 and 25 above, which shall be the responsibility of the owner of the Lot on which said system resides, the Rockwood Estates Homeowners Trust shall be responsible for all future costs and work associated with the reconstruction or replacement of any of the facilities noted on the Plan or in the "Rockwood Lane Subdivision, Stormwater Management Summary" (Exhibit 58), as revised per the requested modifications of the Town Engineer (Exhibit 87), as being the responsibility of the Rockwood Estates Homeowners Trust to maintain. Such facilities include: (a) All stormwater facilities located within the roadway; and (b) All stormwater facilities located within the "20-foot Drainage and Landscape Easement".

27. The following information shall be submitted by the Rockwood Estates Homeowners Trust no later than December 31st of each calendar year to the Town of Needham Department of Public Works, Planning Board and Board of Health to assure compliance with the Operations and Maintenance Plan: (a) An updated list of which types of roof and yard systems each lot within the development has employed for use by future inspectors of said systems; (b) statement, signed by an authorized representative of the Rockwood Estates Homeowners Trust indicating that the requirements of the Operations and Maintenance Plan were performed during the previous calendar year, provided that where requirements were not met, a schedule for their completion shall be provided and a follow-up statement submitted when complete; (c) list of the maintenance activities performed along with the approximate date of the work; (d) list of the inspections performed along with a statement by each inspector summarizing the results of the inspections performed in accordance with the approved Operations and Maintenance Plan; (e) copies of appurtenant documentation supporting the completion of the Operations and Maintenance responsibilities such as copies of contracts and/or receipts with parties engaged to perform maintenance and inspection services; (f) notation regarding whether there has been any change in the name or contact information for the Rockwood Estates Homeowners Trust. Additionally, relevant information reasonably requested by the Planning Board shall be provided by the Rockwood Estates Homeowners Trust.

28. The Petitioner has submitted a letter (Exhibit 59) which provides a list of actions that will be taken to address the NPDES Stormwater Phase II requirements: Control Measure #1- "Public Education and Outreach" and Control Measure #2, "Public Participation/Involvement". Petitioner shall implement said measures as proposed prior to the release of the subdivision lots.

29. The Petitioner shall review placement of a stop sign at the intersection of Rockwood Lane and Richard Road with the Town of Needham Traffic Management Advisory Committee and if approved by said Committee shall coordinate its installation with the Department of Public Works.

30. The Planning Board has determined that the project's scale, complexity and potential impacts warrants the use of outside consultants (such as engineers) to ensure compliance with the approved subdivision plan and all other relevant laws and regulations. Such assistance shall include, but shall not be limited to, monitoring or inspecting the project site for compliance with the Board's decisions or regulations and inspecting the project during construction and implementation. Accordingly, following approval of the definitive subdivision plan and before actual construction begins, the Petitioner shall provide a detailed work program and associated work schedule for project construction and implementation to the Director of Public Works. The noted work program and schedule shall provide the basis for determining the initial Project Inspection Fee required hereunder. The Project Inspection Fee as estimated by the Needham Department of Public Works and approved by the Planning Board shall be provided by the Petitioner for deposit in an account established pursuant to G.L. c. 44, s. 53G (53G Account). No work shall commence on the subdivision until the fee has been paid in full. Should the balance in the required 53G account fall below 25% of the initial Project Inspection Fee, as noted above, the Planning Board may require the Petitioner to provide a supplemental Project Inspection Fee to cover the cost of the remaining inspection process.

31. The Petitioner shall follow the Construction Minimization and Mitigation measures outlined in the Construction Minimization and Mitigation Measures Plan (Exhibit 86). Mitigation measures shall include, but are not limited to: (1) use of blasting as the preferred form of ledge and rock removal, to reduce or eliminate the need for hoe rams (generally used for ledge and subsurface rock removal during site development), rock drills and pile drivers, as well as rock crushing devices (hereinafter "Impact Devices"); (2) sufficient drill hole density at the blast site to minimize large boulders that would require subsequent hoe ramming to process such boulders into smaller rocks. Boulders resulting from blasting shall not be processed into smaller rocks at the site but shall be removed to an appropriate site outside of Needham for this purpose. Additionally, rock crushing activities shall not be permitted at the site but shall only be conducted at an appropriate location outside of Needham. The Petitioner shall establish a 24-hour construction hotline to investigate and resolve all noise complaints to the satisfaction of the Planning Board. The name of the construction supervisor and contact information shall be mailed to the abutting residents prior to the start of site construction.

32. A schedule indicating days and hours of all planned use of Impact Devices, if required, shall be developed and provided to the Building Commissioner, Town Engineer, Board of Health Director and Planning Board at least one week before any such planned activity. A daily log shall be kept for the length of the project recording the days and hours of the use of specific Impact Devices. Non-compliance with the Construction Minimization and Mitigation Measures Plan and the conditions of this Decision may result in the issuance of cease and desist orders by the Building Commissioner, to be enforced by the Police Department as necessary.

33. The Petitioner shall follow the Rockwood Lane Subdivision Construction Period Pollution Prevention Plan and Erosion Control Operation and Maintenance Plan, dated July 2014. (Exhibit 68 as revised per the requested modifications of the Town Engineer as detailed in Exhibit 87).

34. The Petitioner shall follow the Rockwood Lane Landscape Operations and Maintenance Plan, undated (Exhibit 39) and the 2015 Landscape Maintenance Proposal, prepared by Labadini

Corporation, 355 Boston Post Road West, Marlborough, MA 01752, dated August 19, 2014 (Exhibit 38).

35. Following approval of the definitive subdivision plan and before actual construction begins the Petitioner shall meet with the Director of Public Works and his staff. The Petitioner is urged to bring his engineer, roadway contractor and lot developers to this pre-construction meeting. Any problems contemplated in the construction phase, as well as inspection status, contact persons, etc. will be discussed, as well as procedures to be followed. A summary of said meeting, as prepared by the Department of Public Works Director, shall be initialed by himself and the Petitioner and forwarded to the Director of Planning and Community Development.

36. A Construction Access Plan shall be submitted for approval by the Needham Police Chief and if so approved shall be submitted to the Needham Building Inspector for approval. Said plan shall show proposed truck delivery routes to and from Route 128 to the subject site and authorized delivery times for enforcement purposes. Not intended for inclusion in the Construction Access Plan are passenger vehicles, pick-up trucks and panel trucks all with a maximum weight of three (3) tons. No construction shall begin until the Construction Access Plan has been approved. All contractors, subcontractors and vendors shall be contractually required to agree to the requirements of the Construction Access Plan to work on this project. The Petitioner shall post signs on-site regarding approved truck delivery routes and authorized delivery times for enforcement purposes. On school days, construction traffic shall be eliminated to the subdivision, between the hours of 8:00 a.m. and 8:30 a.m., and between the hours of 2:30 p.m. and 3:00 p.m. On early release days, construction traffic shall be eliminated to the subdivision, between the hours of 8:00 a.m. and 8:30 a.m., and between the hours of 12:00 p.m. and 12:30 p.m.

37. The following safeguards shall be implemented during construction:

a. The hours of construction and construction related activities shall be limited to 7:30 a.m. to 6:00 p.m. Monday through Saturday.

b. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Rockwood Lane. The designee shall supply a phone number where the designee can be reached 24 hours per day.

c. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction, including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris or materials to or from the site and keeping Rockwood Lane clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be necessary.

d. The Petitioner shall install and maintain a tire tracking pad for trucks leaving the site before they enter onto the public portion of Rockwood Lane.

38. All trees having a caliper of 6 inches as measured three feet off the ground bordering "Rockwood Lane" and on the site shall be retained and not disturbed or destroyed during

construction of the subdivision except for those trees which must be removed for the construction of the proposed way, driveways, utilities, and dwellings and uses accessory thereto.

39. Prior to site alteration the Petitioner shall mark in the field those trees which the landscape plan indicates will be retained. Such trees identified to be preserved shall be distinguished with appropriate markings, which may include surrounding fences or stakes. Any such trees removed which were identified for retention shall be replaced with trees of similar quality and caliper or as otherwise approved by the Board.

40. A Department of Environmental Protection sewer extension and connection permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the granting by the Board of Selectmen and the Department of Environmental Protection of a Sewer Extension and Connection Permit.

41. Any and all special permits required by the Massachusetts Water Resources Authority shall be obtained at the expense of the Petitioner.

42. A special sewer connection permit program fee shall be paid for all lots within the subdivision.

43. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.

44. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.

45. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.

46. During initial construction, no openings to the chipseal shall be made between the months of November 30 and April 1 prior to the placement of the top course of pavement.

47. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.

48. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Planning Board for review and approval prior to release of the respective performance bond amounts.

49. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.

50. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.

51. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.

52. All construction staging and parking shall be on-site. No parking of any vehicles related to the construction shall be permitted on Richard Road, the public portion of Rockwood Lane, or on any other public street.

53. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.

54. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this Decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.

55. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.

56. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have two years from the date of endorsement of the Plan to complete the installation and construction of Rockwood Lane, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan unless an extension is otherwise granted by the Planning Board.

57. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all Lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1. Such agreement shall be subject to review and approval of the Planning Board prior to endorsement of the Plan.

58. The Petitioner has delivered to the Planning Board for its review and approval an easement deed to the Town of Needham granting to the Town the right to pass on foot or by vehicle over the Private Way, and over the "13-foot Wide Access Easement" on Lot 6 and access rights over the "20-foot Drainage and Landscape Easement" on each of the Lots (Exhibit 67), a Declaration of Restrictions (Exhibit 67), and Rockwood Estates Homeowners Trust Agreement (Exhibit 88) ("the Documents"). The Petitioner shall finalize the Documents to address the requirements of this Decision and of Town Counsel and shall submit the Documents to the Planning Board for final review and approval of the Board prior to endorsement of the Plan. The Petitioner shall deliver to the Planning Board for its review and approval a duly executed Subdivision Covenant and a duly executed Restrictive Covenant, in a form approved by the Board and incorporating the conditions of this Decision, (the "Covenants"). The Covenants and Documents shall be referenced on the Plan and all documents shall be recorded with the Plan.

59. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 14, 15, 16, and 58 of this Decision and copies of the recorded plan shall be provided to the Planning Director. Prior to the release of Lot 6 copies of the recorded instruments described in paragraph 15 of this Decision shall be provided to the Planning Director.

60. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its scheduled presentation to the Planning Board to allow adequate time to review the revised Plan for compliance with the conditions of this Decision.

The foregoing have been stated for the purpose of emphasizing their importance and are not intended to be all inclusive or to negate any provision of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board.

Under the provisions of the Town of Needham, Subdivision Regulations and Procedural Rules of the Planning Board and Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive, the Board shall have the power to modify or amend the terms and conditions of this approval after due notice on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of the Subdivision Control Law applicable to approval shall, where appropriate, be applicable to such modification or amendment. Such power is hereby reserved. Appeals, if any, shall be made pursuant to Section 81-BB of the Massachusetts General Laws, Chapter 41, and shall be filed within twenty (20) days after the date of filing this Decision with the Town Clerk.

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval and all easement and restrictive covenants required hereunder have been recorded and are effective record encumbrances upon the subject property.

NEEDHAM PLANNING BOARD

Martin Jacobs, Chairman

Bruce T. Eisenhut

Elizabeth J. Grimes

Jeanne S. McKnight

Sam Bass Warner

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Feb. 24, 2015

On this 24 day of February, 2015, before me, the undersigned notary public, personally appeared Martin Jacobs, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public:

My Commission Expires: April 2, 2015

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision on the petition of Chris Kotsiopoulos, Individually and as Trustee, Wayside Realty Trust, 36 Rockwood Lane, Needham, Massachusetts for property located at 36 Rockwood Lane, Needham, Massachusetts, has passed and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed).

Date _____

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Inspector
Director, DPW
Board of Health

Conservation Commission
Engineering
Fire Department
Police Department
Chris Kotsiopoulos

George Giunta, Jr.
Peter Barbieri

WAYSIDE REALTY TRUST

TRUSTEE CERTIFICATE

The undersigned hereby certifies as follows:

1. The undersigned, Chris Kotsiopoulos is a Trustee of Wayside Realty Trust u/d/t dated July 1, 1998 and recorded with the Norfolk County District Registry of Deed in Book 22616, Page 491 ("Trust").
2. The Trust is in full force and effect and has not been amended, modified or revoked as of the date hereof.
3. The undersigned has full authority and has been directed by all the beneficiaries of the Trust to execute and record the following documents:
 - A. Declaration of Trust – Rockwood Estates Homeowners' Trust;
 - B. Subdivision Covenant under Provisions of Mass. Gen. Laws c. 41, §81-U for Rockwood Lane Subdivision; and
 - C. Declaration of Restrictions for Rockwood Lane Subdivision.
4. All the beneficiaries are of full age and all the beneficiaries are competent.

Executed as a sealed instrument this 6 day of July, 2015.

WAYSIDE REALTY TRUST

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

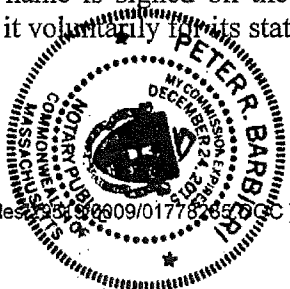
William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

By: *Chris Kotsiopoulos*
Chris Kotsiopoulos, Trustee and not
Individually

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 6 day of July, 2015, before me, the undersigned notary public, personally appeared Chris Kotsiopoulos as Trustee of Wayside Realty Trust, proved to me through satisfactory evidence of identification, which was Photo ID to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



{Client Files: 09/0909/01778235 (C)}

Peter Barbieri
Notary Public
My Commission Expires: 12-24-16

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

DECLARATION OF RESTRICTIONS

Chris Kotsiopoulos, Individually, and as Trustee of Wayside Realty Trust, u/d/t dated July 1, 1998 recorded in the Norfolk Registry of Deeds in Book 22616 Page 491, of 36 Rockwood Lane, Needham, Massachusetts (the "Declarant"), as the owner of the land described on Exhibit A attached hereto, hereby makes and declares that the nine lots shown as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, (the "Lots") on a plan entitled "Rockwood Lane Subdivision" prepared by Samiotes Consultants, Inc. dated May 6, 2014, last revised through April 24, 2015, (the "Plans"), which plans were endorsed by the Needham Planning Board on May 26, 2015 and which plans are recorded herewith shall be subject to the following covenants and provisions:

I. Restrictions

- a. No buildings, or other structures other than one (1) single family dwelling house with accessory buildings normally found in the residential districts in the Town of Needham or walls as depicted on the Plan shall be constructed, placed or maintained on any Lot shown on the Plan.
- b. No industrial, commercial, residential (other than single family residential use or Lot Owner home occupation, as allowed under the Needham Zoning By-Law), recreational nor farming uses shall occur on the Lots, excepting such accessory business and residential activities permitted by the Zoning By-Laws of the Town of Needham;
- c. No earth materials including soil, loam, peat, sand, rock, minerals, gravel nor clay shall be excavated, removed from, or moved about on the Lots except in connection with approved "future improvements" as hereinafter defined.
- d. All single family dwellings to be constructed on any Lot shall have at least 3800 square feet of living space exclusive of garages, breezeways, attics and accessory structures.
- e. The grounds of each Lot shall be maintained by the Rockwood Estates Homeowners Trust (the "Trust"), which Trust is recorded herewith as Instrument Number in Book , Page , in a neat and attractive manner, free of dead trees, dead shrubs and dead plants, in accordance with the maintenance responsibilities set forth on Exhibit B ("Landscape Operations and Maintenance Plan November, 2014") attached hereto. Except during initial or subsequent construction (but excluding normal grounds maintenance), no living trees or shrubs shall be removed from any building lot without prior written approval of the Approval Authority. In the event the Trust fails to so maintain the grounds, the Lot Owner may, at its option, and after giving seven (7) days' notice to the Trust by registered mail sent to the Trust, maintain the property and remove dead trees, dead shrubs, and dead plants. Trash,

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debris and garbage shall be removed by the Lot Owner to maintain the property in a neat and attractive manner.

- f. Every Lot Owner shall maintain the exterior of any structures in good repair and appearance. The Trust may, after six (6) months' written notice sent to a Lot Owner at the address of the owner, enter upon said property as often as it is necessary in its sole discretion to make repairs and improve the appearance in a reasonable and workmanlike manner, all of the foregoing without being guilty of trespass. The Lot Owner shall reimburse the Trust for the cost of any work required by this Declaration, and, to secure the payment of same, the Trust shall have a lien upon such building lot enforceable as hereinafter provided.
- g. No Lot Owner shall allow or place, maintain or store any commercial vehicle not also used for personal use, unregistered motor vehicle of any type, motorcycle or other two or three wheel motor vehicles of any description overnight on any land described on Exhibit A unless parked in a garage or other approved structure.
- h. No Lot Owner shall place any garbage or other refuse containers on any lot unless enclosed and placed in such a manner so as not to be visible from the roadways or adjacent lots except in connection with normal pickup and collection of same.
- i. No Lot Owner shall place or erect any radio or television towers or other appurtenant structures upon any building lot, nor erect any antenna device exceeding a height of six (6) feet.
- j. No Lot Owner shall keep, maintain or raise on any building or Lot any cows, hogs, goats or similar animal or animals other than domesticated house pets (e.g., dogs and cats); nor shall any chicken yard or similar facility be placed or maintained thereon.
- k. No Lot Owner shall install or maintain exterior lighting of such intensity that unreasonably disturbs any resident nor shall any Lot owner install or maintain any exterior clothes line.
- l. No Lot Owner shall alter the exterior materials or colors of any structure whether a residential dwelling or accessory building without the approval of the Approval Authority.
- m. In any sale or transfer by the Owner or any successor owner or owners of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 13 inclusive and condition 25 of the Decision of the Needham Planning Board entitled Definitive Subdivision Decision, Rockwood Lane dated April 24, 2015 recorded herewith (the "Decision"), and any conveyance shall include transfer of a fee interest or the perpetual right and easement to use the Private Way in common with others lawfully entitled thereto for all purposes for which public ways in the

Town of Needham may now or hereafter be used consistent with the provisions hereof, and the subsurface areas, equipment, and facilities, used and maintained in connection with the provision of water, sewer, drainage and other utility services provided to the conveyed premises. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots which does not expressly refer to and incorporate these conditions shall, nevertheless, be deemed to contain the same and shall be subject thereto. It shall be the responsibility of each owner to maintain and keep operational their respective roof drainage systems, in accordance with the Plan and the provisions of Section 25 of the Decision.

- n. No Lot Owner shall alter the drainage system, including the cultec systems, undergrounding piping, swales, grading, roof drains and any and all pies and structures (the "Drainage System") for any Lot as shown on the Plans approved by the Town of Needham Planning Board (copy attached as Exhibit C, Plans entitled, "Rockwood Lane Subdivision" prepared by Samiotes Consultants, Inc. dated May 6, 2014 last revised April 24, 2014 endorsed by the Planning Board on May 26, 2015 (The "Approved Plans")) without the approval of the Approval Authority and the Town of Needham Planning Board as set forth in the Rockwood Estates Homeowners Trust dated July , 2015, and recorded herewith, this Declaration and the Decision of the Planning Board dated February 24, 2015 and recorded herewith.
- o. Every Lot Owner shall maintain the exterior lighting depicted on the Approved Plans on his/her Lot.
- p. The Lot Owner shall not change or alter the lot, change the grading on the Lot, change the impervious coverage on the Lot or change landscaping to include species outside of the approved pallet as shown on the Plans, so as to impact the functioning or design of the Drainage System as depicted on the Approved Plans. In the event the Trust determines that a Lot Owner has altered the Drainage System without the approval of the Town of Needham as set forth herein, the Trust shall have the rights, as set forth in the Rockwood Estates Homeowners Trust. Any Lot Owner in addition to obtaining the approval of the Approval Authority as set forth herein, who proposes to make changes in the property, shall file a copy of the Plan depicting the changes with the Needham Town Engineer, who shall review the plan to determine whether the changes affect the Drainage System. If the Town Engineer determines that the changes do affect the Drainage System, he shall set forth that opinion in writing. In the event that the Town Engineer determines that the changes affect the Drainage System, then the Lot Owner may file the Plan with the Planning Board for its review and approval. The Lot Owner shall file with the Planning Board such information as the Planning Board determines necessary for its review. After a public hearing, the Planning Board may in its sole discretion, determine that the changes although changes to the Drainage System do not negatively impact down gradient property owners. In such event only the Lot Owner, upon receipt of a written decision from the Planning Board, and upon the approval of the Approval

Authority may implement the new plan. No changes may be implemented without the approval of the Town Engineer in instances where the Town Engineer determines that the changes do not affect the Drainage System or the Planning Board in instances where the changes do affect the Drainage System but the Planning Board approves the changes.

- q. The Lot Owner shall clean and maintain the roof gutters on a timely and regular basis, to insure proper flow to the Drainage System. Roof gutters/System shall be replaced/repared by individual Lot Owners as needed to ensure continued operation in accordance with these Restrictions. In the event the Lot Owner fails to clean and maintain the roof gutters, the Trust shall have the right to perform the cleaning and maintenance of the gutters and the Trust shall have the right to collect the cost thereof and lien the property as set forth in the Rockwood Estates Homeowners Trust.

II. Approval

- a. No buildings, fences, driveways, sidewalks, swimming pools, tennis courts, basketball courts or parking areas or other structures of any kind or additions thereto (hereinafter called collectively "future improvements") shall be erected, placed, or allowed to stand upon any Lot, nor shall the grade of any portion of any Lot or the exterior material or colors of any structures be changed until the size, plans, specifications, colors, materials and locations of any "future improvements" thereon and until the particular use of such future improvements or in the case of grading, the proposed final grading shall have been approved in writing or this restriction waived with respect thereto or released in writing by the Approval Authority as provided for herein.
- b. In approving or disapproving a particular "future improvement", the change of any exterior material or color of any structure or the grading of any Lot, the Approval Authority shall limit its consideration to whether or not the construction of such improvement, change in exterior material or color, or change in grading would have a material adverse impact on the marketability, development, use, enjoyment, or salability of the Lot and the Lots within the Subdivision, the Drainage System (as defined in the Homeowners Association Trust and shown on the Approved Plan), or any applicable requirement of the Definitive Subdivision Decision, or the Covenant, taking into consideration the architectural style and design, engineering considerations and the quality and type of proposed exterior materials and colors. The construction of approved "future improvements" on any Lot once begun shall be carried forward to completion with due diligence; and any improvement not substantially completed within one year after it is begun shall be removed; provided that said one year period shall be extended to the extent of any periods during which construction operations are prevented by governmental regulations, strikes, or casualties, it being understood that as used herein "substantial completion" shall mean that the exterior of the building has been fully completed and the building site

has been graded, paved, and landscaped so as to give the outward appearance that the building and the building site have been completed. In no event shall any use be made of any Lot, which is otherwise prohibited by the By-Laws of the Town of Needham, as the same may from time to time be amended, or by any applicable law, ordinance, or regulation of any governmental unit having jurisdiction thereof.

- c. The term "Approval Authority" as used herein shall mean the Trustees of the Rockwood Estates Homeowners Trust.
- d. All decisions by the Approval Authority hereunder, after the term of the Initial Trustee shall be by majority vote.
- e. The Approval Authority Members shall receive no compensation for their services.
- f. Except with respect to approvals pursuant to Sections I (n), (o) and (p) above, any approval of the Approval Authority required pursuant to this Declaration shall not be unreasonably withheld, conditioned or delayed.

III. Benefit

The provisions contained herein shall run with the land and shall bind the owners of the Lots and their heirs, devisees, legal representatives, successors and assigns.

IV. Enforcement

Any owner of a Lot may prosecute proceedings at law against any person violating or attempting to violate the provisions hereof either to restrain violation or to recover damages. The Town of Needham shall have the right to prosecute proceedings against any person violating or attempting to violate Sections I.n.,p. or q.

V. Administrative Provisions

- a. The provisions of this Declaration may be modified, amended or revoked, in whole or part, during the period of the Trustees control of the Approval Authority by a written instrument executed by the Declarant (added in very first para.) and duly recorded at the Norfolk District Registry of Deeds. After transfer of the Approval Authority from the Initial Trustee, this Declaration may be modified only at any annual or special meeting of the Lot Owners by the affirmative vote of seventy-five (75%) percent in interest of the Lot Owners. No amendment to this Declaration or to the By-Laws by the Trustees that would change, alter, or in any way affect the Trust's Obligations to maintain Rockwood Lane, the Drainage System(s) or the Landscape Elements or alter the Town of Needham's rights, as more fully described in the Trust, shall be effective unless and until the Planning Board of the Town of Needham agrees in writing to such change.

- b. All notices and requests directed to the Declarant shall be addressed to Rockwood Estates, LLC, 85 Franklin Street, Needham, Massachusetts 02492, or to such other address as may hereinafter be designated by the Declarant and notices directed to a Lot Owner shall be addressed to the Lot or to any address designated by such Lot Owner in writing.
- c. The title headings are inserted only as a matter of convenience and for reference, and in no way are, or are they intended to be, a part of this Declaration or in any way define, limit or describe the scope or intent of the particular section or clause to which they refer.
- d. If any easement, covenant, restriction, or agreement herein contained shall be held invalid by any court of proper jurisdiction, such invalidity shall in no way affect any other easement, covenant, restriction, or agreement herein contained.
- e. A certificate signed by the Declarant relating to compliance with the covenants, restrictions, and agreements as required by the Declaration shall be conclusive evidence against all persons of the truth of the facts therein stated.
- f. The term "Declarant" shall mean, where appropriate, the Declarant, the Trustees, or their respective successors or assigns. Where appropriate, references in the singular shall mean in the plural and references to the male gender shall, where appropriate, mean the female gender.
- g. Unless expressly qualified herein, the term "grantee" shall mean a lot owner or land owner, his or her heirs, successors and assigns and/or his or her agent, servants, tenants or other person or persons for whom the grantee has a legal responsibility.
- h. No provision in this within Declaration is intended to be in violation or derogation of any town by-law or ordinance or state statute or law. In the event of a conflict, the law shall prevail. In the event of any alleged ambiguity involving the provisions of the within Declaration, the more restrictive interpretation shall be applicable.

VI. Non-Waiver [We cannot delete this as it provides for specific rights to enforce. I added language if your concern was about the town.]

The failure of any owner of a Lot or any party which has rights to enforce these restrictions to enforce any restriction, covenant, or provision hereof, shall not be deemed to be a waiver of the right to do so thereafter as to the same breach or to one occurring prior or subsequent thereto.

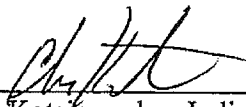
VII. Duration

The restrictive covenants set forth herein shall continue in perpetuity or for the longest period allowed by law and in any event for 100 years and shall be included in each and every deed of the Lots shown on the Plans.

VIII. Acceptance

By the acceptance of a deed of a lot in the Rockwood Estates Subdivision, each Lot Owner accepts and agrees to abide by the terms and conditions of this Declaration, the Definitive Subdivision Decision, Rockwood Lane, dated February 24, 2015, and recorded with the Norfolk County Registry of Deeds herewith ("Definitive Subdivision Decision"), the Subdivision Covenant Under the Provisions of General Laws, Chapter 4, Section 81-U dated July , 2015, and recorded with the Norfolk County Registry of Deeds herewith ("Covenant") the Trust and the Grant of Access Easement Agreement, dated July , 2015, and recorded with the Norfolk County Registry of Deeds herewith (the "Easement"). Each Lot Owner further agrees to allow the Trust and the Town of Needham to enter upon the property to inspect and perform any maintenance or repairs as described in the Definitive Subdivision Decision, the Covenant, the Easement and the Trust.

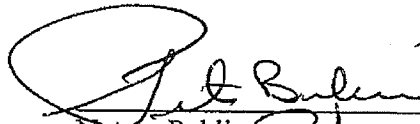
WITNESS the execution hereof under seal this 6 day of July, 2015.

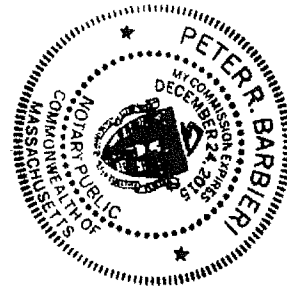

Chris Kotsiopoulos, Individually and as
Trustee of Wayside Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 4 day of July, 2015, before me, the undersigned notary public, personally appeared Chris Kotsiopoulos, individually and as Trustee of Wayside Realty Trust, proved to me through satisfactory evidence of identification, which was Photo ID to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public Peter R. Barbieri
My Commission Expires: 12-24-15



ACCEPTANCE

The undersigned hereby accept their appointment as members of the Approval Authority.

Dated: _____, 2015

EXHIBIT A

Description of Land

PARCEL 1

The land located off Richard Road in Needham, Norfolk County, Massachusetts shown as Lot 59A on a Plan entitled "Plan of Land in Needham, Mass., Scale 1" = 40', July 2, 1957, planned by MacCarthy Engineering Service, Inc." being Plan No. 756 of 1957 duly recorded with Norfolk Registry of Deeds in Book 3572, Page 173. Said Lot 59A is bounded according to said Plan as follows:

NORTHERLY by Lot 60A as shown on said Plan, two hundred seventy and 99/100 (270.99) feet;

EASTERLY by Lot 59 as shown on said Plan, eighty and 00/100 (80.00) feet;

SOUTHEASTERLY by Lot 58A as shown on said Plan, one hundred ninety-two and 67/100 (192.67) feet; and

SOUTHWESTERLY by Lots 15A and 14B as shown on said Plan, one hundred forty-five and 00/100 (145.00) feet.

Said Lot containing 23,822 square feet according to said Plan.

See deed of John Kotsiopoulos Trustee recorded with Norfolk Registry of Deeds in Book 22616, Page 513.

PARCEL 2

A Parcel of land located off Richard Road in Needham, Massachusetts shown as Lot 62A on a Plan entitled "Plan of Land in Needham, Mass., July 2, 1957 MacCarthy Engineering Services, Inc., Natick, Massachusetts", said plan being recorded in the Norfolk Registry of Deeds in Book 3572, Page 173 as Plan No. 756 of 1957. Said Lot 62A is bounded according to said plan as follows:

EASTERLY by Lot 62 as shown on said Plan, eighty-three and 90/100 (83.90 feet);

SOUTHERLY By Lot 61A as shown on said Plan, two hundred and eighty-seven and 35/100 (287.35 feet);

WESTERLY by Lot 54 as shown on said Plan, by two lines measuring thirty-three and 89/100 (33.89) feet and fifty-six and 11/100 (56.11) feet respectively; and

NORTHERLY by Lot 64A and 63A as shown on said Plan, one hundred twenty and 92/100 (120.92) feet and one hundred thirty-nine and 18/100 (139.18) feet.

Containing according to said Plan, 23,325 square feet of land, more or less

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

PARCEL 3

The land with the buildings thereon in Needham, Norfolk County, Massachusetts, bounded and described as follows:

EASTERLY by Lot 58 and by Rockwood Lane, shown on the plan hereinafter mentioned as Irmgrad Road, by two lines measuring sixty-six and 17/100 (66.17) feet and fifty-two and 07/100 (52.07) feet, respectively;

SOUTHEASTERLY by Lot 71 as shown on said Plan, eighty-six and 83/100 (86.83) feet;

SOUTHWESTERLY by land of owners unknown and by Lots 13-B as shown on said Plan, by two lines measuring one hundred nine and 26/100 (109.26) feet and seventy-five and 00/100 (75.00) feet, respectively; and

NORTHWESTERLY by Lot 59A as shown on said Plan, one hundred ninety-two and 67/100 (192.67) feet.

Containing 19,939 square feet of land according to said Plan and being shown as Lot 58A on a Plan entitled "Plan of Land in Needham, Mass.", dated July 2, 1957 by MacCarthy Engineering Service, Inc. recording with Norfolk Registry of Deeds in Book 3572, Page 173 as Plan No. 756 of 1957.

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

PARCEL 4

The land being shown as Lot 61A on a Plan of Land entitled "Plan of Land in Needham, Mass., July 2, 1957, MacCarthy Engineering Service, Inc., Natick, Massachusetts" said Plan being recorded in Norfolk Registry of Deeds as Plan No. 756 of 1957, Book 3572, Page 173; said Lot 61A being more particularly described according to said Plan as follows:

EASTERLY by Lot 61 as shown on said Plan, eighty and 00/100 (80.00) feet;

SOUTHERLY by Lot 60A as shown on said Plan, three hundred nine and 06/100 (309.06) feet;

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WESTERLY by Lot 55 as shown on said Plan, in two lines measuring forty and 00/100 (40.00) feet and fifty and 00/100 (50.00) feet, respectively;

NORTHERLY by Lot 62A as shown on said Plan, two hundred eighty-seven and 35/100 (287.35) feet.

Said Lot containing 25.006 square feet according to said Plan.

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

All Parcels are subject to and with the benefit of easements, restrictions, agreements and rights of way of record, if any there be, insofar as the same are now in force and applicable.

Said Parcels 1, 2, 3 and 4 also being shown as the land located at the end of Rockwood Lane, Needham, Massachusetts, as more particularly shown on Plans entitled "Rockwood Lane Subdivision" prepared by Samiotes Consultants, Inc. dated May 6, 2014, last revised through April 24, 2015, (the "Plans"), which Plans depict Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, (the "Lots) and "Proposed Rockwood Lane (Ext.)" and which plans were endorsed by the Needham Planning Board on May 26, 2015 and which plans are recorded herewith.

Exhibit B

Landscape Operations and Maintenance Plan November 2014

EXHIBIT C

APPROVED PLANS

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Files/29519/0009/01763235.DOC }

ACCEPTANCE

The undersigned hereby accept their appointment as members of the Approval Authority.

Dated: _____, 2015

EXHIBIT A

Description of Land

EXHIBIT APARCEL 1

The land located off Richard Road in Needham, Norfolk County, Massachusetts shown as Lot 59A on a Plan entitled "Plan of Land in Needham, Mass., Scale 1" = 40', July 2, 1957, planned by MacCarthy Engineering Service, Inc." being Plan No. 756 of 1957 duly recorded with Norfolk Registry of Deeds in Book 3572, Page 173. Said Lot 59A is bounded according to said Plan as follows:

NORTHERLY by Lot 60A as shown on said Plan, two hundred seventy and 99/100 (270.99) feet;

EASTERLY by Lot 59 as shown on said Plan, eighty and 00/100 (80.00) feet;

SOUTHEASTERLY by Lot 58A as shown on said Plan, one hundred ninety-two and 67/100 (192.67) feet; and

SOUTHWESTERLY by Lots 15A and 14B as shown on said Plan, one hundred forty-five and 00/100 (145.00) feet.

Said Lot containing 23,822 square feet according to said Plan.

See deed of John Kotsiopoulos Trustee recorded with Norfolk Registry of Deeds in Book 22616, Page 513.

PARCEL 2

A Parcel of land located off Richard Road in Needham, Massachusetts shown as Lot 62A on a Plan entitled "Plan of Land in Needham, Mass., July 2, 1957 MacCarthy Engineering Services, Inc., Natick, Massachusetts", said plan being recorded in the Norfolk Registry of Deeds in Book 3572, Page 173 as Plan No. 756 of 1957. Said Lot 62A is bounded according to said plan as follows:

EASTERLY by Lot 62 as shown on said Plan, eighty-three and 90/100 (83.90 feet);

SOUTHERLY By Lot 61A as shown on said Plan, two hundred and eighty-seven and 35/100 (287.35 feet);

WESTERLY by Lot 54 as shown on said Plan, by two lines measuring thirty-three and 89/100 (33.89) feet and fifty-six and 11/100 (56.11) feet respectively; and

NORTHERLY by Lot 64A and 63A as shown on said Plan, one hundred twenty and 92/100 (120.92) feet and one hundred thirty-nine and 18/100 (139.18) feet.

Containing according to said Plan, 23,325 square feet of land, more or less

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

PARCEL 3

The land with the buildings thereon in Needham, Norfolk County, Massachusetts, bounded and described as follows:

EASTERLY by Lot 58 and by Rockwood Lane, shown on the plan hereinafter mentioned as Irmgrad Road, by two lines measuring sixty-six and 17/100 (66.17) feet and fifty-two and 07/100 (52.07) feet, respectively;

SOUTHEASTERLY by Lot 71 as shown on said Plan, eighty-six and 83/100 (86.83) feet;

SOUTHWESTERLY by land of owners unknown and by Lots 13-B as shown on said Plan, by two lines measuring one hundred nine and 26/100 (109.26) feet and seventy-five and 00/100 (75.00) feet, respectively; and

NORTHWESTERLY by Lot 59A as shown on said Plan, one hundred ninety-two and 67/100 (192.67) feet.

Containing 19,939 square feet of land according to said Plan and being shown as Lot 58A on a Plan entitled "Plan of Land in Needham, Mass.", dated July 2, 1957 by MacCarthy Engineering Service, Inc. recording with Norfolk Registry of Deeds in Book 3572, Page 173 as Plan No. 756 of 1957.

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

PARCEL 4

The land being shown as Lot 61A on a Plan of Land entitled "Plan of Land in Needham, Mass., July 2, 1957, MacCarthy Engineering Service, Inc., Natick, Massachusetts" said Plan being recorded in Norfolk Registry of Deeds as Plan No. 756 of 1957, Book 3572, Page 173; said Lot 61A being more particularly described according to said Plan as follows:

EASTERLY by Lot 61 as shown on said Plan, eighty and 00/100 (80.00) feet;

SOUTHERLY by Lot 60A as shown on said Plan, three hundred nine and 06/100 (309.06) feet;

WESTERLY by Lot 55 as shown on said Plan, in two lines measuring forty and 00/100 (40.00) feet and fifty and 00/100 (50.00) feet, respectively;

NORTHERLY by Lot 62A as shown on said Plan, two hundred eighty-seven and 35/100 (287.35) feet.

Said Lot containing 25.006 square feet according to said Plan.

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

All Parcels are subject to and with the benefit of easements, restrictions, agreements and rights of way of record, if any there be, insofar as the same are now in force and applicable.

Said Parcels 1, 2, 3 and 4 also being shown as the land located at the end of Rockwood Lane, Needham, Massachusetts, as more particularly shown on Plans entitled "Rockwood Lane Subdivision" prepared by Samiotes Consultants, Inc. dated May 6, 2014, last revised through April 24, 2015, (the "Plans"), which Plans depict Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, (the "Lots) and "Proposed Rockwood Lane (Ext.)" and which plans were endorsed by the Needham Planning Board on May 26, 2015 and which plans are recorded herewith.

Exhibit B

Landscape Operations and Maintenance Plan November 2014

Rockwood Lane Subdivision																																
Landscape Operations and Maintenance Plan																																
	Week 1 April				May				June				July				August				September				October				November			
Task	1	2	3	4	1	2	3	4	1	2	3	4	5	1	2	3	4	1	2	3	4	5	1	2	3	4	1	2	3	4		
Soil Analysis		X																														
Spring Cleanup (See Note 1)		X	X	X																												
Plant Spring Flowers				X																												
Mulch					X																											
Turf Fertilizer (See Note 2)					X					X									X							X						
Shrub Fertilizer					X																											
Open Irrigation System					X																											
Plant Summer Flowers						X																										
Flower Fertilizer							X		X		X		X		X		X		X		X		X		X		X		X			
Weekly Maintenance (See Note 3)					X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Mid Summer Pruning														X																		
Weed Control (See Note 4)					X									X																		
Weed Beds									X		X		X		X		X		X		X		X		X		X		X			
Topdress and Overseed Lawns																			X													
Aerate and Dethatch Lawns																			X													
Plant Fall Flowers																				X												
Close Irrigation System																							X									
Fall Cleanup (See Note 5)																								X	X	X	X	X	X			
Pull Fall Flowers																									X	X	X	X	X			
Lime Application																											X					

Note 1: Spring Cleanup

Pickup (Blow / Sweep) all leaves, twigs, sand and any other debris

Pickup (Blow / Sweep / Rake) all leaves, twigs, dead grass, and any other debris on the lawn and shrub beds.

Edge all walkways that have grass as a border.

Weed out unsightly under growth in shrub beds.

Search for undetected turf problems (Bugs / Diseases).

Prepare lawn surface for first fertilization (See Fertilization section for details).

Time Rake/Light thatching of turf areas (Cleans and promotes healthy turf).

Shrub bed edging

Irrigation Start-up

Note 2: Fertilization

First Application: Early Spring fertilizer / Pre-emergence crab grass and weed control

Second Application: Late Spring slow release fertilizer / Post-emergence broad leaf weed control

Third Application: Late Summer slow release, fertilizer and grub control

Fourth Application: Fall slow release, dormant fertilizer (Provides nutrient saturation during winter months. This establishes a fertile ground for the next Spring Season growth.)

Note 3: Weekly Maintenance

Cut and trim all lawn areas (Cutting height may vary during season due to weather conditions).

All clippings picked up in high traffic turf areas.

Weed and maintain all shrub beds.

Blow natural debris and clippings from sidewalks and driveways.

Pickup any man-made debris and garbage.

Maintain flowerbeds (if necessary).

Note 4: Post-Emergent Weed Control

Spring – apply pre-emergent Weed control

Summer – apply post-emergent Weed control as necessary

Note 5: Fall cleanup

Remove (Blow, Rake, and Sweep) all leaves, twigs and any other natural debris from property.

Shrub bed edging.

Mulch beds for winter

Prune shrubs and small trees.

Attend to any problems arising from insects, poison ivy or any maintenance induced problems.



355 Boston Post Road West
Marlborough, MA 01752
(508) 481-0788 office • (508) 481-2611 fax
www.labadinicorp.com

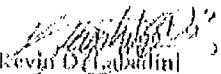
August 19, 2014

Mr. Michael Radner, ASLA
Radner Design Associates, Inc.
945 Concord Street, Suite 100
Framingham, MA 01701

Re: Rockwood Lane Subdivision Needham, MA
2015 Landscape Maintenance Proposal

Soil analysis	\$175.00
Spring clean up	\$5,500.00
Plant spring flowers -- 180 pots 6.5"	\$1,800.00
Mulch supplied and installed	\$8,775.00
Turf fertilizer	\$800.00
Shrub fertilizer	\$275.00
Open irrigation system	\$675.00
Plant summer flowers -- 180 pots 6.5"	\$1,800.00
Flower fertilizer	\$250.00
Weekly maintenance	\$13,860.00
Mild Summer pruning	\$1,200.00
Weed control	\$2,100.00
Topdress and overseed lawns	\$1,600.00
Aerate and dethatch lawns	\$1,500.00
Plant Fall flowers	\$1,800.00
Close irrigation system	\$750.00
Fall clean up	\$6,750.00
Pull Fall flowers	\$200.00
Lime application	<u>\$500.00</u>
Total:	\$50,310.00

Submitted by:


Kevin D. Labadini
Kevin Labadini Corporation

Confirmation:

EXHIBIT C
APPROVED PLANS

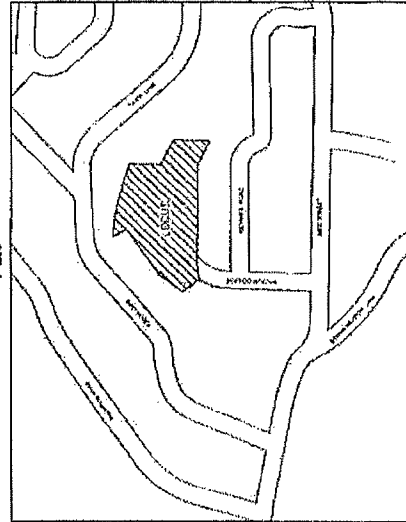
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Files/29519/0009/01786230.DOC }

APPLICANT & OWNER:

6 MAY 2014

REV.
7/03/14, 8/22/14, 9/26/14,
10/07/14, 10/31/14, 12/18/14
4/24/15

LOCATION PLAN
T=200'



samitest

201 A Street
Framingham, MA 01701
T 508.877.4684
F 508.877.4343
www.walton.com



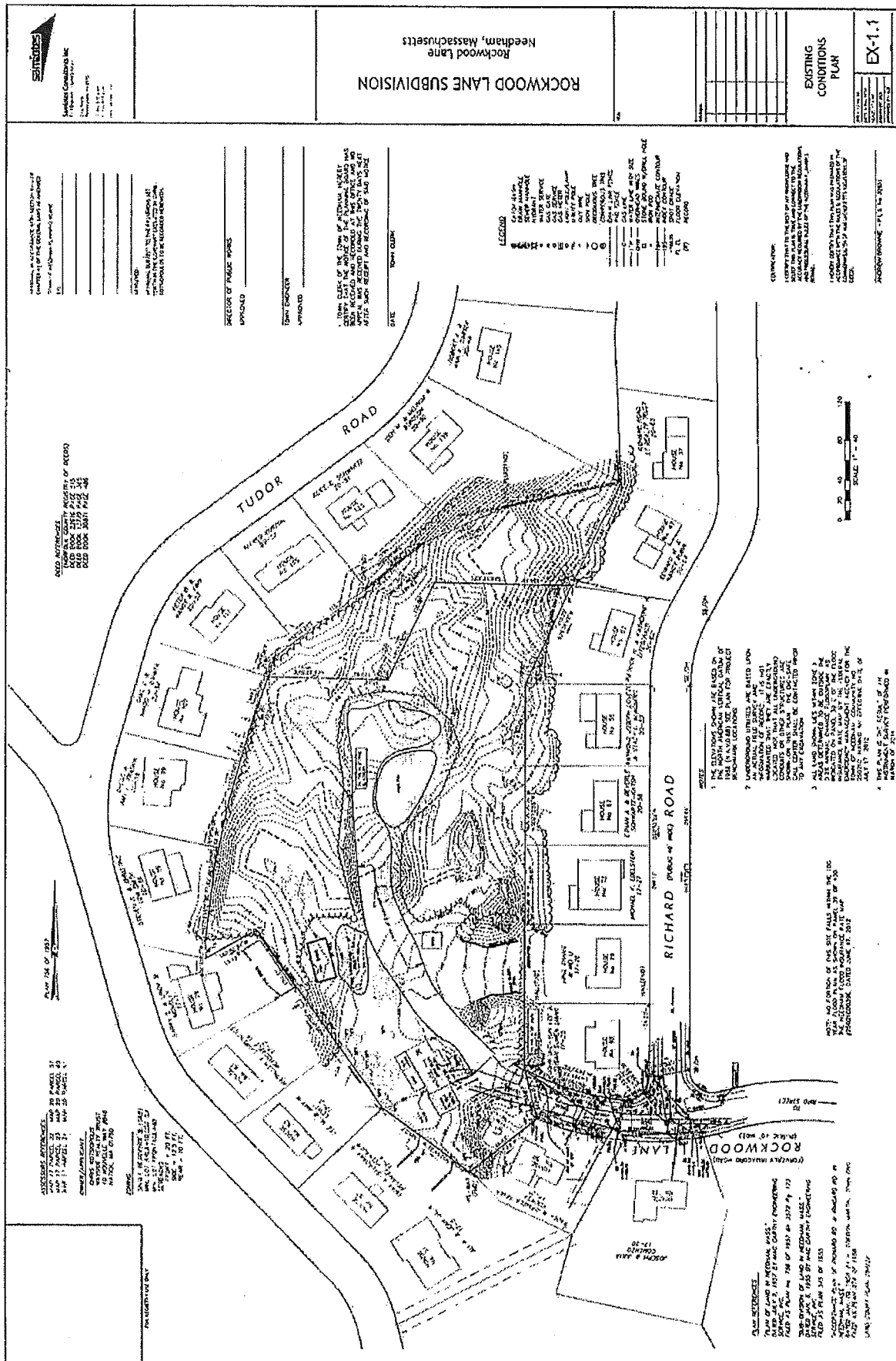
Radtler Design Associates, Inc.
945 Concord Street, Suite 100
Framingham, MA 01701
508.736.6144
www.RadtlerDesign.com

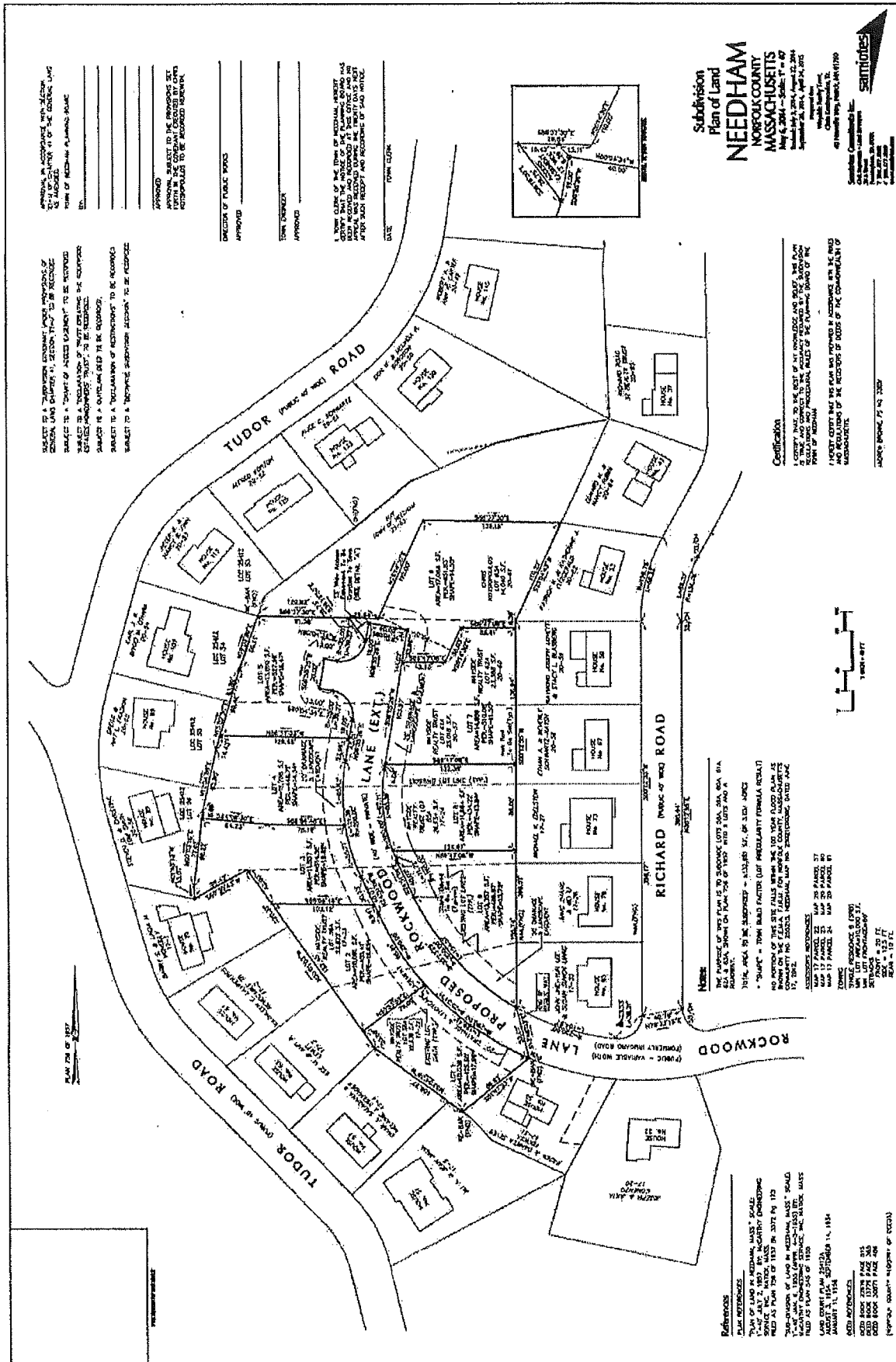
LANDSCAPE
ARCHITECT:[illegible]

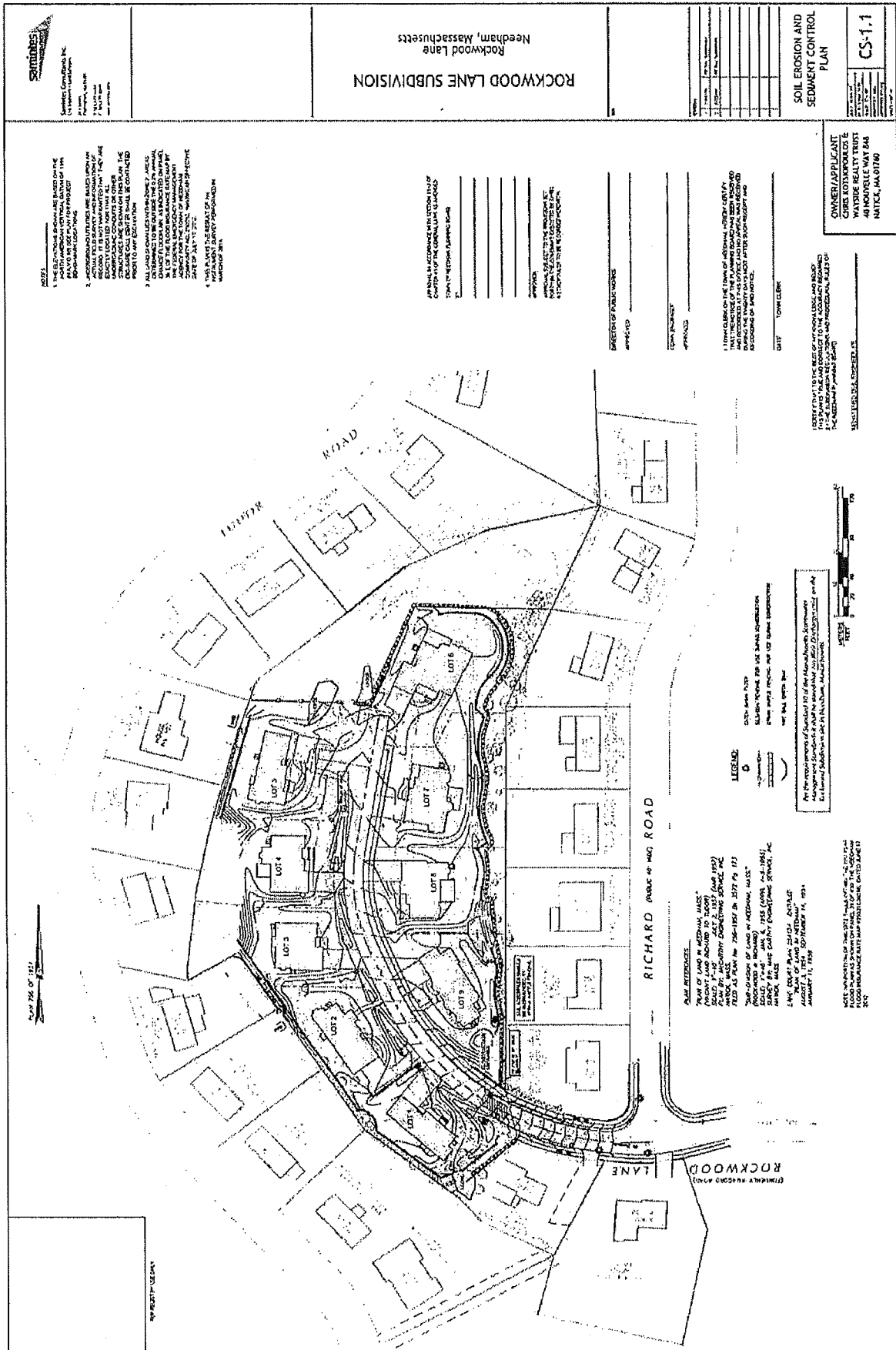
DRAWING TITLE	DRAWING NUMBER
COVER SHEET	Ex-0
EXISTING CONDITIONS PLAN	Ex-1
SUBDIVISION PLAN OF LAND	SD-1
SOIL EROSION AND SEDIMENT CONTROL PLAN	CE-1
SITE LAYOUT PLAN	CE-1N
SITE GRADING PLAN	CE-2
SITE DRAINAGE PLAN	CE-2N
SITE UTILITIES PLAN	CE-3
SITE UTILITIES PLAN	CE-3N
PROPOSED ROAD PROFILE AND PLAN	CE-4
CIVIL DETAILS	CE-4.1, CE-4.2, CE-4.3
IMPLEMANTATION SYSTEMS SECTIONS	CE-5.1
LANDSCAPE PLAN	L
PLANTING DETAILS	L-1
LANDSCAPE PLANTING	L-2
LANDSCAPE PLANTING	L-3

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBMISSION REGULATIONS AND PROCEDURAL RULES OF THE MEDIAN PLANNING BOARD.

74-30290-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839







PLAN 256 OF 1212

NOT TO SCALE

1/2" = 1' - 0"

1/4" = 1' - 0"

1/8" = 1' - 0"

1/16" = 1' - 0"

1/32" = 1' - 0"

1/64" = 1' - 0"

1/128" = 1' - 0"

1/256" = 1' - 0"

1/512" = 1' - 0"

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1/8192" = 1' - 0"

1/16384" = 1' - 0"

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1/65536" = 1' - 0"

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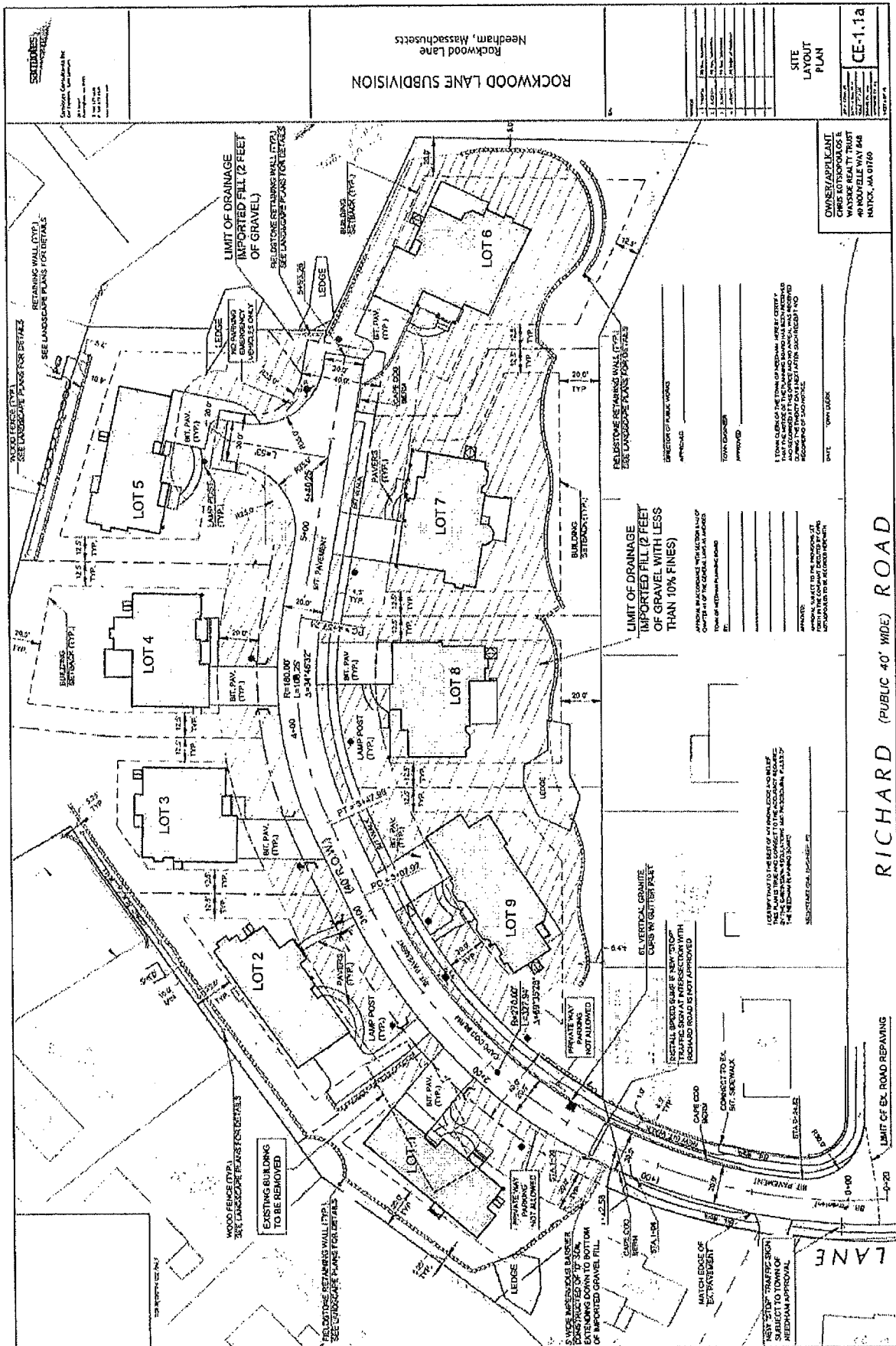
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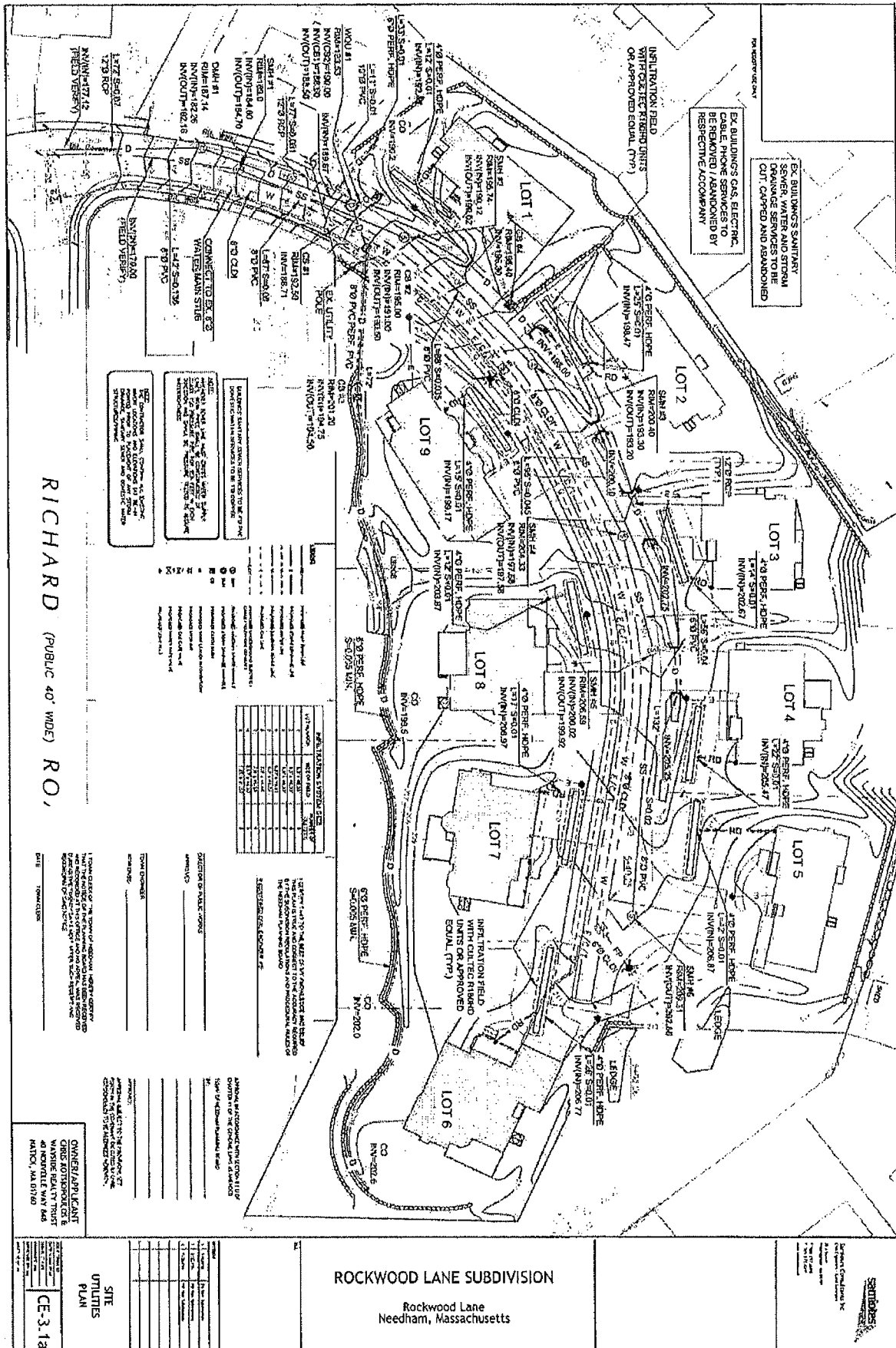


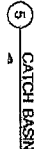
[illegible]

The map shows a subdivision with nine lots. Lot 1 is at the bottom left, Lot 2 is above it, Lot 3 is to the right of Lot 2, Lot 4 is above Lot 3, Lot 5 is to the right of Lot 4, Lot 6 is at the top left, Lot 7 is to the right of Lot 6, Lot 8 is below Lot 7, and Lot 9 is to the right of Lot 8. Each lot is labeled with its number and 'TOP' elevation. Lot 1: 2000.00, Lot 2: 2005.00, Lot 3: 2008.50, Lot 4: 211.00, Lot 5: 215.00, Lot 6: 212.25, Lot 7: 211.50, Lot 8: 210.30, Lot 9: 205.00. The map also shows a road on the left, a bridge on the right, and various elevation points and contours throughout the area.

LOT 1 2000.00
 LOT 2 2005.00
 LOT 3 2008.50
 LOT 4 211.00
 LOT 5 215.00
 LOT 6 212.25
 LOT 7 211.50
 LOT 8 210.30
 LOT 9 205.00

1. ELEVATION OF THE TOP OF THE CURB OR THE TOP OF THE SIDEWALK OR THE TOP OF THE ROAD OR THE TOP OF THE RAILROAD OR THE TOP OF THE CANAL OR THE TOP OF THE DRAINAGE OR THE TOP OF THE FLOOD OR THE TOP OF THE TIDE OR THE TOP OF THE WIND OR THE TOP OF THE RAIN OR THE TOP OF THE SNOW OR THE TOP OF THE ICE OR THE TOP OF THE FOG OR THE TOP OF THE MIST OR THE TOP OF THE CLOUDS OR THE TOP OF THE SKY OR THE TOP OF THE EARTH OR THE TOP OF THE UNIVERSE.



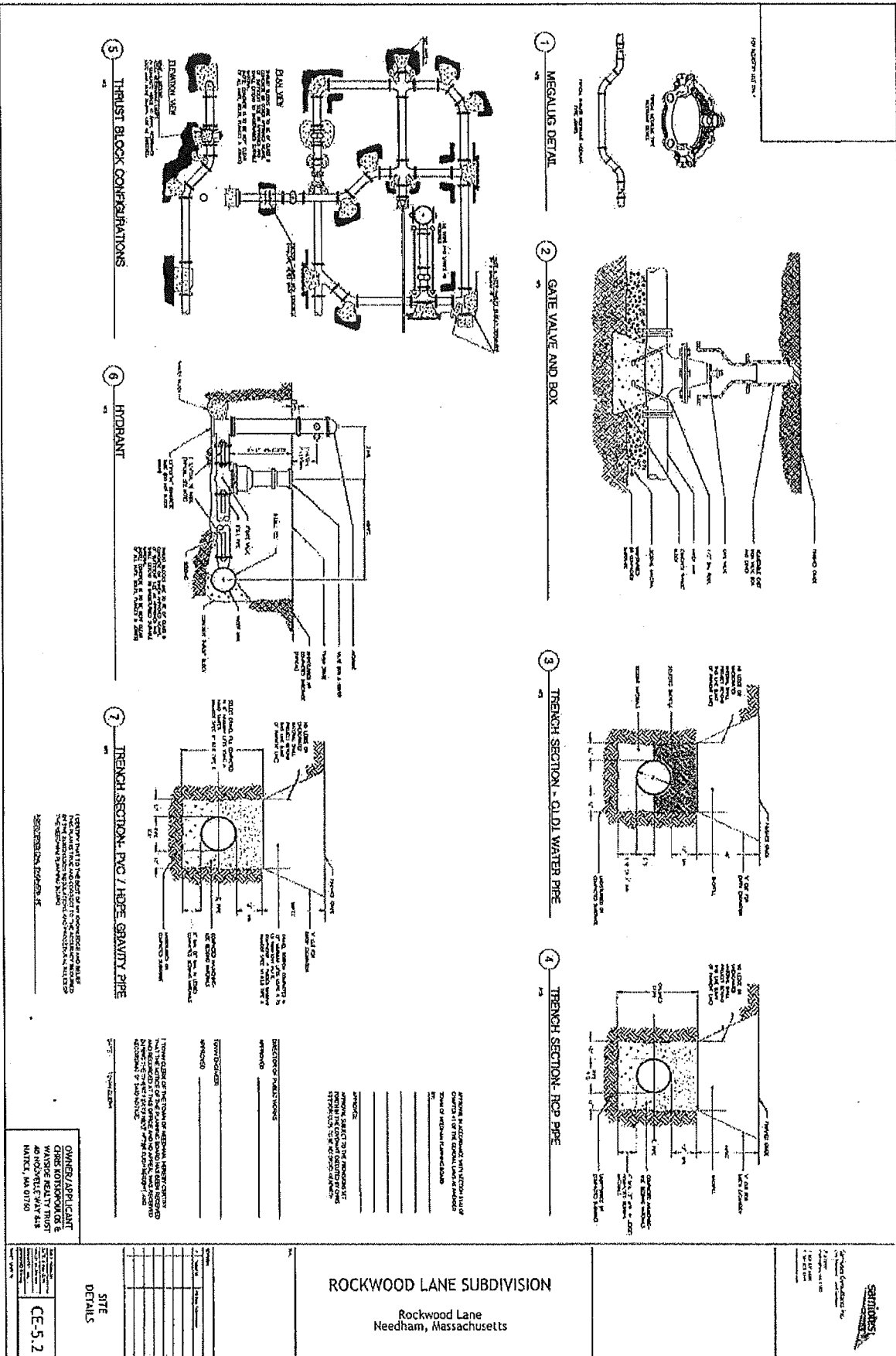
DATE Tuesday, 12/10/2014

OWNER/APPLICANT
CHAS. E. JOHNSON & B
WATSON REALTY TRST
42 MONTELEONE WAY, S.W.
DALLAS, TEX 75201

CE-5.1

SATHI

SAATCHI & SAATCHI INC.
Executive Office: 1000 Avenue of the Americas
New York, NY 10020-1298
Tel: 212 307 4000
Fax: 212 307 4001
E-mail: usa@saatchi.com
Web: www.saatchi.com



ROCKWOOD LANE SUBDIVISION

Rockwood Lane
Needham, Massachusetts

SITE
DETAILS

CE-5.2



Seal of the Commonwealth of Massachusetts
 State Engineer
 Office of the State Engineer
 100 State Street
 Boston, MA 02109

Site Details

DATE: _____

BY: _____

PROJECT: _____

CE-5.3

ROCKWOOD LANE SUBDIVISION

Rockwood Lane
Needham, Massachusetts

Site Details

DATE: _____

BY: _____

PROJECT: _____

CE-5.3

1 Silt Sacks

2 Hay Bale Check Dam

3 Silt Fence

4 Silt Fence with Straw Matt

5 Driveway Bituminous Pavement

6 Copper Pipe Trench

7 Corporation Stop & Meter

8 Construction Entrance

9 Roof Leader

10 Infiltration System (Top)

11 Inspection Port

12 Infiltrator Trench

13 Infiltration System (Bottom)

14 Infiltration System (Side View)



RICHARD (FRONT OF ROAD) ROAD

SECTION B-B

SECTION A-A

OWNER/APPLICANT
CHAS. KOSKOWSKI &
WYNNE REALTY TRUST
40 NOVELL WAY #4
NATICK, MA 01900

INTEGRATION
SYSTEMS SECTIONS

CE-5.4

ROCKWOOD LANE SUBDIVISION

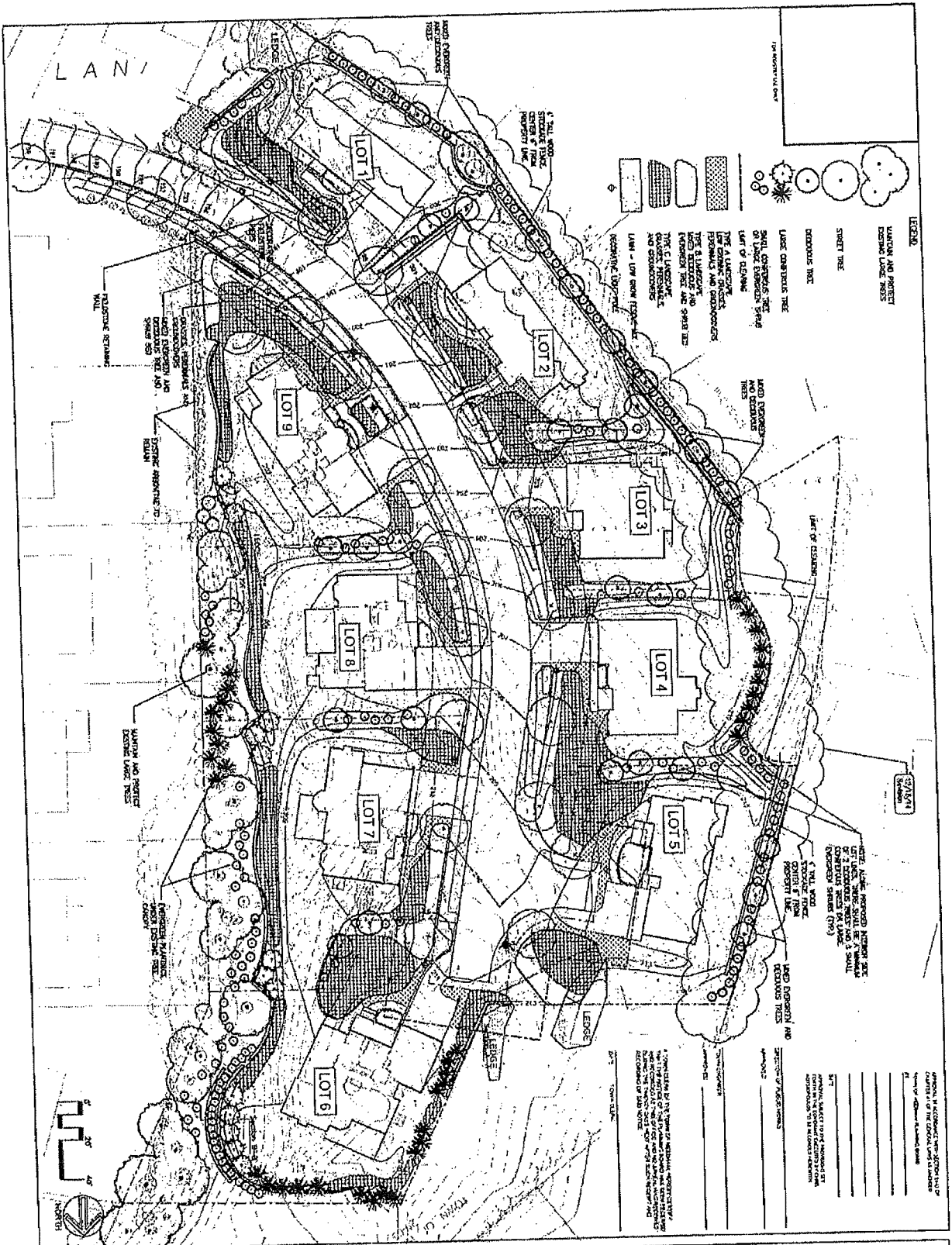
Rockwood Lane
Needham, Massachusetts

1. TOWN CLERK OF THE TOWN OF NEEDHAM, HENRY C. BROWN, HAS REVIEWED THE RECORD MAP AND CERTIFICATE OF TITLE AND HAS DETERMINED THAT THE RECORD MAP AND CERTIFICATE OF TITLE ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE RECORD MAP ACT, CHAPTER 268A, MASSACHUSETTS GENERAL LAWS, AND HAS THEREFORE RECORDED THE RECORD MAP AND CERTIFICATE OF TITLE.

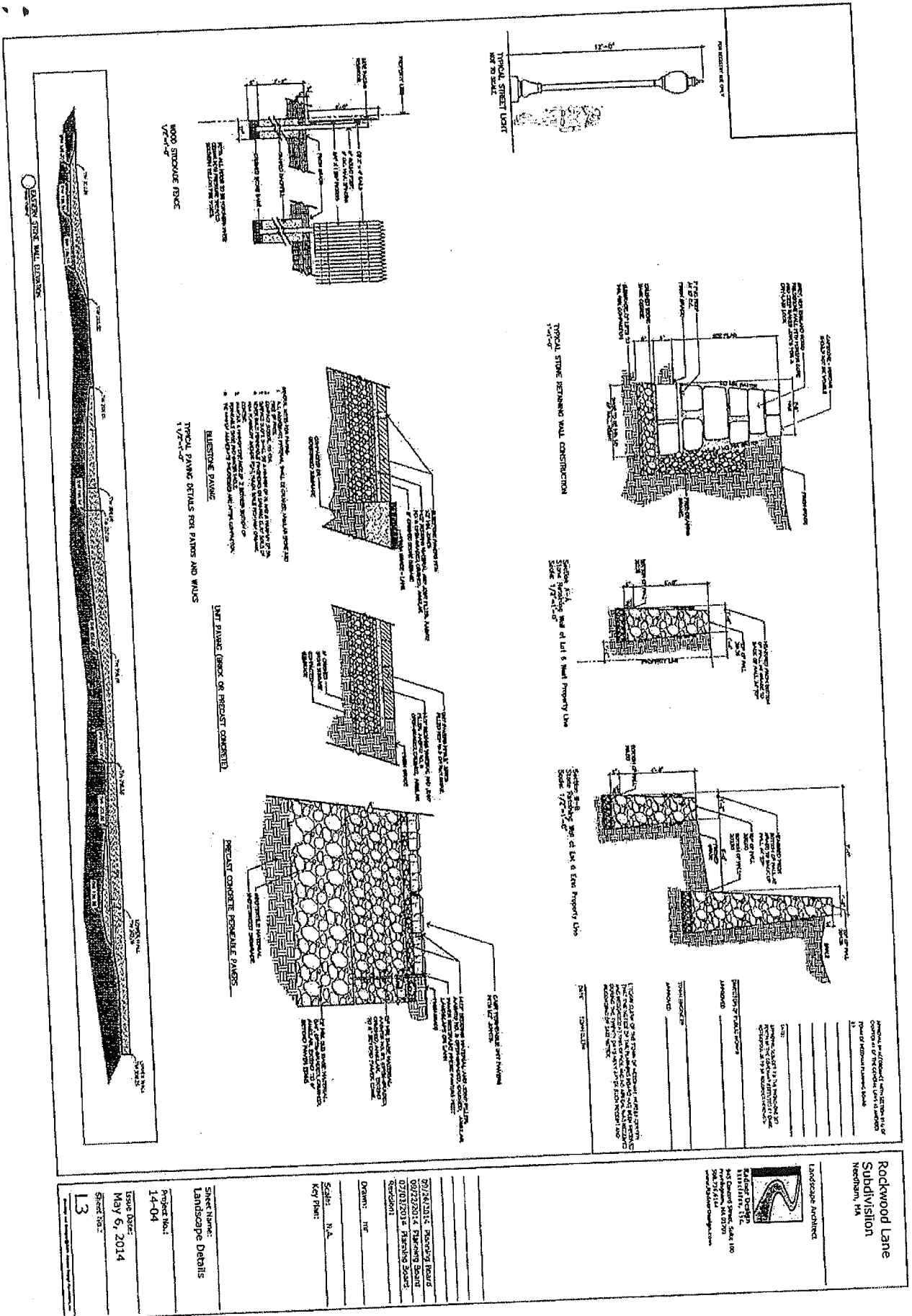
TOWN ENGINEER
APPROVED: _____
DATE: _____

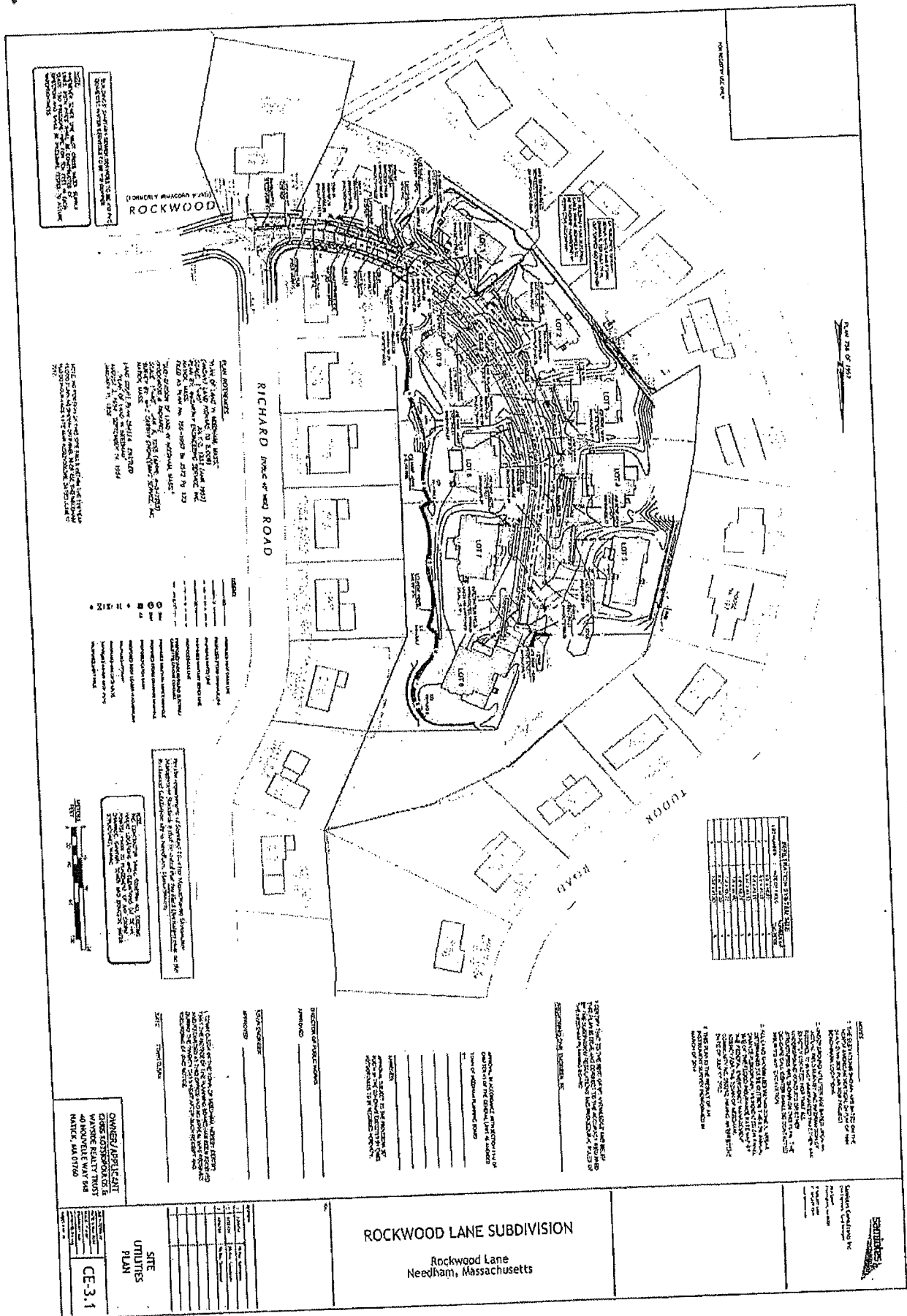
RECORD MAP
APPROVED: _____
DATE: _____

SEAL



Rockwood Lane Subdivision Needham, MA	
LANDSCAPE ARCHITECT  141 Canton Street, Suite 100 Needham, MA 02461 Tel: 617.449.1111 Fax: 617.449.1112 www.needhamlandscape.com	
Project No.: 14-04	Issue Date: May 6, 2014
Sheet Name: Landscape Plan	
Project Name: 1278/2014 Revised tree and shrub layout at lots 1-5	
Date: 10/12/2014	
By: 09/24/2014 Planning Board	
Date: 07/02/2014 Planning Board	
Revision: 07/02/2014	
Drawing: 1" = 20'-0"	
Key Plan: 	





60. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its scheduled presentation to the Planning Board to allow adequate time to review the revised Plan for compliance with the conditions of this Decision.

The foregoing have been stated for the purpose of emphasizing their importance and are not intended to be all inclusive or to negate any provision of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board.

Under the provisions of the Town of Needham, Subdivision Regulations and Procedural Rules of the Planning Board and Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive, the Board shall have the power to modify or amend the terms and conditions of this approval after due notice on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of the Subdivision Control Law applicable to approval shall, where appropriate, be applicable to such modification or amendment. Such power is hereby reserved. Appeals, if any, shall be made pursuant to Section 81-BB of the Massachusetts General Laws, Chapter 41, and shall be filed within twenty (20) days after the date of filing this Decision with the Town Clerk.

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval and all easement and restrictive covenants required hereunder have been recorded and are effective record encumbrances upon the subject property.

Witness our hands this 24th day of February 2015

NEEDHAM PLANNING BOARD

Martin Jacobs
Martin Jacobs, Chairman

Bruce T. Eisenhut
Bruce T. Eisenhut

Elizabeth J. Grimes
Elizabeth J. Grimes

Jeanne S. McKnight
Jeanne S. McKnight

Sam Bass Warner
Sam Bass Warner

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Feb. 24, 2015

On this 24 day of February, 2015, before me, the undersigned notary public, personally appeared Martin Jacobs, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Alexandra Lee
Notary Public:
My Commission Expires: April 2, 2015

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision on the petition of Chris Kotsiopoulos, Individually and as Trustee, Wayside Realty Trust, 36 Rockwood Lane, Needham, Massachusetts for property located at 36 Rockwood Lane, Needham, Massachusetts, has passed and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed).

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Inspector
Director, DPW
Board of Health

Conservation Commission
Engineering
Fire Department
Police Department
Chris Kotsiopoulos

George Giunta, Jr.
Peter Barbieri

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

William P O'Donnell
WILLIAM P O'DONNELL, REGISTER

DECLARATION OF TRUST
ROCKWOOD ESTATES
HOMEOWNERS TRUST

Declaration of Trust is made this 6 day of July, 2015, Chris Kotsiopoulos, Individually, and as Trustee of Wayside Realty Trust, u/d/t dated July 1, 1998 recorded in the Norfolk Registry of Deeds in Book 22616 Page 491, of 36 Rockwood Lane, Needham, Massachusetts, being the owner of the premises located off Rockwood Lane, Needham, Massachusetts, which premises comprise the Rockwood Lane Subdivision ("Subdivision"), as more particularly described in Exhibit A attached hereto.

1. **Name of Trust.** The name of this Trust shall be the Rockwood Estates Homeowners Trust ("Trust"). The Trust is created as an organization of homeowners, "Owners" as defined in Section 4 hereof, for the purpose of taking title to and/or managing the private ways, drainage improvements, utilities and easements as shown on the Plans referenced in Exhibit A (hereinafter collectively referred to as "the Plans").
2. **Initial Trustees.** The Initial Trustee of this Trust shall be Steven Venincasa, 85 Franklin Street, Needham, Massachusetts 02492. He, or his successor trustee, shall serve until the later to occur of:
 - a. That date which is four (4) years following the recording of this Trust; or
 - b. The sale and conveyance of all the Lots in the Subdivision to bona fide third parties.

Following such event, or in the event the Trustee or Successor Trustee of the Rockwood Estates Homeowners Trust is no longer willing or able to serve, then there shall be a total of nine (9) Trustees. Each Owner (as hereinafter defined in Section 4) shall appoint a Trustee to so serve, in accordance with the provisions of this Trust.

3. **Purpose of Trust.** The purpose of this Trust is to provide for the perpetual preservation, administration and maintenance for the common enjoyment and benefit of the Owners of the ways and improvements, including Proposed Rockwood Lane (Ext.) as shown on the Plans, the 20' Drainage and Landscape Easement and Rockwood Lane Extension (40' Wide - Private), and all the utilities therein, as shown on the Plans. Utilities (defined as all electrical, cable and other underground utilities within the Subdivision which will serve the lots therein) and Drainage Facilities (defined as those facilities within the Subdivision and designated on the Plans which serve conveyance, including the improvements upon the Lots, and filtration purposes related to storm water run-off, including without limitation, drainage swales, detention basins, and other systems as presented on the Plans) as are or may be conveyed to the Trustees, and of any other property, real or personal, which may hereafter be conveyed to or acquired by the Trustees or otherwise made subject to their administration for the benefit of the Owners (collectively, the "Trust Property"). The purpose of the Trust shall also include (a) the exercise of

the rights and powers of the Trustees set forth herein with respect to all the land within the Subdivision as described in Exhibit A hereto ("the Property") and the building(s) and other improvements which now exist or may hereinafter be constructed thereon, (b) the administration and enforcement of and to insure compliance with the terms and conditions of the Definitive Subdivision Decision (defined in Article 6.f.i.), the Covenant (defined in 6.f.ii) and the Declaration (defined in Article 5.p.) and (c) all other purposes set forth herein.

All of the Owners shall have the right to use the Trust Property subject to:

- a. the restrictions and obligations contained herein;
- b. such reasonable rules and regulations as may be adopted and amended from time to time, by the Trustees. No rule or regulation adopted by the Trustees shall be inconsistent with or modify or alter the rights to the Town of Needham as set forth in this Trust;
- c. the limitation that no changes to a Lot may be made if said change impacts the drainage system as determined by the Town of Needham as set forth in the Declaration and by the consultant retained by the Trust to annually inspect each Lot to insure that no change has occurred which would impact the functionality or design of the Drainage Improvements depicted on the Plans;
- d. the terms and conditions of the Definitive Subdivision Decision, the Covenant and the Declaration (all as defined in Article 6.f.); and
- e. the Easement (defined in Article 6.f.iii).

4. **Beneficiaries.** The beneficiaries of this Trust shall be the Owners. The word "Owner" shall mean and refer to the record holder from time to time of the legal title of any lot and the building or other improvements, if any, constructed thereon, which constitutes all or a portion of the Property. The holder of legal title shall include the holder of the equity of redemption in the case of mortgaged land and one having a legal life or other estate in possession and excluding a lessee, tenant, mortgagee and one having a legal estate in remainder or otherwise subsequent to a legal estate in possession and also excluding the Trustees as owners of the Trust Property. Two or more persons or entities holding legal title to the same parcel or parcels shall be treated as a single Lot Owner; exercise of their rights as such owners shall be by their unanimous action and their obligations to pay any assessment shall be joint and several. If the same Lot Owner shall hold record title to more than one lot, such Lot Owner shall be treated as a separate Lot Owner for each lot. Each Owner of a Lot through this Trust, shall perform all maintenance, repairs and reconstruction required for or in Rockwood Lane in compliance with and in conformity with the requirements of the Town of Needham and other requirements imposed by law or governmental authority.

The Lot Owners and the Town of Needham are the beneficiaries of the restrictions imposed by the Definitive Subdivision Decision, the Covenant, the Declaration, the Easement and the Trust and as such individually and jointly shall have the right to enforce said restrictions, obligations, and rights by injunction or other appropriate judicial proceeding. Lot Owners and the Town of Needham shall, individually and jointly, have the right to enforce the provisions of this Trust by injunction or other proceeding. The Trustees shall cooperate with

representatives of the Town of Needham in enforcing the provisions hereof against any Owner or Owners violating this Agreement. Further, in the event the Trustees fail to own or maintain the Trust Property in reasonable order and condition, the Needham Planning Board may serve written notice of such failure upon the Trustees or Lot Owners and shall include a demand for correction within thirty (30) days of the notice and shall state the date, time and place of a hearing thereof which shall be held within thirty (30) days of the notice. Provided further, however, that in the event that corrective actions require construction activities by the Trust, the thirty (30) day time period shall be extended for such time period as is reasonable due to weather conditions, but in no event shall the period exceed the greater of sixty (60) days of receipt of notice as aforesaid, or the June 1 next following the date of receipt of said notice. All costs incurred by the Town, including attorney's fees, shall be assessed against the Owners (to the extent of their respective shares) and shall become a lien on the lots (and the improvements thereon) which may be collected and enforced in the manner fixed by law, including recordation of the notice of the lien in the Norfolk Registry of Deeds.

Notwithstanding anything in this Trust to the contrary, each Owner shall have the right to maintain, repair, reconstruct or replace any pipe, conduit or line providing any utility service to said Owner's Lot, including, but not limited, to access to Rockwood Lane and to excavation within said Rockwood Lane, if necessary, to conduct said maintenance, repair or replacement. Said Owner shall be responsible for restoring all disturbed areas to the condition that existed prior to such access and insuring that there is no impact to the drainage system, including the cultec systems, undergrounding piping, swales, grading, roof drains and any and all pies and structures (the "Drainage System"). In any event, the Town of Needham shall have the authority, with respect to any Emergency as relates to the maintenance of the Drainage System, to enter and make necessary repairs in order to abate said Emergency. Emergency shall be defined as the creation of a condition that results or could result in flooding of adjacent properties, the overloading of the municipal drainage system or the creation of a condition that is injurious to the public health or safety. All costs incurred by the Town of Needham in the event of such emergency shall be paid by the Trustees within thirty (30) days of written notice to the Trustees by the Town of Needham, and if not paid by the Trustees within said thirty days, then such costs shall be assessed against all the Lot Owners and shall become a lien on all the Lots in the Subdivision which may be collected and enforced in the manner fixed by law for the collection of taxes. Costs shall include the costs of materials and the salary costs of all employees involved with the emergency actions. Notice of lien shall be recorded in the Norfolk County Registry of Deeds.

5. **Powers and Duties of Trustees.** For the purpose of carrying out the terms of this Trust, the Trustees shall have the powers and duties necessary for the administration of the Trust Property including, without limitation, the following powers which may be exercised by them without any action or consent of the Owners and which shall continue after the termination of the Trust for the purpose of disposing of the Trust Property and until final disposition thereof:

- a. the maintenance, repair and reconstruction of the private way known as Rockwood Lane Extension, as shown on the Plans, and to provide adequate services to each Lot, whether the services are located within the private way known as Rockwood Lane, or in the areas shown partially on private ways and partially on individual lots within areas designated on said Plan as "20' Drainage and Landscape Easement", all in accordance with the Definitive Subdivision Decision, the Covenant, the Declaration and the Easement.

The Trust shall also have no responsibility for sewerage and other utilities and related equipment located on individual lots (other than those facilities and utilities which are located within the "Proposed 20' Drainage and Landscape Easement", for which the Trust shall have the right and easement to enter such areas to carry out its responsibilities), which shall be the sole responsibility of the Owner of the lot where such facilities and equipment are located

The Trust shall also be responsible for maintenance, repair and reconstruction of the 20' Drainage and Landscape Easement as shown on the Plans, including all actions in kind or nature necessary or appropriate in order to maintain said easements in a good, safe and passable condition, including snowplowing and without limitation in conformance with the provisions of Paragraphs 4 and 5 of the Definitive Subdivision Decision. It is specifically understood and agreed that the Owners of the lots comprising subdivision property, acting through the Trust:

- (i) shall be responsible for all of the obligations contained in said Paragraphs 4 and 5 of the Definitive Subdivision Decision to insure a continuous uninterrupted access from Rockwood Lane for emergency access purposes, and
 - (ii) shall be responsible for the construction, maintenance, repair and reconstruction of the sewer, drainage system and grading of the site, all as shown on the Plans, including the annual inspections as set forth in Exhibits C and D.
- b. to acquire by purchase, hire or otherwise, property which is convenient to the performance of their functions as Trustees;

- c. to adopt reasonable rules and regulations governing the use and enjoyment by the Owners of the Trust Property provided such rules and regulations are consistent with the terms and conditions of the Definitive Subdivision Decision, the Covenant, the Declaration and the Easement. Initial rules and regulations, if any, are attached hereto as Exhibit B and the Trustees shall have the power, right and authority to enforce such rules and regulations, but no obligation to any Owner to do so;
- d. to convey permanent easements and lesser interests in, upon and over any ways for the installation, maintenance, repair and replacement of utilities and other services and rights incidental thereto for the benefit of one or more Owners; or to convey a fee or lesser interest in any ways, utilities, or to convey
- e. to convey permanent easements and lesser interests in, upon and over any ways for the installation, maintenance, repair and replacement of utilities and other services and rights incidental thereto for the benefit of one or more Owners; or to convey a fee or lesser interest in any ways, utilities, or drainage system owned by the Trustees from time to time, for the benefit of one or more Owners.
- f. to convey to the Town of Needham or other public body the fee or any lesser interest in any way and utilities therein or in all or any portions of the drainage system serving the Property;
- g. to make such contracts as the Trustees deem convenient to the performance of their duties;
- h. to borrow money and to pledge or encumber the Trust Property to secure repayment of such borrowings;
- i. to open bank accounts in the name of the Trust or the Trustees with power in any one of the Trustees to draw on such amounts;
- j. to procure insurance against damage to the Trust Property or against any liability of the Trustees or the Owners from any actions occurring on or about or on account of the Trust Property, or workers' compensation insurance or any insurance of any type, nature or description which the Trustees may deem appropriate with respect to the Trust or the Trust Property;
- k. to pay, resist, compromise or submit to arbitration any claim or matter in dispute with respect to the Trust or any Trust property;
- l. to determine and collect common and special charges from the Owners as provided in this Declaration of Trust and to undertake all expenses and pay all costs on account of such common and special charges;

- m. to maintain, repair and replace any or all of the Trust Property, including but not limited to Rockwood Lane itself;
- n. to exercise any other powers which may be necessary or desirable for carrying out the terms of this Trust or which the Trustees may have under any present or future statute or rule of law, and to execute and deliver all appropriate instruments in connection therewith;
- o. to undertake such maintenance and other obligations and to hire such consultants/engineers and or contractors to perform such inspections or make repairs as required by the Definitive Subdivision Decision, the Covenant, the Declaration and the Easement and such other applicable permits and approvals issued for the Trust Property pursuant to G.L. c. 40A and c. 41;
- p. to retain such counsel or accountants as the Trustees shall deem advisable and to pay the costs thereof as a common charge from funds of the Trust;
- q. to take such steps as are necessary to enforce the Declaration of Restrictions of even date and recorded herewith (the "Declaration");
- r. to maintain the landscape vegetation on each of the lots, as more fully described on Exhibit C Landscape Operations and Maintenance Plan November 2014 attached hereto;
- s. to inspect the roadway, utilities and drainage system as depicted on the Plans, as described on Exhibits D Roadway Maintenance & Improvement Plan and E Rockwood Lane Subdivision Construction Period Pollution Prevention Plan and Erosion Control Operation and Maintenance Plan February 2015 attached hereto, and to enter any lot and make repairs necessary to restore the functioning of the Drainage System as designed and shown on the Plans to insure compliance with the Definitive Subdivision and the Covenant.

6. **Common and Special Charges.** The Trustees shall from time to time and at least annually, prepare a budget for the Trust to determine the amount of the common charges payable by the Owners to meet the common expenses of the Trust. Trustees shall have the power to raise such amounts of money to meet any needs of the Trust by assessing on each occasion upon all of the land (which term shall include land and improvements) of each Owner such Owner's proportionate share of the total Common Expenses to be raised. The date of each such assessment shall be the date it is voted by the Trustees. Such share shall be determined by dividing the total amount to be raised by the total number of Owners. The Trustees' determination regarding the amount of the assessment shall be conclusive. Common expenses may include, without limitation, the following:

- a. all costs relating to the maintenance, repair and reconstruction of the private way known as Rockwood Lane as shown on the Plan and designated thereon and all services, the installation of which is required in connection with the Definitive Subdivision Decision and the Covenant, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water, sewer and drainage facilities and other utilities and related equipment, curbs, monuments, sidewalks, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain Rockwood Lane in a good, safe and passable condition, including snow plowing, and in conformance with the provisions of Paragraphs 4 and 5 of the Definitive Subdivision Decision, and to provide adequate services to each Lot, all in accordance with the Definitive Subdivision Decision, the Covenant, the Declaration and this Trust. The total Common Expenses shall include a reasonable allowance established by the Trustees for contingencies and reserves.

The Trust shall also have no responsibility for sewerage and other utilities and related equipment located on individual lots, which shall be the sole responsibility of the Owner of the lot where such facilities and equipment are located (other than those drainage related facilities located within the 20' Drainage and Landscape Easement shown on the Plans for which the Trustees shall be responsible). The responsibility of maintenance and supply of electricity for street lighting as described in Paragraph 17 Definitive Subdivision Decision, Rockwood Lane, shall be the responsibility of the Rockwood Estates Homeowners Trust as set forth in Section I of the Declaration. The Trustees shall have the specific authority to assess special charges necessary to fulfill their responsibilities as set forth in this Agreement;

- b. all insurance premiums for the master policy for the Trust Property, fidelity bonds for the Trustee and agents and employees, any insurance purchased to protect the Trustees and such other insurance as the Trustees may deem necessary and appropriate;
- c. all expenses relating to the financing, operation, improvement, maintenance and replacement of any Trust Property;
- d. all costs of attorneys, accountants and other usual, customary or necessary professional advisors to the Trustees;
- e. the amount that the Trustees shall deem necessary and appropriate for the working capital of the Trust, for an operating reserve for expenses, a reserve fund for the replacements, and any charges for deficits from previous operating years; and
- f. all expenses relating to the Trustees' enforcement and administration of the

following;

- i. Definitive Subdivision Decision, Rockwood Lane, dated February 24, 2015, and recorded with the Norfolk County Registry of Deeds herewith ("Definitive Subdivision Decision" Exhibit E attached hereto);
- ii. Subdivision Covenant Under the Provisions of General Laws, Chapter 4, Section 81-U dated May 27, 2015, and recorded with the Norfolk County Registry of Deeds herewith ("Covenant");
- iii. Grant of Access Easement Agreement, dated _____, and recorded with the Norfolk County Registry of Deeds herewith (the "Easement"); and
- iv. The Declaration of Restrictions, dated May 27, 2015, and recorded with the Norfolk County Registry of Deeds herewith (the "Declaration").

In addition, the Trustees shall have the power to assess individual Owners for Special Charges in connection with repairs, improvements or replacements, caused or necessitated solely by the actions or omissions of such Owner or for the costs incurred by the Trust to restore the Drainage System due to actions of a Lot Owner.

The Trustees shall upon reasonable request render certificates suitable for recording indicating that no payments are due to the Trust with respect to any common or special charges, which certificates shall be conclusive as to the facts stated therein.

Notwithstanding anything in this Agreement to the contrary, the sole cost and responsibility for maintenance, repair, improvement, operation and replacement of street lights and associated equipment in the Subdivision shall be with the Owner from whose property power or electricity is supplied.

The Trust shall maintain a minimum balance in the Capital Reserve Account of \$10,000.00.

7. **Payment of Common and Special Charges.** All Owners shall pay the common charges assessed by the Trustees in twelve (12) installments on the first day of each month and every month, or at such other time or times as the Trustees may reasonably determine. Special Charges shall be paid within thirty (30) days after notice from the Trustees, or as the Trustees in their sole discretion may otherwise require.

8. **Lien for Common Charges.** Each assessment (Common or Special) so made upon an Owner shall constitute and remain a charge and lien upon such Owner's land and every portion thereof from the date of the assessment until paid in full, and shall also constitute a personal debt of the Owner who is the Owner of such land on the date of assessment by the Trustees. All such costs, charges, liens or personal debt may be enforced or collected by the Trustees, by any available process, without limitation, collection proceedings in a Court and foreclosure of the

charges or lien against the land under processes comparable to the processes provided in G. L. c. 254, to the extent allowed by law, for expenses incurred by the Trustees enforcing or collecting any assessment, including reasonable attorney's fees, shall be paid by the Owner responsible for the assessment and shall constitute a lien or charge on said land and a personal debt of said Owner.

Notwithstanding the above provisions, such charge and lien shall be junior to each bona-fide mortgage to an institutional mortgage lender outstanding upon such land on the date of the assessment, whether the mortgage be given before or after this Trust takes effect and its provisions become restrictions and servitudes upon such land, but foreclosure of the mortgage shall not impair the power of the Trustees thereafter to make further assessments upon such nor otherwise impair such restrictions and servitudes thereon. If any assessment is not paid when due, such assessment shall bear interest at the rate of eighteen percent (18%) per year from the due date. The Trustees may, in addition to the other rights herein reserved, accelerate the payment of the reasonable estimate of common charges for the twelve month period following any default and such sum shall serve as security for the payment of future common and special charge obligations.

9. **Liability of Trustee.** All persons extending credit to or contracting with or having any claim against the Trustees hereunder shall look only to the Trust Property for any such contract of claim, so that neither the Trustees nor the Owners shall be personally liable therefor. No Trustee hereunder shall be liable to this Trust or to the Owners for the default of any other Trustee or for leaving property in the hands of another Trustee, or for any error in judgment of law on his or her own part, but shall be liable only for his or her own willful default. Any Trustee hereunder shall be reimbursed in full for any loss or expense incurred or suffered by him or her, or his or her estate, as a result of acting as Trustee hereunder, excluding only such loss or expense resulting from his own willful default.

10. **Reliance by Third Parties.** No person dealing with any Trustee shall be bound to inquire concerning the validity of any act purporting to be done by him or her or be bound to see to the application of any money paid or property transferred to him or her upon his or her order. Any Trustee may at any time or times by written power of attorney delegate all or any of his or her powers and authorities, except the power to make assessments as provided in Paragraph 6 above, whether discretionary or otherwise, to any other Trustee in each case for a period of not more than six (6) months at a time, but any such delegation may be renewed by successive powers of attorney and may be revoked.

11. **Financial Records.** The Trustees shall at all times keep proper records and accounts of the affairs of the Trust which shall be open to inspection by any Owner at all reasonable times. At least once a year the Trustees shall render a written report and financial statement to the Owners. The approval by a majority of the Owners of any report or financial statement by the Trustees shall be, as to all matters and transactions stated in said report or statement or shown thereby, a complete discharge of the Trustees and is final and binding upon all Owners. If requested by the Town in writing, a copy of the financial statement shall be provided to the Town.

12. **Trustees in Number and Terms.** After the Initial Trustee, there shall always be nine (9) Trustees. Trustee(s) shall only be Lot Owners or their designee. Except for the Initial Trustee, Trustees shall serve for the entire period of their Lot Ownership. Upon the sale of a Lot, the Owner of the Lot shall become a Trustee and the Lot Owner shall sign and record an Acceptance of Trustee at the Norfolk Registry of Deeds. A Lot Owner's term as Trustee shall automatically expire with the recording of the Lot Owner's Deed conveying the Lot.

13. **Appointment of Trustee.** At each annual meeting of the Owners commencing with the annual meeting to be held after the fourth anniversary of the recording of this Declaration of Trust, or the sale and conveyance of all the Lots to bona-fide third parties as provided in Paragraph 2 above, whichever occurs first, each Owner of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 shall appoint a Trustee.

14. **Vacancies and Removals.** Any Trustee may at any time resign as Trustee by a written instrument signed by him or her, acknowledged and delivered to the remaining Trustee or Trustees. Upon the death or resignation of any Trustee, a vacancy in the office of Trustee shall be deemed to exist, and a new Trustee shall be elected for the unexpired term by the remaining Trustee or Trustees. Any successor Trustee shall qualify as a Trustee by written acceptance, signed and acknowledged by him. Pending any appointment of a successor Trustee, the remaining Trustee or Trustees shall have and may exercise all powers, authority and discretion conferred by this Trust. Upon election of a successor Trustee, the Trust Property shall vest in successor Trustee and the continuing Trustees, as applicable, without further action. Upon the sale of a Lot, the new Owner shall become the successor Trustee.

15. **Fidelity Bonds and Surety.** The Trustees may obtain fidelity bonds in an amount which they deem reasonably sufficient to cover Trustees and employees of the Trust handling responsibility for the funds. The cost of any such bond shall be a Common Charge as provided in Paragraph 6 above.

16. **Owners Annual and Special Meetings.** Any action or consent by the Owners shall be taken or given at the annual meeting or at any special meeting of the Owners. The annual meeting of the Owners shall be held on the first Wednesday in October of each and every year (or if that be a legal holiday on the next succeeding full business day) at the hour and place to be fixed by the Trustees. If no annual meeting has been held on the date fixed above, a special meeting in lieu thereof may be held. Special meetings of Owners may be called by the Trustees on their own motion and, after the annual meeting following the third anniversary after recording the Declaration of Trust or the sale of all the Lots to bona-fide third parties, as provided in Paragraph 2 above, whichever occurs later, shall be called by the Trustees upon written application to the Trustees of at least 50% of the Owners. A written notice of the place, date and hour of all meetings of the Owners shall be given by the Trustees at least seven (7) days before the meeting to each Owner. Notice need not be given to an Owner if a written waiver of notice, executed before or after the meeting by such owner or this attorney thereunto authorized, is filed with the records of the meeting. Notwithstanding the above, no annual meeting of the Owners shall be held so long as the Initial Trustee remains in office, except with the assent of said Initial Trustee.

17. **Quorum.** A majority of the Owners shall constitute a quorum, but if a quorum is not present, a lesser number may adjourn the meeting from time to time and the meeting may be held as adjourned without further notice.

18. **Voting.** Each Owner shall be entitled to one vote for each lot within the Property owned. Such vote may be cast in person or by proxy. Any instrument, executed not more than six (6) months before the meeting, purporting to grant authority to another to cast such vote, duly executed by Owner and acknowledged before a notary public, shall be deemed a proxy. A proxy shall be revocable at any time by written notice to the Trustees. When a quorum is present, any matter before the meeting shall be decided by the unanimous vote of the Owners, if two, and otherwise by a majority vote, except where a larger vote is required by this Trust. Provided further, however, that so long as the Initial Trustee continues to serve, no Owner shall have any voting authority.

19. **Termination or Amendment by Consent.** This Trust may be terminated or amended at any time by an instrument in writing signed by all the Trustees and assented to by the unanimous action of the Owners. Provided further, however, that so long as the Initial Trustee continues to serve, this Trust may be terminated or amended at any time by an instrument in writing signed by the Initial Trustee. No assent to such action from Owners shall be required. No amendment or termination that would change, alter or in any way affect the Trustees' obligation to maintain Rockwood Lane, the Drainage System(s) or Landscape Element, or the Town's right to obtain and enforce liens on the Lots as more fully described herein and as set forth in the Definitive Subdivision Decision or the Covenant shall be effective unless and until the Planning Board of the Town of Needham agrees to such change or termination in writing.

20. **Disposition of Trust Property.** Upon termination of the Trust, the Trust Property shall be conveyed as directed by unanimity of the Owners either (i) to a Trust for the benefit of the Owners for the same or similar purposes as the trust herein created, or (ii) to the Owners as tenants in common, subject to all matters of record which henceforth shall be enforceable by and against the Owners, joint and severally.

21. **Notices.** All notices to the Owners shall be in writing and shall be sent to the Owners or to such one of them as they may designate in writing from time to time, at the last address of such Owner as it appears in the records of the Trust. Changes in the Owners or their addresses shall be noted in the records of the Trust only upon written notice filed with the Trustees. Notice shall be deemed given as of the date of mailing.

22. **Termination by Law.** The Trust shall continue in perpetuity or for the longest period permitted by law and in any event 100 years or unless sooner terminated as herein provided.

23. **Incumbency of Trustees.** A certificate signed by three (3) Trustees and acknowledged before a Notary Public shall be conclusive evidence in favor of any person, firm, corporation, trust or association acting in good faith in reliance thereon as to the truth of any

matter or facts stated therein relating to:

- a. the death, resignation, removal or appointment of a Trustee or to the delegation by a Trustee to another Trustee of his or her powers, authorities and discretions;
- b. compliance by the Trustees and Owners with any requirement of this Trust
- c. the terms of this instrument and any amendment or termination of this Trust;
- d. the fact of the validity of any action taken by the Trustees or Owners and to authority of the Trustees or Owners to take such action; the number of Owners acting in favor of any matters; or
- e. any other matter pertaining to the Trustees, Owners or the Trust Property.

Provided further, however, that so long as Steven Venincasa continues to act as Trustee, the signature of the one Initial Trustee on a certificate and acknowledged before a Notary Public shall be deemed to satisfy the provisions of this Paragraph and all other provisions requiring or authorizing Trustee action.

When recorded with the Norfolk County Registry of Deeds, such certificate shall be conclusive evidence to all persons regardless of whether they have notice thereof or act reliance thereon. The Trust shall provide in writing to the Town of Needham the name of a contact person for all inquiries relating to the Trust or any matter relating to the Property.

24. **Recording.** The termination and all amendments of this Trust and resignations and appointments of Trustees shall be filed with said Registry of Deeds, and any person shall be entitled to rely on the records of said Registry with respect to the termination of the Trust, any amendment thereto and the identity of the Trustees, the identity of the Owners and to any other matter pertaining to the Trust, the Trustees, or the Owners of the Trust Property.

25. **Disputes.** Any Owner aggrieved by any failure or refusal to act by a quorum of the Trustees or by a deadlock among the Trustees, may, within thirty (30) days of such failure, refusal to act, or deadlock, appoint an arbitrator who shall be a member of the American Arbitration Association with not less than seven (7) years experience as an arbitrator. Within ten (10) days after written notice of such appointment, the Trustees shall appoint another such arbitrator, and the two so chosen shall within ten (10) days thereafter choose a third such arbitrator. A majority of such arbitrators shall be entitled to decide any such matter, and their decision shall be rendered within thirty (30) days of the appointment of the third arbitrator. Such decision, subject to Chapter 251 of the General Laws of Massachusetts, as from time to time amended, shall be final and conclusive on all persons. The cost of such arbitration shall be a common charge as provided in Paragraph 6 above. In the event that any party elects to be represented by counsel, all counsel fees shall be the soleresponsibility of the party retaining such counsel. This Arbitration provision shall not

apply to the rights of the Town of Needham set forth herein.

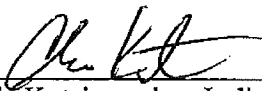
26. **Construction and Interpretation.** In the construction hereof, whether or not so expressed, words used in the singular or in the plural, respectively, include both the plural and singular; words denoting males include females, and words denoting persons include individuals, firms, associations, companies (joint, stock or otherwise), trusts and corporations, unless a contrary intention is to be inferred from or required by the subject matter or context. The captions of Articles and Sections are inserted only for the convenience of reference and are not to be taken to be any part hereof or to control or affect the meaning, construction, interpretation, or effect hereof.

All of the trusts, powers and provisions herein contained shall take effect and be construed according to the laws of the Commonwealth of Massachusetts.

27. **Waiver.** No restriction, condition, obligation or provision contained in this Declaration of Trust, Definitive Subdivision Decision or the Covenant, shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof which occur.

28. **Conflict.** In case any of the provisions of this Declaration of Trust or of any Rules and Regulations adopted by the Trustees shall be in conflict with any of the provisions of the documents set forth in Paragraphs 5 and 6 above, or the provisions of any statute, then the provisions of said documents or statute; as the case may be, shall control.

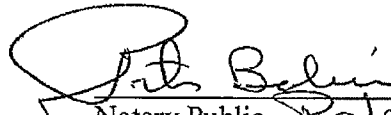
WITNESS the execution hereof under seal this 6 day of July, 2015.


Chris Kotsiopoulos, Individually and as
Trustee of Wayside Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this 6 day of July, 2015, before me, the undersigned notary public, personally appeared Chris Katsopoulos, proved to me through satisfactory evidence of identification, which was Photo ID, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.


Notary Public Peter Barbieri
My Commission Expires: 12-29-15

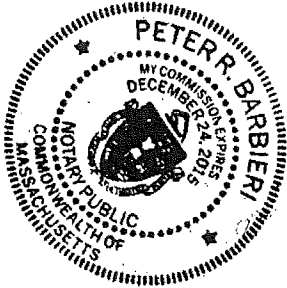


EXHIBIT A

PROPERTY

EXHIBIT APARCEL 1

The land located off Richard Road in Needham, Norfolk County, Massachusetts shown as Lot 59A on a Plan entitled "Plan of Land in Needham, Mass., Scale 1" = 40', July 2, 1957, planned by MacCarthy Engineering Service, Inc." being Plan No. 756 of 1957 duly recorded with Norfolk Registry of Deeds in Book 3572, Page 173. Said Lot 59A is bounded according to said Plan as follows:

NORTHERLY by Lot 60A as shown on said Plan, two hundred seventy and 99/100 (270.99) feet;

EASTERLY by Lot 59 as shown on said Plan, eighty and 00/100 (80.00) feet;

SOUTHEASTERLY by Lot 58A as shown on said Plan, one hundred ninety-two and 67/100 (192.67) feet; and

SOUTHWESTERLY by Lots 15A and 14B as shown on said Plan, one hundred forty-five and 00/100 (145.00) feet.

Said Lot containing 23,822 square feet according to said Plan.

See deed of John Kotsiopoulos Trustee recorded with Norfolk Registry of Deeds in Book 22616, Page 513.

PARCEL 2

A Parcel of land located off Richard Road in Needham, Massachusetts shown as Lot 62A on a Plan entitled "Plan of Land in Needham, Mass., July 2, 1957 MacCarthy Engineering Services, Inc., Natick, Massachusetts", said plan being recorded in the Norfolk Registry of Deeds in Book 3572, Page 173 as Plan No. 756 of 1957. Said Lot 62A is bounded according to said plan as follows:

EASTERLY by Lot 62 as shown on said Plan, eighty-three and 90/100 (83.90 feet);

SOUTHERLY By Lot 61A as shown on said Plan, two hundred and eighty-seven and 35/100 (287.35 feet);

WESTERLY by Lot 54 as shown on said Plan, by two lines measuring thirty-three and 89/100 (33.89) feet and fifty-six and 11/100 (56.11) feet respectively; and

NORTHERLY by Lot 64A and 63A as shown on said Plan, one hundred twenty and 92/100 (120.92) feet and one hundred thirty-nine and 18/100 (139.18) feet.

Containing according to said Plan, 23,325 square feet of land, more or less

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

PARCEL 3

The land with the buildings thereon in Needham, Norfolk County, Massachusetts, bounded and described as follows:

EASTERLY by Lot 58 and by Rockwood Lane, shown on the plan hereinafter mentioned as Irmgrad Road, by two lines measuring sixty-six and 17/100 (66.17) feet and fifty-two and 07/100 (52.07) feet, respectively;

SOUTHEASTERLY by Lot 71 as shown on said Plan, eighty-six and 83/100 (86.83) feet;

SOUTHWESTERLY by land of owners unknown and by Lots 13-B as shown on said Plan, by two lines measuring one hundred nine and 26/100 (109.26) feet and seventy-five and 00/100 (75.00) feet, respectively; and

NORTHWESTERLY by Lot 59A as shown on said Plan, one hundred ninety-two and 67/100 (192.67) feet.

Containing 19,939 square feet of land according to said Plan and being shown as Lot 58A on a Plan entitled "Plan of Land in Needham, Mass.", dated July 2, 1957 by MacCarthy Engineering Service, Inc. recording with Norfolk Registry of Deeds in Book 3572, Page 173 as Plan No. 756 of 1957.

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

PARCEL 4

The land being shown as Lot 61A on a Plan of Land entitled "Plan of Land in Needham, Mass., July 2, 1957, MacCarthy Engineering Service, Inc., Natick, Massachusetts" said Plan being recorded in Norfolk Registry of Deeds as Plan No. 756 of 1957, Book 3572, Page 173; said Lot 61A being more particularly described according to said Plan as follows:

EASTERLY by Lot 61 as shown on said Plan, eighty and 00/100 (80.00) feet;

SOUTHERLY by Lot 60A as shown on said Plan, three hundred nine and 06/100 (309.06) feet;

WESTERLY by Lot 55 as shown on said Plan, in two lines measuring forty and 00/100 (40.00) feet and fifty and 00/100 (50.00) feet, respectively;

NORTHERLY by Lot 62A as shown on said Plan, two hundred eighty-seven and 35/100 (287.35) feet.

Said Lot containing 25.006 square feet according to said Plan.

For title see deed of John Kotsiopoulos dated June 24, 2005 and recorded with Norfolk County Registry of Deeds in Book 22616, Page 515.

All Parcels are subject to and with the benefit of easements, restrictions, agreements and rights of way of record, if any there be, insofar as the same are now in force and applicable.

Said Parcels 1, 2, 3 and 4 also being shown as the land located at the end of Rockwood Lane, Needham, Massachusetts, as more particularly shown on Plans entitled "Rockwood Lane Subdivision" prepared by Samiotes Consultants, Inc. dated May 6, 2014, last revised through April 24, 2015, (the "Plans"), which Plans depict Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, (the "Lots) and "Proposed Rockwood Lane (Ext.)" and which plans were endorsed by the Needham Planning Board on May 26, 2015 and which plans are recorded herewith.

EXHIBIT B

Rules and Regulations

None

EXHIBIT C

Landscape Operations and Maintenance Plan November 2014

[illegible]

Note 1: Spring Cleanup

Pickup (Blow / Sweep) all leaves, twigs, sand and any other debris

Pickup (Blow/Sweep/Rake) all leaves, twigs, dead grass, and any other debris on the lawn and shrub beds.

Edge all walkways that have grass as a border.

Weed our unsightly under growth in shrub beds.

Search for undetected turf problems (Bugs / Diseases).

Prepare lawn surface for first fertilization (See Fertilization section for details).

Tine Rake/Light thatching of turf areas (Cleans and promotes healthy turf).

Shrub bed edging

Irrigation Start-up

Note 2: Fertilization

First Application: Early Spring fertilizer / Pre-emergence crab grass and weed control

Second Application: Late Spring slow release fertilizer / Post-emergence broad leaf weed control

Third Application: Late Summer slow release, fertilizer and grub control

Fourth Application: Fall slow release, dormant fertilizer (Provides nutrient saturation during winter months. This establishes a fertile ground for the next Spring Season growth.)

Note 3: Weekly Maintenance

Cut and trim all lawn areas (Cutting height may vary during season due to weather conditions).

All clippings picked up in high traffic turf areas.

Weed and maintain all shrub beds.

Blow natural debris and clippings from sidewalks and driveways.

Pickup any man-made debris and garbage.

Maintain flowerbeds (if necessary).

Note 4: Post-Emergent Weed Control

Spring - apply pre-emergent Weed control

Summer - apply post-emergent Weed control as necessary

Note 5: Fall cleanup

Remove (Blow, Rake, and Sweep) all leaves, twigs and any other natural debris from property.

Shrub bed edging

Mulch beds for winter

Prune shrubs and small trees.

Attend to any problems arising from insects, poison ivy or any maintenance induced problems.



355 Boston Post Road West
Marlborough, MA 01752
(508) 481-0788 office • (508) 481-2611 fax
www.labadincorp.com

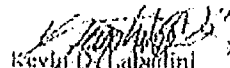
August 19, 2014

Mr. Michael Rudner, ASLA
Rudner Design Associates, Inc.
945 Concord Street, Suite 100
Framingham, MA 01701

Re: Rockwood Lane Subdivision Needham, MA
2015 Landscape Maintenance Proposal

Soil analysis	\$175.00
Spring clean up	\$5,500.00
Plant spring flowers -- 180 pots 6.5"	\$1,800.00
Mulch supplied and installed	\$8,775.00
Turf fertilizer	\$800.00
Shrub fertilizer	\$275.00
Open irrigation system	\$675.00
Plant summer flowers -- 180 pots 6.5"	\$1,800.00
Flower fertilizer	\$250.00
Weekly maintenance	\$13,860.00
Mld Summer pruning	\$1,200.00
Weed control	\$2,100.00
Topdress and overseed lawns	\$1,600.00
Aerate and dethatch lawns	\$1,500.00
Plant Fall flowers	\$1,800.00
Close irrigation system	\$750.00
Fall clean up	\$6,750.00
Pull Fall flowers	\$200.00
Lime application	\$500.00
Total:	\$50,310.00

Submitted by:


Kevin D. Labadini
Kevin Labadini Corporation

Confirmation:

EXHIBIT D

Roadway Maintenance & Improvement Plan

The **Road Maintenance & Improvement Plan** is comprised of two separate plans: the **Road Maintenance Plan** and the **Road Improvement Plan**. Each plan has a separate purpose and different components, but collectively, both plans will represent a single management plan that will ensure that Rockwood Lane Extension is properly maintained.

The **Road Maintenance & Improvement Plan** involves:

1. Annual Inspection of Rockwood Lane Extension and the improvements associated therewith as shown on a plan entitled "Proposed Rockwood Lane (Ext.)" on a plan entitled "Rockwood Lane Subdivision" dated May 6, 2014, last revised September 26, 2014, prepared by Samiotes Consultants, Inc., (the Rockwood Lane Improvements") by a _____ ("Consultant").

The Consultant will submit a copy of his/her Inspection report to the Rockwood Estate Homeowners Trust and the Town Engineer of the Town of Needham. The inspection report shall include a description of the condition of the Rockwood Lane Improvements and recommendations for repairs for bringing any substandard improvement to an acceptable level in the future.

As with any asset, preventive maintenance is the single most important factor in controlling costs and preserving an asset. Preventive maintenance will ensure that the asset (road) will provide acceptable performance throughout its prescribed lifecycle.

Annual Maintenance shall include:

Patching – pot hole/road surface repair

Drainage –catch basin repair

Vegetation management – grass, weeds, tree trimming and mowing (Regular mowing of shoulder and grass strip areas.)

Crack sealing – seal cracks to prevent moisture integration, if necessary

Regular plowing and de-icing, as necessary, to maintain suitable public safety (sanding, salting, etc.). Snow will not be plowed into pile such that it would interfere with stormwater management/drainage management.

Long term Maintenance may include

Application of chip seal

Overlay

Reconstruction

Maintenance operations are designed to maximize the prescribed lifecycle of a road during its serviceable life (minimum 20 years). However, under certain circumstances, the road base may deteriorate and a 20-year design life may be impossible to achieve with only a surface treatment. With proper maintenance the 20 year life would be extended.

**ROCKWOOD LANE SUBDIVISION
CONSTRUCTION PERIOD POLLUTION PREVENTION PLAN AND EROSION CONTROL
OPERATION AND MAINTENANCE PLAN
FEBRUARY 2015**

During The Construction Period the General Contractor shall be responsible for the following:

1. Erosion Control

Erosion control barriers will be placed at the limit of work as indicated on the project plans. Additional erosion control barriers will be placed as determined by the site inspector and in any sensitive areas as work progresses.

A stockpile of additional erosion control barriers shall be kept on site at all times.

Inspection and maintenance shall be the responsibility of the General Contractor (Site Operator), and will be carried out in accordance with site preparation and erosion and sediment control specifications, the plans and the approved SWPPP.

Erosion controls shall be monitored at a minimum of once a week, immediately after each rainfall, and at least daily during prolonged periods of rainfall periods to determine their effectiveness. Any repairs necessary shall be made immediately. Close attention shall be paid to the repair of damaged barriers undercutting beneath the barriers and flow around the ends of barriers shall be prevented. The deposits shall be removed when the level of deposition reaches 6 inches or one half of the height of the barrier, whichever happens first.

All damage caused by soil erosion or construction equipment shall be repaired at or before the end of each working day.

All catch basins shall be inspected after every rain storm and repairs made as necessary. Sediment shall be removed from the sump after the sediment has reached a maximum of one half the depth of the sump. The sediment shall be removed from the site and properly disposed of. All drainage structures/sumps shall be cleaned completely at the end of construction.

2. Site Access

Site access, for construction equipment will be from Rockwood Lane. Mud removal from truck tires shall be provided for all trucks leaving the site and street sweeping shall be provided as determined by the inspector. Dust control shall be provided to ensure dust from trucks and work areas on the site are minimized to the satisfaction of the town's site inspector.

3. Construction Staging

All construction materials, supplies, trailers and offices, portable toilets, and equipment shall be stored within the limits of the staging area. Temporary trailers and offices may also be located

Rockwood Subdivision- Needham, MA
 Operation And Maintenance Plan – 07/14
 Page 2

within the staging area. All temporary stockpiles will be surrounded with haybales / straw wattles and silt fencing as required.

4. Site Grading and Slope Stabilization

The site activities may only commence when the site is stable from erosion and all required control measures are in place and functional.

All surfaces and slopes shall be checked after each major storm event (2 inches or greater in a 24 hour period) to see that vegetation is in good condition. Any rills or damage from erosion shall be repaired immediately to avoid further damage. If seeps develop on the slopes, the area will be evaluated to determine if the seep will cause an unstable condition and shall be stabilized immediately if necessary. Problems found during the inspections by the General Contractor shall be repaired promptly. Jurisdictional areas requiring re-vegetation shall be replanted immediately or stabilized in a manner acceptable to the Planning Board. Slopes and other exposed surfaces receiving vegetation will be maintained as necessary to support healthy vegetation. If stabilization is required during the non-growing season, hay mulch, or a commercially manufactured blanket must be employed to prevent erosion.

Pollution Prevention Measures

1. Before, during, and after construction, functional erosion and sedimentation controls shall be implemented to prevent the silting of the wetland areas down-gradient of the site. Wattles, crushed stone, temporary stabilization and other controls shall be properly maintained and are not to be removed until the site is permanently stabilized. Other controls shall be added as warranted during construction. Sufficient extra materials (e.g. wattles and other control materials) shall be stored on site for emergencies.
2. A SWPPP shall be submitted for review and approved by the Planning Board prior to the start of work.
3. Any stockpiling of loose materials shall be properly stabilized to prevent erosion and siltation. Preventative controls such as hay bales, straw wattles, temporary seeding/mulching and jute covering shall be implemented to prevent such an occurrence.
4. There shall be no flooding, ponding, or flood related damage caused by the project or surface run-off emanating from the project on lands of an abutter, nearby or down-gradient of the site.
5. There shall be no contaminant migration caused by the project to nearby and down-gradient properties, nearby aquifers, and nearby resource areas.
6. The Site Operator shall make sufficient provisions to control any unexpected drainage and erosion conditions that may arise during construction that may create damage on abutting properties. Said control measures are to be implemented at once.
7. During construction erosion, and sedimentation controls shall be in place before the natural ground cover is disturbed. Said controls shall be in place prior to other construction work and

Rockwood Subdivision- Needham, MA
Operation And Maintenance Plan -- 07/14
Page 3

- shall be monitored and approved by the Site Operator. They shall be properly maintained and are not to be removed until the site is stabilized.
8. The Site Operator shall designate a person or persons to inspect and supervise the erosion controls for the project. The town's inspector shall be notified as to the means to contact said individual or individuals on a 24-hour basis on all working and non-working days of the project. Said means of contact shall include at least 2 separate telephone number of said designated person or persons.
 9. There shall be periodic inspection of wattles, and other erosion controls, by the Operator's Designee to assure continued effectiveness.
 10. The Site Operator shall make adequate provisions for controlling erosion and sediment from activities that might yield water at high volumes with high suspended solid contents, such as dewatering excavations
 11. Street sweeping shall be used to keep public ways free and clear of sediment and dirt from the site activities.
 12. The site operator's designated person shall complete the attached form entitled, "Inspection Report Form for Stormwater System" during their weekly (minimum) inspection. The reports shall be maintained on site and copies available for the town's inspector upon request.

Other Control Measures

Waste Materials. All trash and construction debris from the site will be hauled to an approved landfill or recycling facility. No construction waste material will be buried on the site. All personnel will receive instructions regarding the correct procedure for waste disposal. Notices describing these practices will be posted in the construction office. The site superintendent will be responsible for seeing that these procedures are followed. Employee waste and other loose materials will be collected so as to prevent the release of floatables during rainfall events.

Hazardous Waste. No Hazardous materials are expected to be encountered. The mandated State and Local permits for removal of such materials, if located, will be implemented when such materials are encountered.

Erosion Controls. Sediment deposits that are removed or left in place after the barriers have been dismantled shall be graded manually to conform to the existing topography and vegetated using seeding or other long term cover as approved in the Landscape Plan. Bare ground that cannot be permanently stabilized within 30 days shall be stabilized by temporary measures.

Rockwood Subdivision- Needham, MA
Operation And Maintenance Plan – 07/14
Page 4

After Construction and release of the Lots by the Planning Board the Neighborhood Association shall be responsible for the following:

General Land Grading and Slopes Stabilization within the Drainage Easement and the street R.O.W

All surfaces and slopes shall be checked bi-annually to see that vegetation is in good condition. Any rills or damage from erosion shall be repaired immediately to avoid further damage. If seeps develop on the slopes, the area will be evaluated to determine if the seep will cause an unstable condition and shall be stabilized immediately if necessary. Problems found during the inspections by the Association shall be repaired promptly. Areas requiring re-vegetation shall be replanted immediately. Slopes and other exposed surfaces receiving vegetation will be maintained as necessary to support healthy vegetation.

Areas of steep slopes (2.5:1 or greater) shall be stabilized using jute mesh or a similar approved erosion blanket.

Street Sweeping

Street areas will be swept with a wet brush street sweeper on a semi-annual basis, with at least two sweepings per year. One sweep shall be done at the end of the winter season (prior to the heavy rains), and the other sweep at the end of autumn (prior to snowfall).

Stormwater Management System

The catch basins shall be inspected annually, and cleaned out when sumps are approximately half full. The use of "clam shells" for sediment removal shall not be allowed; a vacuum truck shall be the approved method of cleaning. Integrity and functionality of oil hoods shall also be checked at the time of the inspection.

The infiltration systems will be inspected at least once each year by removing the manhole/access port covers and determining the thickness of sediment that has accumulated. If sediment is more than six inches deep, it must be suspended via flushing with clean water and removed using a vac truck.

Water Quality Unit shall be as follows per manufacturer's recommendations:

- Units should be inspected post-construction, prior to being put into service.
- Inspect every six months for the first year of operation to determine the oil and sediment accumulation rate. In subsequent years, inspections can be based on first-year observations but no less than once every two years.
- Cleaning is required once the sediment depth reaches 15% of storage capacity (generally taking one year or longer).
- Inspect the unit immediately after an oil, fuel, or chemical spill.
- A licensed waste management company will remove captured petroleum waste products from any oil, chemical, or fuel spills and dispose responsibly.

Rockwood Subdivision- Needham, MA
 Operation And Maintenance Plan – 07/14
 Page 5

INSPECTION REPORT FORM FOR STORMWATER SYSTEM

Project: Rockwood Subdivision - Needham, MA

INSPECTOR: _____ **DATE:** _____

Regular Inspection: ☐

Inspection after Rainfall: ☐ **Amount of Rainfall:** _____ inches

BMP	Functioning Correctly	Notes/Action Taken
	Y/N	
	Y/N	
	Y/N	
	Y/N	
	Y/N	
	Y/N	
	Y/N	

Additional Observations: _____

Action Required: _____

To be performed by: _____ **On or Before:** _____

EXHIBIT E

Definitive Subdivision Decision, Rockwood Lane, dated February 24, 2015



TOWN OF NEEDHAM

 PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

 RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2015 MAR -3 PM 3:50

 500 Dedham Ave
Needham, MA 02492
781-455-7500

PLANNING

DEFINITIVE SUBDIVISION DECISION

36 Rockwood Lane

Chris Kotsiopoulos, Individually and as Trustee, Wayside Realty Trust

February 24, 2015

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of Chris Kotsiopoulos, Individually and as Trustee, Wayside Realty Trust, 36 Rockwood Lane, Needham, Massachusetts (to be referred to hereinafter as the Petitioner) for property located at 36 Rockwood Lane, Needham, Massachusetts. The subject land is shown on Assessors Plan No. 17 as Parcels 22, 23, and 24 and Plan No. 20 as Parcels 57, 60 and 61. The land is further described as follows:

Beginning at a re-bar on the southerly line of Rockwood Lane at the end of the public right of way; Thence S 51° 47' 23" W, Eighty six and eighty-three hundredths feet (86.83') by land now or formerly of Fooksa, to a re-bar; Thence N 53° 54' 39" W, One hundred nine and twenty-seven hundredths feet (109.27'), by land now or formerly of Jalia and Vielhauer to a point; Thence N 35° 01' 03" W, Two hundred twenty and thirty-seven hundredths feet (220.37') by land now or formerly of Levitt, Lavrentios and McNeilly to a point; Thence S 60° 30' 43" W, Fifty nine and forty-two hundredths feet (59.42') by land now or formerly of McNeilly to a point; Thence S 01° 40' 13" W, a distance of thirteen and seven hundredths feet (13.07') by land now or formerly of Smith, to a point; Thence N 07° 03' 10" E, Seventy seven and sixty-two hundredths feet (77.62') by land now or formerly of Smith to a point; Thence N 12° 04' 08" E, Sixty Two and ninety hundredths feet (62.90') by land now or formerly of Smith and Fradkin to a point; Thence N 15° 52' 50" E, Eighty three and eighty-nine hundredths feet (83.89') by land now or formerly of Fradkin and O'Hara to a point; Thence N 19° 03' 39" E, Fifty-six and eleven hundredths feet (56.11') by land now or formerly of O'Hara to a re-bar; Thence S 88° 37' 30" E, One hundred twenty and ninety-two hundredths feet (120.92') by land now or formerly of the Town of Needham to a point; Thence N 25° 14' 30" E, One hundred ten feet (110.00') by land now or formerly of the Town of Needham to a point; Thence S 88° 37' 30" E, One hundred thirty nine and eighteen hundredths feet (139.18') by land now or formerly of the Town of Needham to a point; Thence S 25° 04' 43" W, One hundred ten and twenty-two hundredths feet (110.22') by land now or formerly of Fitzgerald to a point; Thence S 00° 12' 55" W, Three hundred ninety and seven hundredths feet (390.07') by land now or formerly of Lovett, Katsh, Edelstein, Zhang and Lee to a point on the Northerly side of Rockwood lane; Thence S 13° 46' 03" E, Fifty-two and seven hundredths feet (52.07') by the line of Rockwood Lane to the point of beginning.

Containing one hundred thirty-two thousand eight hundred ninety-one (132,891) square feet or 3.051 acres of land more or less, as shown on a plan entitled, "Subdivision Plan of Land, Needham, Norfolk County, Massachusetts", Scale 1"=40', dated May 6, 2014, by Samiotes Consultants, Inc.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on May 7, 2014, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the plan would create nine (9) building lots. Presently, one of the parcels is occupied by a single family dwelling and associated accessory structures, driveways and yard area. All of the lots would have access from a new roadway that would be a private way extension of the existing public Rockwood Lane (hereinafter the Private Way).

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 10, 2014 at 8:30 p.m. in the Charles River Room, first floor, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Wednesday, August 6, 2014 at 7:30 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Tuesday, September 2, 2014 at 8:00 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Tuesday, October 7, 2014 at 8:00 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Wednesday, November 5, 2014 at 8:00 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Monday, December 15, 2014 at 7:30 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. Board members Bruce T. Eisenhut, Elizabeth J. Grimes, Martin Jacobs, and Jeanne S. McKnight were present throughout the June 10, 2014, August 6, 2014, September 2, 2014, October 7, 2014, November 5, 2014 and December 15, 2014 proceedings. Board member Sam Bass Warner was present for all of the proceedings except the hearing occurring on November 5, 2014. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Warner examined all evidence received at the missed session and listened to an audio recording of the meeting. The deadline for action on the application was extended by the Board upon request of the Petitioner until March 7, 2015. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on February 24, 2015, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - Application for Approval of a Definitive Subdivision Plan, dated May 7, 2014.
- Exhibit 2 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated May 7, 2014.
- Exhibit 3 - Letter to Bruce Eisenhut, Chairman of the Planning Board, from Stephen Garvin, Samiotes Consultants, Inc., dated May 6, 2014.
- Exhibit 4 - Description of Land proposed to be subdivided.
- Exhibit 5 - Lot Closures.
- Exhibit 6 - The Plan entitled, "Definitive Subdivision Plan of Rockwood Lane Extension, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street,

Framingham, MA 01701 consisting of thirteen (13) Sheets; Sheet No. 1, Cover Sheet entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014; Sheet No. 2, Sheet Ex-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No 3, entitled "Subdivision Plan of Land", dated May 5, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014; Sheet No. 6, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014; Sheet No. 7, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014; Sheet No. 8, Sheet CE-4.1, entitled "Proposed Road and Profile Plan", dated May 6, 2014; Sheet No. 9, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014; Sheet No. 10, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014; Sheet No. 11, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014; Sheet No. 12, Sheet L1, entitled "Landscape Plan," dated May 6, 2014; Sheet No. 13, Sheet L2, entitled "Landscape Notes and Details," dated May 6, 2014.

- Exhibit 7 - Stormwater Management Hydrology Calculations for Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014.
- Exhibit 8 - Email from Alicja Zukowski, Samiotes Consultants, Inc., to Fire Chief Paul Buckley with attached plan, dated May 29, 2014.
- Exhibit 9 - Letter from Gregg Fradkin, 99 Tudor Road, to the Planning Board, dated June 5, 2014.
- Exhibit 10 - Letter from Martin Sklar, 60 Richard Road, to the Planning Board, dated June 5, 2014.
- Exhibit 11 - Letter from Bonnie Shuer, 37 Richard Road, to the Planning Board, dated June 5, 2014.
- Exhibit 12 - Letter from Kurt and Jodi Lockwood, 131 Bird Street, to the Planning Board, dated June 5, 2014.
- Exhibit 13 - Letter from the Residents of Tudor Road, Richard Road, Rockwood Lane, to the Planning Board, dated June 5, 2014 with attachments.
- Exhibit 14 - Letter from Janet Bernardo, Senior Project Manager, Horsley Witten Group, to Lee Newman, Director of Planning and Community Development, dated June 5, 2014.
- Exhibit 15 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated June 5, 2014.
- Exhibit 16 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated June 10, 2014.
- Exhibit 17 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated June 26, 2014 with attachment.

- Exhibit 18 - Letter to Planning Board Members and Lee Newman, Director of Planning and Community Development, from Stephen Garvin, Samiotes Consultants, Inc., dated July 3, 2014.
- Exhibit 19 - Plan entitled, "Rockwood Lane Subdivision", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Sheet C-1.0, entitled "Site Layout Plan with 60'R Cul-de-Sac," dated July 3, 2014.
- Exhibit 20 - Plan entitled, "Definitive Subdivision Plan, Rockwood Lane Extension, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701 consisting of thirteen (13) Sheets; Sheet No. 1, Cover Sheet entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014, revised July 3, 2014; Sheet No. 2, Sheet EX-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No. 3, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 6, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 7, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 8, Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 9, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 10, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 11, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 12, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014; Sheet No. 13, Sheet L2, entitled "Landscape Notes and Details," dated May 6, 2014, revised July 3, 2014.
- Exhibit 21- Stormwater Management Hydrology Calculations, Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 3, 2014.
- Exhibit 22 - Letter to Tara Gurge, Needham Health Department, from Chris Kotsiopoulos, dated July 22, 2014.
- Exhibit 23 - Email to Tara Gurge, Needham Health Department from Peter Barbieri, Attorney, dated July 24, 2014.
- Exhibit 24 - Letter from residents of Tudor Road, Richard Road, Rockwood Lane, to Lee Newman, Director of Planning and Community Development, dated July 31, 2014.
- Exhibit 25 - Letter from Janet Bernardo, Senior Project Manager, Horsley Witten Group, to Lee Newman, Director of Planning and Community Development, dated July 31, 2014.
- Exhibit 26 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated July 31, 2014.

- Exhibit 27 - Materials concerning zoning compliance submitted by Robert T. Smart, Jr., Attorney, received, August 6, 2014.
- Exhibit 28 - Email from Janet Bernardo, Senior Project Manager, Horsley Witten Group, to Lee Newman, Director of Planning and Community Development, dated August 11, 2014.
- Exhibit 29 - Letter from Edwin Harwood, 133 Tudor Road, to the Planning Board, dated August 10, 2014.
- Exhibit 30 - Letter from Alice Schwartz, 133 Tudor Road, to the Planning Board, dated August 14, 2014.
- Exhibit 31 - Letter from Carl and Brigid O'Hara, 107 Tudor Road, to the Planning Board, dated August 18, 2014.
- Exhibit 32 - Email from Don Boroson, 139 Tudor Road, to the Planning Board, dated August 21, 2014.
- Exhibit 33 - Letter from George Giunta, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated August 26, 2014.
- Exhibit 34 - Letter to Planning Board Members and Lee Newman, Director of Planning and Community Development, from Stephen Garvin, Samiotes Consultants, Inc., dated August 25, 2014.
- Exhibit 35 - Particle Size Analysis, prepared by UMass Extension, Center for Agriculture, prepared for Samiotes Consultants, dated August 20, 2014.
- Exhibit 36 - Commonwealth of Massachusetts Form 11 – Soil; Suitability Assessment for On-Site Sewage Disposal, five submitted for Deep Hole Observation Numbers: 6, 2, 4, 9A, and 7.
- Exhibit 37 - Approximate Storm Drainage Maintenance Cost, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated August 22, 2014.
- Exhibit 38 - 2015 Landscape Maintenance Proposal, prepared by Labadini Corporation, 355 Boston Post Road West, Marlborough, MA 01752, dated August 19, 2014.
- Exhibit 39 - Landscape Operations and Maintenance Plan.
- Exhibit 40 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of eleven (11) Sheets; Sheet No. 1, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014 and August 25, 2014; Sheet 2, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 3, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 4, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22,

2014; Sheet No. 5, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 6, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014; Sheet No. 7, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 8, Sheet CE-2.1a, entitled "Site Grading Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 9, Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 10, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 11, Sheet L2, entitled "Landscape Notes and Details," dated May 6, 2014, revised July 3, 2014 and August 22, 2014.

- Exhibit 41 - Plan Sheet CC-1.1 prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, entitled "Cut and Fill Plan," dated August 22, 2014.
- Exhibit 42 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated September 11, 2014 with attachments.
- Exhibit 43 - Letter from Richard Road and Rockwood Lane Residents, undated, received September 29, 2014 with photos.
- Exhibit 44 - Drainage Calculations, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated September 26, 2014.
- Exhibit 45 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of nine (9) Sheets; Sheet No. 1, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 2, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 3, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 4 Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 5, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 6, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014 and September 26, 2014; Sheet No. 7, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 8, Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 9, Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.
- Exhibit 46 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, consisting of 2 sheets, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

- Exhibit 47 - Email from Peter Barbieri, Attorney, dated October 1, 2014 with attached Declaration of Restrictions, Declaration of Trust and exhibits, and Easement Plan.
- Exhibit 48 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated October 3, 2014.
- Exhibit 49 - Letter from John Lee and Susan Liang, 85 Richard Road, to the Planning Board, undated, received October 6, 2014.
- Exhibit 50 - Letter from Carl and Brigid O'Hara, 107 Tudor Road, to the Planning Board, dated October 6, 2014.
- Exhibit 51 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 7, 2014.
- Exhibit 52 - Sheet entitled "Noise Conditions," prepared by the Applicant, received October 7, 2014.
- Exhibit 53 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated October 7, 2014.
- Exhibit 54 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated October 10, 2014 with attachment.
- Exhibit 55 - Email from Peter Barbieri, Attorney, dated October 21, 2014 with attached Declaration of Restrictions, Declaration of Trust and exhibits, Quitclaim Deed and Easement Plan.
- Exhibit 56 - Plan entitled, "Rockwood Lane Subdivision, Needham, Massachusetts", prepared by Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 31, 2014.
- Exhibit 57 - "Infiltration System Size" table.
- Exhibit 58 - Rockwood Lane Subdivision, Stormwater Management Summary, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014. (hard copy received November 3, 2014).
- Exhibit 59 - Letter to Lee Newman, Director of Planning and Community Development, from Chris Kotsiopoulos, dated October 31, 2014.

- Exhibit 60 - Letter to Lee Newman, Director of Planning and Community Development, from Peter R. Barbieri, Attorney, dated November 3, 2014.
- Exhibit 61 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated November 4, 2014 with attached redlined Declaration of Restrictions, Declaration of Trust, and Quitclaim Deed.
- Exhibit 62 - Email from Elizabeth Grimes, Planning Board Member, to Alexandra Clee, Assistant Town Planner, dated November 5, 2014 with attached redlined Road Maintenance & Improvement Plan, Declaration of Trust, and Declaration of Restrictions.
- Exhibit 63 - Email from George Giunta, Jr., Attorney, to Alexandra Clee, Assistant Town Planner, dated November 5, 2014 with attached Approximate Storm Drainage Maintenance Cost, dated August 22, 2014 and Construction Period Pollution Prevention and Erosion Control Operation and Maintenance Plan, July 2014.
- Exhibit 64 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated November 6, 2014.
- Exhibit 65 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated November 6, 2014 with attachment.
- Exhibit 66 - Letter from Carol and Brigid O'Hara, 107 Tudor Road, to the Planning Board, dated November 7, 2014 with two photos.
- Exhibit 67 - Letter from Peter Barbieri, Attorney, to Lee Newman, Director of Planning and Community Development, dated November 26, 2014 with attached Homeowners' Trust with exhibits, Declaration of Restrictions with Exhibits, Deed, and Easement.
- Exhibit 68 - Construction Minimization and Mitigation Measures, received December 3, 2014.
- Exhibit 69 - Document Response, received December 4, 2014.
- Exhibit 70 - Letter from Gregg Fradkin, 99 Tudor Road, to Lee Newman, Director of Planning and Community Development, dated December 8, 2014.
- Exhibit 71 - Letter from John Lee and Susan Liang, 85 Richard Road, to the Planning Board, dated December 8, 2014, with attached plot plan.
- Exhibit 72 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated December 15, 2014.
- Exhibit 73 - Email from Don Boroson, 139 Tudor Road, to the Planning Board, dated December 11, 2014.
- Exhibit 74 - Plan entitled, "Rockwood Lane Subdivision, Needham, Massachusetts", prepared by Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, Sheet L1, entitled "Landscape Plan," dated May 6,

2014, revised July 3, 2014, August 22, 2014, September 26, 2014 October 31, 2014 and December 18, 2014.

Exhibit 75 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of eighteen (18) Sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 2, Sheet EX-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No. 3, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 6, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 7, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 8, Sheet CE-2.1a, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 9, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 10, Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014. Sheet No. 11 Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 12, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 13, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 14, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 7, 2014; Sheet No. 15, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014 and September 26, 2014; Sheet No. 16, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 17, Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 18, Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

Exhibit 76 - Letter to Alexandra Clee, Assistant Town Planner, from Michael Radner, Radner Design Associates, Inc., dated December 18, 2014.

Exhibit 77 - Letter from Peter Barbieri, Attorney, to Lee Newman, Director of Planning and Community Development, dated December 22, 2014 with attached Declaration of Trust.

- Exhibit 78 - Letter from Michael Radner, Radner Design Associates, Inc., to Alexandra Clee, Assistant Town Planner, dated December 18, 2014.
- Exhibit 79 - Letter from Stephen Gavin, Samiotes Consultants Inc., to the Planning Board and Lee Newman, Director of Planning and Community Development, dated January 5, 2015.
- Exhibit 80 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated January 8, 2015 with attachment.
- Exhibit 81 - Estimated Construction Schedule, Rockwood Lane Extension, dated January 8, 2015.
- Exhibit 82 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated January 9, 2015.
- Exhibit 83 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated January 20, 2015.
- Exhibit 84 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated January 21, 2015 with attachment.
- Exhibit 85 - Interdepartmental Communication (IDC) to the Board from Anthony DelGaizo, Town Engineer, dated June 10, 2014, August 29, 2014, October 7, 2014, October 23, 2014, December 15, 2014, December 22, 2014, and January 12, 2015; IDC to the Board from Paul F. Buckley, Fire Chief, Needham Fire Department, dated May, 29, 2014, May 30, 2014, June 4, 2014 and August 28, 2014; IDC to the Board from John Kraemer, Police Lt., Needham Police Department, dated May 13, 2014 and July 11, 2014; and IDC to the Board from Tara Gurge, Agent, Needham Board of Health, dated July 1, 2013, May 28, 2014, July 17, 2014, July 30, 2014.

Submitted for their deliberations following the close of the public hearing were the following exhibits.

- Exhibit 86 - Modification received from the Town of Needham Engineering Department on February 18, 2015 to the "Construction Minimization and Mitigation Measures", submitted by the Petitioner on December 3, 2014 (Exhibit 68).
- Exhibit 87- Requested modifications to "Rockwood Lane Subdivision Construction Period Pollution Prevention Plan and Erosion Control Operation and Maintenance Plan", dated July 2014 and comprising a portion of Stormwater Management Hydrology Calculations, Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 3, 2014 (Exhibit 21), received from the Town of Needham Engineering Department on February 19, 2015.

Exhibit 88 - Email from Peter Barbieri, Attorney, to Lee Newman, Director of Planning and Community Development, dated February 5, 2015 with attached Declaration of Trust.

Exhibits 41, 44, 58 and 75 are referred to hereinafter as the Plan.

The Board by a vote of 4-1 hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. On the motion to approve the Subdivision Board members Bruce T. Eisenhut, Martin Jacobs, Jeanne S. McKnight, and Elizabeth J. Grimes voted in the affirmative with Board member Sam Bass Warner voting in the negative. The approval herein granted is based on the Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of eighteen (18) Sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 2, Sheet EX-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No. 3, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 6, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 7, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 8, Sheet CE-2.1a, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 9, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 10, Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014. Sheet No. 11 Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 12, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 13, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 14, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 7, 2014; Sheet No. 15, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014 and September 26, 2014; Sheet No. 16, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 17, Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 18, Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

1. The Board hereby waives compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

a) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be laid out to a width of 50 feet and approves instead a 40-foot wide right-of-way, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the

provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board acknowledged that the existing right-of-way width for the public portion of Rockwood Lane is 40 feet and that an extension of the private portion of Rockwood Lane at a 40 foot right-of-way width was appropriate. Additionally, the Board found a right-of-way width of 40 feet to be sufficient to accommodate the 9 lot residential subdivision.

b) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be paved to a width of 24 feet and approves instead a pavement width of 20 feet, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board acknowledged that the existing pavement width for the public portion of Rockwood Lane is 20 feet and that an extension of the private portion of Rockwood Lane at a pavement width of 20 feet was appropriate. Additionally, the Board found a pavement width of 20 feet to be sufficient to accommodate the 9 lot residential subdivision.

c) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that the maximum grade of a street not exceed eight percent, and approves instead an eight and one-half percent (8.5%) grade at the locale of the new roadway connection to the existing Rockwood Lane pavement for a distance not to exceed 100 feet, as shown on the Plan, as modified by this Decision. In the granting of this waiver, the Board considered the unique topographic features of the land as shown on the Plan.

d) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the "Standard Specifications" of the Town of Needham along both sides of Rockwood Lane and approves instead a walkway on only one side of the street, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered that by means of limiting the amount of impervious surface on the site the objective that the drainage system design would be adequate to serve the needs of the 9 residential lots would be addressed so as to minimize off-site drainage impacts on neighboring properties.

e) The Board hereby waives the requirements of Section 3.3.5 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all cul-de-sacs have a minimum radius of 60 feet and approves instead a hammerhead, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the specific goal of minimizing tree removal at the rear of Lot 6 and Lot 7 which would otherwise be required if a 60 foot radius diameter circle turnaround was to be required.

f) The Board hereby waives the requirements of Section 3.6.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be constructed in accordance with the standard street cross-section and approves instead the cross-section as shown on the Plan, showing a 20-foot pavement width, a sidewalk along one side of the roadway and a uniform cross slope towards one side of the roadway instead of a crowned cross section. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered all matters described in sections 1.a, 1.b, 1.c, 1.d and 1.e above.

g) The Board hereby waives the requirements of Section 3.3.6 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that bituminous concrete berms be installed along both sides of the roadway at the edge of pavement in a continuous manner and waives the requirement for the placement of cape cod berm along the west side of the proposed roadway, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the need to allow the drainage on the west side of the roadway to flow unimpeded to the swale located east of the roadway as shown on the Plan.

2. Petitioner shall cause the Plan and documents to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:

a) The Plan shall be revised to show a speed bump at the juncture of the private portion of Rockwood Lane with the public portion of Rockwood Lane and which is located entirely on the private portion. Said speed pump shall be installed if the Petitioner is unable to secure approval for a stop sign at the intersection of Rockwood Lane and Richard Road as further described in paragraph 29 of this Decision. In the event that a speed bump is required, as noted herein, it shall be installed at the time the final coat of pavement is laid on the new roadway.

b) The "Rockwood Lane Subdivision Construction Period Pollution Prevention Plan and Erosion Control Operation and Maintenance Plan", dated July 2014 and comprising a portion of the "Stormwater Management Hydrology Calculations, Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 3, 2014 (Exhibit 21), shall be revised to incorporate the recommendations of the Town of Needham Engineering Department as detailed in Exhibit 87.

c) The Plan shall be revised to include a Stormwater Pollution Prevention Plan and further revised to provide for the timely installation of erosion control measures.

3. The waiver of street construction requirements, as fully set forth in paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, and 1.g is expressly conditioned upon and subject to the restriction that neither the owner nor any successor owner or owners of Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8 or Lot 9 as shown on the Plan (hereinafter referred to individually as a Lot or collectively as the Lots) shall use the Lots for any purpose other than single-family residential use or Lot owner home occupations as allowed under the Zoning By-Law, as shown on the Plan, as approved by the Board and recorded herewith, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

4. Each and every owner or owners of any Lot shall be jointly and severally responsible and liable, and shall fulfill all lot owners' obligations under the Rockwood Estates Homeowners Trust Agreement, for the costs of the maintenance, repair and reconstruction of the Private Way shown on the Plan and designated thereon and all services, (whether the services are located within the Private Way or in areas shown partially on the Private Way and partially on a Lot), the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water, sewer and drainage facilities and other utilities and related equipment, curbs, monuments, sidewalks, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain the Private Way in a good, safe and passable condition, including snow plowing, providing access from each Lot to the public

portion of Rockwood Lane, as shown on the Plan, and providing adequate services to each Lot, all in accordance with these conditions. The Rockwood Estates Homeowners Trust shall maintain a dedicated capital reserve account having a minimum balance of \$10,000 to meet the obligations of this section.

5. Each and every owner or owners of any Lot shall be jointly and severally responsible and liable, and shall fulfill all Lot owners' obligations under the Rockwood Estates Homeowners Trust Agreement, for all maintenance, repairs and reconstruction required for or on the Private Way in compliance with and in conformity with requirements of the Town of Needham and other requirements imposed by law or governmental authority. The within requirement shall be included in all deeds of the Lots.
6. The Trustees under the Rockwood Estates Homeowners Trust Agreement and each owner of a Lot shall not use or permit use of the Private Way for any purpose other than ingress and egress from the Lots by the residents of the Lots and their guests and invitees, such use to be limited to pedestrian and private-passenger vehicular traffic, and such other vehicular traffic as is necessary from time to time in cases of emergency, delivery of customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of the Private Way, the Lot, and any structures thereon and services installed thereon, or hereunder.
7. No owner or owners of any Lot shall park or cause to be parked any motor vehicle on the Private Way. A no parking sign shall be posted on the turn-around abutting Lot 6 stating "No Parking Emergency Vehicles Only".
8. Neither the Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement shall perform, nor shall they permit changes to be made to any Lot, which would impact the functionality or design of the drainage improvements as shown on the Plan.
9. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder by or at the direction of any owner or owners of any Lot or the Trustees under the Rockwood Estates Homeowners Trust Agreement as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into any storm drainage system, and soil and other material or debris shall be removed from the site only if such removal will not impact the functionality or design of the drainage improvements shown on the Plan, and only to the extent necessary in connection with such work.
10. No Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement shall at any time request that the Private Way be laid out or accepted as a public way in the Town of Needham unless such owner or owners or Trustees at its or their sole expense, perform and complete such work as is necessary to cause the Private Way to comply with all standards and regulations of the Town of Needham without waiver, and obtain all permits and approvals required by law in connection therewith. If the Private Way is accepted by the Town of Needham as a public way at any time, then the provisions hereof applicable to ownership and maintenance of the Private Way shall thereupon terminate.
11. No Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement, shall at any time request or petition that any drainage system, water pipes, sewer pipes or related equipment or any other improvement within the subdivision for which design or improvement requirements have been waived by the Board as provided herein, be accepted or maintained by the Town of Needham.

12. The Town of Needham and its designees shall have the right to enter upon the Private Way for all purposes for which public ways are used in the Town of Needham.

13. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 12 inclusive and condition 15, and any conveyance shall include transfer of a fee interest or the perpetual right and easement to use the Private Way in common with others lawfully entitled thereto for all purposes for which public ways in the Town of Needham may now or hereafter be used consistent with the provisions hereof, and the subsurface areas, equipment and facilities used and maintained in connection with the provision of water, sewer, drainage and other utility services provided to the conveyed premises. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots which does not expressly refer to and incorporate these conditions shall nevertheless be deemed to contain the same and in all events shall be subject thereto.

14. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 3 through 12 inclusive and condition 15 of this Decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

15. The Petitioner shall grant a 13-foot wide pedestrian access easement to the Town of Needham as a condition of this approval. The pedestrian access easement as shown on the Plan generally runs over the westerly edge of Lot 6. The 13-foot access easement is to be used by members of the public for walking and as access to Town of Needham property to the north of the subdivision. Gatherings, parties, use of alcoholic beverages or drugs are strictly prohibited. The easement shall only be available between the hours of dawn and dusk. No structures are to be placed within the 13-foot easement area nor are any other improvements permitted which would impede or obstruct the passage of pedestrian access. In accordance with the provisions of MGL Chapter 21, Section 17C, the Petitioner, his successors and assigns shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land resulting from the grant of said easement, in the absence of willful, wanton, or reckless conduct by said Petitioner. Such access shall not confer upon any member of the public using said land, including without limitation a minor, the status of an invitee or licensee to whom any duty would be owed by said Petitioner. In addition to the above-noted 13-foot pedestrian access easement, the Petitioner shall provide a pedestrian access easement across the entirety of the Private Way to be used by members of the public for walking and as pedestrian access to Town of Needham property to the north of the subdivision. Parking of motor vehicles by members of the public shall not be permitted on the Private Way.

It shall not be the responsibility of the Petitioner, and it shall not be a condition precedent to the relief and permissions granted by this Decision, or the construction of the subdivision and sale of Lots, for Petitioner to obtain the acceptance of said easements by the Town of Needham, provided that the Petitioner shall obtain the subordination or partial release of all mortgages or monetary liens encumbering the easement areas and shall deliver same with the easements(s). The Petitioner shall record the noted easements and shall provide an attorney's certification stating that as of the date of the recording of the easement, the Town has a good and clear record and marketable easement.

16. In any sale or transfer by the record owner of Lot 6, as shown on the Plan, or any successor record owner of title to Lot 6, as shown on the Plan, the deed or other instrument shall refer to and incorporate by reference condition 15 of this Decision. Any deed or other instrument purporting to transfer or convey any interest in Lot 6 which does not expressly refer to and incorporate condition 15 shall, nevertheless, be deemed to contain the same and all events shall be subject thereto.

17. Street lighting shall be provided in the subdivision in accordance with the Plan. The light sources shall be on posts at least 10 feet high and shall be controlled by photovoltaic switches. Post lighting shall be supplied as shown on the Plan. The lighting system shall be maintained and the electricity shall be supplied by the Lot owners, and each Lot owner shall fulfill all Lot owner obligations relating thereto under the Rockwood Estates Homeowners Trust Agreement.

18. The Lot owners and the Rockwood Estates Homeowners Trust shall maintain the landscape vegetation within the "20-foot Drainage and Landscape Easement" and the Private Way in accordance with the Plan entitled, "Rockwood Lane Subdivision, Needham, Massachusetts", prepared by Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701: Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; and Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014. There shall be no further changes to the landscape approach as depicted on the above-noted plans, which formed the basis of the findings of fact upon which the drainage system design was derived and approved, except as otherwise provided in paragraph 19.

19. There shall be no alteration or change to a Lot so as to effect the drainage system for any Lot, or the drainage systems running across a Lot, as shown on the Plan, as modified by this Decision, without the prior written approval of the Planning Board or Town Engineer as noted below. Any Lot owner who proposes to make a change from the approved Plan shall first file a copy of a plan depicting the proposed changes with the Needham Town Engineer, with a request for a determination as to whether the changes affect the drainage system. If the Town Engineer determines that the changes affect the drainage system, or if the Town Engineer fails to respond to the request for a determination within 45 days, the Lot owner may file the plan with the Planning Board for its review. In such event, the Lot owner shall file with the Planning Board such information as the Planning Board determines necessary for its review. The Planning Board shall hold a public hearing within 60 days of receiving a complete filing. After said public hearing, the Board may, in its sole discretion, find that the proposed changes do not appear to negatively impact down gradient property owners or interfere with the functioning of the drainage system(s) of the Lot or subdivision. In such event the Lot owner, only upon receipt of a written decision from the Planning Board, may implement the changes as shown on the new plan.

20. The Town of Needham shall have the authority with respect to any emergency as relates to the maintenance of the drainage system, to enter and make necessary repairs in order to abate said emergency. Emergency shall be defined as the creation of a condition that results or could result in flooding of adjacent properties, the overloading of the municipal drainage system or the creation of a condition that is injurious to the public health or safety. Within thirty days of invoice by the Town all costs incurred by the Town of Needham in the event of such emergency shall be paid by the Rockwood Estates Homeowners Trust, and if not paid within said thirty days, then such costs shall be assessed against all the Lot owners and shall become a lien on all the Lots in the subdivision which may be collected and enforced in the manner fixed by law for

the collection of taxes. All costs shall include, but shall not be limited to, the cost of materials and the salary costs for all employees involved with the emergency actions. Notice of lien shall be recorded in the Norfolk County Registry of Deeds.

21. Off-street drainage surety in the amount of \$31,500.00 shall be posted (\$3,500.00 per lot) prior to the release of Lots 1-9 inclusive as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated May 28, 2014, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.

22. In order to maximize the continued effectiveness of Stormwater Management Best Management Practices for the Rockwood Lane Subdivision, the operations and maintenance requirements as outlined in the "Rockwood Lane Subdivision, Stormwater Management Summary", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014 (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87) shall apply to all stormwater facilities within the development. The stormwater facilities are depicted on the Plan and are hereinafter referred to as the "Stormwater Facilities". Operations and maintenance tasks shall be commenced once each respective stormwater facility is fully constructed and is receiving runoff from the new roadway system or house.

23. Prior to subdivision bond release, commencement of the operations and maintenance obligations by the Rockwood Estates Homeowners Trust and/or Petitioner shall be on a Lot by Lot basis and shall commence once each individual stormwater facility construction is substantially complete. Each transfer of operational control to the Rockwood Estates Homeowners Trust shall be documented by a letter to the Planning Board and Department of Public Works indicating the stormwater facilities which are substantially complete and transferred to the Trust for operation and maintenance. The Petitioner shall be responsible for the completion of construction of any stormwater management facilities in accordance with the approved permits and plans.

After subdivision bond release and after completion of the stormwater facilities on a particular Lot, as evidenced by release of the Planning Board bond for the associated items, the Rockwood Estates Homeowners Trust shall be responsible for all operations and maintenance requirements for the stormwater facilities within the "20-foot Drainage and Landscape Easement" and within the Private Way along with any future construction or repair of the stormwater facility. Roof runoff infiltration systems and yard run-off systems located outside of the "20-foot Drainage and Landscape Easement" shall be the responsibility of the owner of each Lot.

24. Operations and Maintenance Tasks shall be completed in accordance with the Rockwood Lane Subdivision, Stormwater Management Summary, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014 (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87).

25. Every Lot owner of Lots 1 through 9, as shown on the Plan, shall maintain and keep operational their respective roof runoff system and yard system in accordance with the Plan, as

approved by this Decision, and as further described in the "Rockwood Lane Subdivision, Stormwater Management Summary", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014 (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87). Gutters and downspouts shall be maintained in good working order at all times. Care shall be taken to retain the landscaping as shown on the Plan. Any shrubs that die shall be replaced by the Lot owner. The Rockwood Estates Homeowners Trust shall inspect the roof and yard systems once per calendar year shortly after a small rainstorm event to ensure proper operation and to ensure that the runoff from the entire roof area of the house system is draining into the roof system and where applicable, that runoff from the yard is draining into the yard system. Additionally, the landscaping, as shown on the Plan, shall be inspected to assure compliance with the approved landscape plan. Systems shall be replaced/repared by individual Lot owners as needed to ensure their continued operation in accordance with the Plan and the "Rockwood Lane Subdivision, Stormwater Management Summary" (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87).

26. Except for the individual house roof and yard systems noted in paragraphs 23 and 25 above, which shall be the responsibility of the owner of the Lot on which said system resides, the Rockwood Estates Homeowners Trust shall be responsible for all future costs and work associated with the reconstruction or replacement of any of the facilities noted on the Plan or in the "Rockwood Lane Subdivision, Stormwater Management Summary" (Exhibit 58), as revised per the requested modifications of the Town Engineer (Exhibit 87), as being the responsibility of the Rockwood Estates Homeowners Trust to maintain. Such facilities include: (a) All stormwater facilities located within the roadway; and (b) All stormwater facilities located within the "20-foot Drainage and Landscape Easement".

27. The following information shall be submitted by the Rockwood Estates Homeowners Trust no later than December 31st of each calendar year to the Town of Needham Department of Public Works, Planning Board and Board of Health to assure compliance with the Operations and Maintenance Plan: (a) An updated list of which types of roof and yard systems each lot within the development has employed for use by future inspectors of said systems; (b) statement, signed by an authorized representative of the Rockwood Estates Homeowners Trust indicating that the requirements of the Operations and Maintenance Plan were performed during the previous calendar year, provided that where requirements were not met, a schedule for their completion shall be provided and a follow-up statement submitted when complete; (c) list of the maintenance activities performed along with the approximate date of the work; (d) list of the inspections performed along with a statement by each inspector summarizing the results of the inspections performed in accordance with the approved Operations and Maintenance Plan; (e) copies of appurtenant documentation supporting the completion of the Operations and Maintenance responsibilities such as copies of contracts and/or receipts with parties engaged to perform maintenance and inspection services; (f) notation regarding whether there has been any change in the name or contact information for the Rockwood Estates Homeowners Trust. Additionally, relevant information reasonably requested by the Planning Board shall be provided by the Rockwood Estates Homeowners Trust.

28. The Petitioner has submitted a letter (Exhibit 59) which provides a list of actions that will be taken to address the NPDES Stormwater Phase II requirements: Control Measure #1- "Public Education and Outreach" and Control Measure #2, "Public Participation/Involvement". Petitioner shall implement said measures as proposed prior to the release of the subdivision lots.

29. The Petitioner shall review placement of a stop sign at the intersection of Rockwood Lane and Richard Road with the Town of Needham Traffic Management Advisory Committee and if approved by said Committee shall coordinate its installation with the Department of Public Works.

30. The Planning Board has determined that the project's scale, complexity and potential impacts warrants the use of outside consultants (such as engineers) to ensure compliance with the approved subdivision plan and all other relevant laws and regulations. Such assistance shall include, but shall not be limited to, monitoring or inspecting the project site for compliance with the Board's decisions or regulations and inspecting the project during construction and implementation. Accordingly, following approval of the definitive subdivision plan and before actual construction begins, the Petitioner shall provide a detailed work program and associated work schedule for project construction and implementation to the Director of Public Works. The noted work program and schedule shall provide the basis for determining the initial Project Inspection Fee required hereunder. The Project Inspection Fee as estimated by the Needham Department of Public Works and approved by the Planning Board shall be provided by the Petitioner for deposit in an account established pursuant to G.L. c. 44, s. 53G (53G Account). No work shall commence on the subdivision until the fee has been paid in full. Should the balance in the required 53G account fall below 25% of the initial Project Inspection Fee, as noted above, the Planning Board may require the Petitioner to provide a supplemental Project Inspection Fee to cover the cost of the remaining inspection process.

31. The Petitioner shall follow the Construction Minimization and Mitigation measures outlined in the Construction Minimization and Mitigation Measures Plan (Exhibit 86). Mitigation measures shall include, but are not limited to: (1) use of blasting as the preferred form of ledge and rock removal, to reduce or eliminate the need for hoe rams (generally used for ledge and subsurface rock removal during site development), rock drills and pile drivers, as well as rock crushing devices (hereinafter "Impact Devices"); (2) sufficient drill hole density at the blast site to minimize large boulders that would require subsequent hoe ramming to process such boulders into smaller rocks. Boulders resulting from blasting shall not be processed into smaller rocks at the site but shall be removed to an appropriate site outside of Needham for this purpose. Additionally, rock crushing activities shall not be permitted at the site but shall only be conducted at an appropriate location outside of Needham. The Petitioner shall establish a 24-hour construction hotline to investigate and resolve all noise complaints to the satisfaction of the Planning Board. The name of the construction supervisor and contact information shall be mailed to the abutting residents prior to the start of site construction.

32. A schedule indicating days and hours of all planned use of Impact Devices, if required, shall be developed and provided to the Building Commissioner, Town Engineer, Board of Health Director and Planning Board at least one week before any such planned activity. A daily log shall be kept for the length of the project recording the days and hours of the use of specific Impact Devices. Non-compliance with the Construction Minimization and Mitigation Measures Plan and the conditions of this Decision may result in the issuance of cease and desist orders by the Building Commissioner, to be enforced by the Police Department as necessary.

33. The Petitioner shall follow the Rockwood Lane Subdivision Construction Period Pollution Prevention Plan and Erosion Control Operation and Maintenance Plan, dated July 2014. (Exhibit 68 as revised per the requested modifications of the Town Engineer as detailed in Exhibit 87).

34. The Petitioner shall follow the Rockwood Lane Landscape Operations and Maintenance Plan, undated (Exhibit 39) and the 2015 Landscape Maintenance Proposal, prepared by Labadini

Corporation, 355 Boston Post Road West, Marlborough, MA 01752, dated August 19, 2014 (Exhibit 38).

35. Following approval of the definitive subdivision plan and before actual construction begins the Petitioner shall meet with the Director of Public Works and his staff. The Petitioner is urged to bring his engineer, roadway contractor and lot developers to this pre-construction meeting. Any problems contemplated in the construction phase, as well as inspection status, contact persons, etc. will be discussed, as well as procedures to be followed. A summary of said meeting, as prepared by the Department of Public Works Director, shall be initialed by himself and the Petitioner and forwarded to the Director of Planning and Community Development.

36. A Construction Access Plan shall be submitted for approval by the Needham Police Chief and if so approved shall be submitted to the Needham Building Inspector for approval. Said plan shall show proposed truck delivery routes to and from Route 128 to the subject site and authorized delivery times for enforcement purposes. Not intended for inclusion in the Construction Access Plan are passenger vehicles, pick-up trucks and panel trucks all with a maximum weight of three (3) tons. No construction shall begin until the Construction Access Plan has been approved. All contractors, subcontractors and vendors shall be contractually required to agree to the requirements of the Construction Access Plan to work on this project. The Petitioner shall post signs on-site regarding approved truck delivery routes and authorized delivery times for enforcement purposes. On school days, construction traffic shall be eliminated to the subdivision, between the hours of 8:00 a.m. and 8:30 a.m., and between the hours of 2:30 p.m. and 3:00 p.m. On early release days, construction traffic shall be eliminated to the subdivision, between the hours of 8:00 a.m. and 8:30 a.m., and between the hours of 12:00 p.m. and 12:30 p.m.

37. The following safeguards shall be implemented during construction:

a. The hours of construction and construction related activities shall be limited to 7:30 a.m. to 6:00 p.m. Monday through Saturday.

b. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Rockwood Lane. The designee shall supply a phone number where the designee can be reached 24 hours per day.

c. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction, including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris or materials to or from the site and keeping Rockwood Lane clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be necessary.

d. The Petitioner shall install and maintain a tire tracking pad for trucks leaving the site before they enter onto the public portion of Rockwood Lane.

38. All trees having a caliper of 6 inches as measured three feet off the ground bordering "Rockwood Lane" and on the site shall be retained and not disturbed or destroyed during

construction of the subdivision except for those trees which must be removed for the construction of the proposed way, driveways, utilities, and dwellings and uses accessory thereto.

39. Prior to site alteration the Petitioner shall mark in the field those trees which the landscape plan indicates will be retained. Such trees identified to be preserved shall be distinguished with appropriate markings, which may include surrounding fences or stakes. Any such trees removed which were identified for retention shall be replaced with trees of similar quality and caliper or as otherwise approved by the Board.

40. A Department of Environmental Protection sewer extension and connection permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the granting by the Board of Selectmen and the Department of Environmental Protection of a Sewer Extension and Connection Permit.

41. Any and all special permits required by the Massachusetts Water Resources Authority shall be obtained at the expense of the Petitioner.

42. A special sewer connection permit program fee shall be paid for all lots within the subdivision.

43. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.

44. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.

45. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.

46. During initial construction, no openings to the chipseal shall be made between the months of November 30 and April 1 prior to the placement of the top course of pavement.

47. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.

48. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Planning Board for review and approval prior to release of the respective performance bond amounts.

49. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.

50. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.

51. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.

52. All construction staging and parking shall be on-site. No parking of any vehicles related to the construction shall be permitted on Richard Road, the public portion of Rockwood Lane, or on any other public street.

53. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.

54. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this Decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.

55. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.

56. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have two years from the date of endorsement of the Plan to complete the installation and construction of Rockwood Lane, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan unless an extension is otherwise granted by the Planning Board.

57. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all Lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1. Such agreement shall be subject to review and approval of the Planning Board prior to endorsement of the Plan.

58. The Petitioner has delivered to the Planning Board for its review and approval an easement deed to the Town of Needham granting to the Town the right to pass on foot or by vehicle over the Private Way, and over the "13-foot Wide Access Easement" on Lot 6 and access rights over the "20-foot Drainage and Landscape Easement" on each of the Lots (Exhibit 67), a Declaration of Restrictions (Exhibit 67), and Rockwood Estates Homeowners Trust Agreement (Exhibit 88) ("the Documents"). The Petitioner shall finalize the Documents to address the requirements of this Decision and of Town Counsel and shall submit the Documents to the Planning Board for final review and approval of the Board prior to endorsement of the Plan. The Petitioner shall deliver to the Planning Board for its review and approval a duly executed Subdivision Covenant and a duly executed Restrictive Covenant, in a form approved by the Board and incorporating the conditions of this Decision, (the "Covenants"). The Covenants and Documents shall be referenced on the Plan and all documents shall be recorded with the Plan.

59. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 14, 15, 16, and 58 of this Decision and copies of the recorded plan shall be provided to the Planning Director. Prior to the release of Lot 6 copies of the recorded instruments described in paragraph 15 of this Decision shall be provided to the Planning Director.

60. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its scheduled presentation to the Planning Board to allow adequate time to review the revised Plan for compliance with the conditions of this Decision.

The foregoing have been stated for the purpose of emphasizing their importance and are not intended to be all inclusive or to negate any provision of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board.

Under the provisions of the Town of Needham, Subdivision Regulations and Procedural Rules of the Planning Board and Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive, the Board shall have the power to modify or amend the terms and conditions of this approval after due notice on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of the Subdivision Control Law applicable to approval shall, where appropriate, be applicable to such modification or amendment. Such power is hereby reserved. Appeals, if any, shall be made pursuant to Section 81-BB of the Massachusetts General Laws, Chapter 41, and shall be filed within twenty (20) days after the date of filing this Decision with the Town Clerk.

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval and all easement and restrictive covenants required hereunder have been recorded and are effective record encumbrances upon the subject property.

Witness our hands this 24th day of February 2015

NEEDHAM PLANNING BOARD

Martin Jacobs, Chairman

Bruce T. Eisenhut

Elizabeth J. Grimes

Jeanne S. McKnight

Sam Bass Warner

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Feb. 24, 2015

On this 24 day of February, 2015, before me, the undersigned notary public, personally appeared Martin Jacobs, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public:

My Commission Expires: April 2, 2015

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision on the petition of Chris Kotsiopoulos, Individually and as Trustee, Wayside Realty Trust, 36 Rockwood Lane, Needham, Massachusetts for property located at 36 Rockwood Lane, Needham, Massachusetts, has passed and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed).

Date _____

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner - Certified Mail #

Town Clerk

Building Inspector

Director, DPW

Board of Health

Conservation Commission

Engineering

Fire Department

Police Department

Chris Kotsiopoulos

George Giunta, Jr.

Peter Barbieri

Approved as to Form:

Town Counsel

*NORFOLK COUNTY
REGISTRY OF DEEDS*

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RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

SUBDIVISION COVENANT
UNDER PROVISIONS OF
GENERAL LAWS CHAPTER 41, SECTION 81-U

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

WHEREAS, Chris Kotsiopoulos, Individually, and as Trustee of Wayside Realty Trust, u/d/t dated July 1, 1998 recorded in the Norfolk Registry of Deeds in Book 22616 Page 491, of 36 Rockwood Lane, Needham, Massachusetts (to be referred to hereinafter as the "Developer") for property located at 36 Rockwood Lane, Needham, Massachusetts, has filed with the Planning Board of the Town of Needham, hereinafter referred to as the "Town", a certain subdivision plan of land in said Needham, the plan being entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of eighteen (18) Sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 2, Sheet EX-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No. 3, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and April 24, 2015; Sheet No. 6, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and April 24, 2015; Sheet No. 7, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 8, Sheet CE-2.1a, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 9, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 10, Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 11 Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 12, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 13, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 14, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 7, 2014; Sheet No. 15, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014 and September 26, 2014; Sheet No. 16, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 17, Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 18, Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014. Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014 (the "Plan"), which plans are recorded herewith.

NOW THEREFORE, the Developer hereby covenants and agrees with the said Town as follows:

SEE PLAN FILED IN

{Client Files/29519/0009/01769751.DOCX }

PLAN BOOK 639 **PAGE** 78-95

10
Plan 18

I. The said Developer is the owner of record of the premises shown on said Plan.

II. This Covenant shall run with the land and shall be binding upon the executors, administrators, heirs, assigns to the respective owners and developers and their successors in title to the Premises, as shown on said Plan.

III. In addition to the regular requirements relative to the grading and construction of streets and the installation of municipal services, said Rockwood Lane Extension and Lots 1 through 9, inclusive, shall be subject to all of the sixty (60) conditions and any subsequent amendments to the Definitive Subdivision Decision, 36 Rockwood Lane, dated February 24, 2015 (the "Decision"), a copy of which is on file with the Town Clerk's Office, Needham Town Hall and is recorded herewith.

AND WHEREAS, the Developer has agreed to subdivide the land, to construct ways and to install municipal services therein in accordance with the Plan in accordance with all approvals imposed by the Town and has elected to give a Covenant to the said Town to insure the construction of ways and installation of municipal services as shown on said Plan as authorized by Subsection (2) of Section 81-U of General Laws, including all conditions as set forth in:

- (1) Board of Health Drainage Conditions referred to in the Decision (as defined below)
- (2) Conservation Commission – Order of Conditions as may be issued pursuant to Chapter 40, Massachusetts General Laws.
- (3) Board of Selectmen – Sanitary Sewer Conditions

are herewith made a part of this Covenant as set forth in the Planning Board's Definitive Subdivision Decision dated February 24, 2015 (the "Decision"). It is further agreed by the Owner, by signing the within Covenant, that it agrees to such requirements and also waives all rights of appeal. And further the Board of Health drainage surety referred to in the Definitive Subdivision Decision shall be in a form of surety acceptable to the Planning Board and Board of Health. The Board of Health shall have the right to increase the amount above the Thirty-One Thousand Five Hundred Dollar (\$31,500.00) dollar total based upon the term of completion of the lots affected by such drainage surety and the number of lots that will be involved in the surety. This drainage surety will be determined upon request by the Owner for release of the lot for building and sale and upon execution of the Agreement required.

IV. Except as hereinafter provided, until the following improvements and conditions have been completed or fulfilled in accordance with the specifications and requirements referred to or enumerated below, with respect to any of the lots in the subdivision, which in the opinion of the Town are affected by such conditions and improvements, no such lot or lots shall be built upon or conveyed, except by a mortgage deed, nor shall building permits for such lot or lots be applied for or issued:

(A) Except as to those standards that were waived by the Planning Board in the Decision, paragraphs 1 (a) through (g), or as may be further revised through any amendment of that Decision, all streets, including walks, berms, curbing, street name signs, bounds, retaining walls, slopes and fences, and all utilities, including, but not limited to, storm drains, sanitary

sewers, water mains and their appurtenances such as manholes, catch basins, curb inlets, gate valves, hydrants, and headwalls, shall be constructed or installed at the expense of the Developer to the entire limits of the subdivision in strict compliance with the "Subdivision Regulations and Procedural Rules of the Planning Board of the Town of Needham, Massachusetts", as most recently amended, including the "Standard Specifications for Highways" and the "Standard Cross-Section for Street Construction" referred to therein, as most recently revised, which Subdivision Regulations and Procedural Rules and Standard Specifications are specifically incorporated herein by reference, and to the satisfaction of the Director of Public Works of the Town of Needham, including all maintenance and repairs necessary to maintain said streets and utilities in a condition satisfactory to the Town until all lots and all sureties, as provided in Section IV herein have been released by the Town upon the completion of all terms and conditions of this Covenant except as otherwise presented in said definitive plan.

(B) Street construction work shall conform with the details as noted on the approved plans and conditioned in the Decision. Where applicable, excavation and fill to the surface of the sub-grade fifteen (15) inches below the finished surface grade for the roadway and the necessary excavation and fill for sidewalks and berms within the total width of the street; application of ten (10) inch depth of gravel sub-base and a two (2) inch depth of crushed bank gravel base, the surface of which shall be treated with one (1) application of bitumen; application of bituminous concrete pavement Type I-1 to be constructed in two (2) courses top course of 1" bituminous concrete and bottom course of 2" bituminous concrete, application of eight (8) inch depth of gravel sidewalks with bituminous concrete surface applied in two (2) one-inch courses four and one-half (4 1/2) feet wide as indicated in paragraph "A" above and including all driveway entrances; application of six (6) inch depth of loam and seeding for grass plots between the edge of the roadway and the walkway or the sidelines of the street; granite or reinforced concrete curbing to be installed on all curves having a radius of sixty (60) feet or less, except for temporary turnarounds.

(C) A contractor approved by the Superintendent of the Water Division shall be engaged by the Developer at their expense for the installation of the water mains in accordance with the requirements of and to the satisfaction of the Superintendent of said Water Division.

(i) A certified check covering the estimated cost of all materials to be furnished by the Town, including all pipes, hydrants, gate valves, boxes and fittings, as required, shall be deposited with the Town of Needham.

(ii) Upon the completion of such installation, a final estimate, including the cost of supervision, inspection and labor furnished by the Town shall be given.

(iii) This estimate shall also include the cost of all materials plus a 20% overhead charge on all materials furnished by the Town.

(iv) The Developer shall pay the total cost less any amounts deposited before the water shall be turned into the new main.

(D) Sanitary sewers shall be constructed by an approved contractor at the expense of the Developers as shown on approved plans and profiles; in accordance with the standard specifications of the Town of Needham, and to the satisfaction of the Director of Public Works.

(i) The Town shall have the right to extend said sewer without cost to the Developers, beyond the limits of the sewer as shown on the development plans and profiles.

(ii) The Developers shall pay to the Town a fee equal to \$1.50 per linear foot of sewer to be constructed, to pay for the cost of the engineering service, supervision, and inspection furnished by the Town.

(E) Storm water drains shall be installed in accordance with the approved plan and profile to the satisfaction of the Director of Public Works, and all lots shall be graded in accordance with the proposed contours of land as shown on said definitive plan.

(F) Granite or concrete bounds, at least four (4) feet long, shall be set at all points in every street or other permanent marks acceptable to and approved by the Town Engineer shall be set within the subdivision. After installation of such bounds, the Developer shall submit to the Engineer a written certification by a registered land surveyor stating that the said bounds are located as shown on the subdivision plans recorded in the Norfolk Registry of Deeds or in the Land Court.

(G) The Developer hereby grants to the Town of Needham a perpetual right and easement to enter upon the streets for all appropriate purposes for which public ways are used in the Town of Needham, but shall not excavate such Private Way without consent of the Rockwood Estates Homeowners Trust (except in an emergency) (the "Access Easement"). The Developer agrees for itself that as long as it remains the Developer of said premises, it will keep all catch inlets and access thereto clear and free of all debris and/or other materials which might interfere with the proper operation of said drains, and thereafter the owners of said premises will keep catch basin inlets and access thereto clear and free of all debris and/or other materials which might interfere with the proper operation of said drains.

(H) Permanent street name signs will be furnished and erected at all entrances, the name to be in conformity as to size and quality with signs now generally in use in the Town of Needham.

(i) Co-incident with the start of any street within a subdivision, temporary street signs shall be installed at all points where permanent signs will be required. These signs may be painted using black block lettering not less than four (4) inches high on a light background.

(ii) Complete visibility of these signs must be maintained at all times until they are replaced with the permanent signs specified in this Section H.

(iii) Permanent street signs and the size and other details shall be furnished and installed at no expense to the Town as directed by the Town's Director of Public Works.

(I) Install bounds to define the street line at the direction of the Town Engineer and submit to said Town Engineer a certificate by a Registered Land Surveyor that said bounds have been so installed.

(J) Prior to the commencement of construction on all major phases of the subdivision including installation of the sewer, water, drains, and street construction, the Developer will notify the Director of Public Works and obtain necessary signatures on the Subdivision Inspection Form.

V. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Subdivision Rules and Regulations and Procedural Rules of the Planning Board, as well as the requirements contained in Sections III and IV above, (except to the extent that applicable standards were waived by the Planning Board as described in paragraph IV(A) above) within a period of two (2) years from the date of the endorsement by the Board of the Plan. Failure to so complete shall automatically rescind approval of the subdivision plan, unless such approval is further extended by the Planning Board on request of the Developer, its successors and/or assigns.

VI. Prior to the completion of all the work required herein, the Planning Board may, at its discretion, in accordance with the provisions of Subsection (1) of Section 81-U, Chapter 41, release any or all of said lots and Rockwood Lane, for purposes of sale or for the issuance of permits for building therein, upon the furnishing to the Town by the Developer an agreement and a surety acceptable to the Town, to secure the completion of such part or all of the work specified above, as, at the discretion of the Planning Board should be completed for the proper use of said lots in accordance with the purposes of this Covenant, said surety to be in a penal sum or amount equal to the cost, as estimated by said Director of Public Works, of completing said works. Said release by the Planning Board shall be evidenced by a certificate enumerating the lot or lots released and signed by a majority of said Planning Board, in proper form for recording in the Registry of Deeds or registration in the Registry District of the Land Court.

VII. The enforcement of the terms herein shall be made as provided for by General Laws, Chapter 41, Section 81-X and 81-Y, in the name of the Town, and upon any breach thereof the Town shall be entitled to an injunction restraining any further sale of any of the lots included in said plans, until the said breach has been cured or security given therefore satisfactory to the then Planning Board of the said Town.

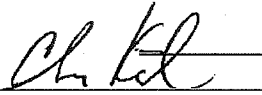
VIII. Nothing herein shall be deemed to prohibit a conveyance subject to this Covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots, subject to this Covenant, by any of the parties named herein to any other person.

IX. The Owner accepts all conditions as set forth in the Decision.

X. This Covenant shall take effect upon approval of said plans by a majority of signatures affixed thereto by the Planning Board.

For Grantor's title see Deeds recorded in the Norfolk Registry of Deeds in Book 22616, Page 513, Book 22616, Page 515 and Book 30871, Page 486.

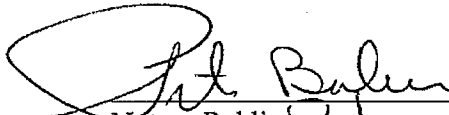
IN WITNESS WHEREOF, the said Chris Kotsiopoulos has caused these presents to be signed, this 6 day of July, 2015.

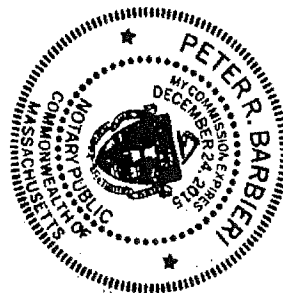

Chris Kotsiopoulos, Individually and as
Trustee of Wayside Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 6 day of July, 2015, before me, the undersigned notary public, personally appeared Chris Kotsiopoulos, individually and as Trustee of Wayside Realty Trust, proved to me through satisfactory evidence of identification, which was Photo ID to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public Peter R. Barbieri
My Commission Expires: 12-24-15



**ACKNOWLEDGEMENT
AND
ASSENT OF MORTGAGOR**

The present holder of a Mortgage (the "Mortgage") upon the property is Hillcrest Development, Inc. and Elite Home Builders, LLC (the "Mortgagor"), of 70 Hillcrest Road, Needham, Massachusetts 02492. The Mortgage is dated October 16, 2013, and is recorded at the Norfolk Registry of Deeds in Book 31855, Page 325. The Mortgagee agrees that the covenants shall have the same status, force and effect as though executed and recorded before Mortgagee's acceptance of the Mortgage and further agrees that the Mortgage shall be subordinate to the Subdivision Covenant.

IN WITNESS WHEREOF, the said Hillcrest Development, Inc. and Elite Home Builders, LLC has caused its corporate seal to be affixed and these presents to be signed, acknowledged and witnessed in its name and on its behalf by President & Manager, hereby duly authorized on this 17 day of June, 2015.

HILLCREST DEVELOPMENT, INC. and
ELITE HOME BUILDERS, LLC

[Signature]
Hillcrest Development Inc

By:

[Signature]
Name: Steven Venincasa Elite Home Builders LLC
Title: Manager

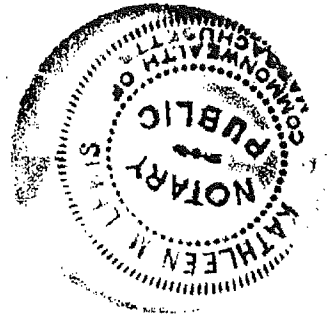
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 17th day of June, 2015, before me, the undersigned notary public, personally appeared Dmitry Kuper, as President of Hillcrest Development, Inc. and Elite Home Builders, LLC, proved to me through satisfactory evidence of identification, which was drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Kathleen M Lewis
Notary Public

My Commission Expires: 12-23-16



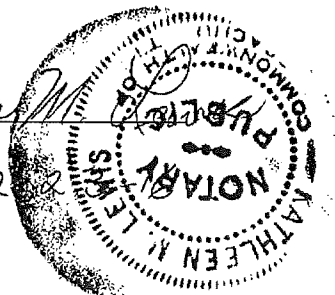
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 17th day of June, 2015, before me, the undersigned notary public, personally appeared Steven Venincasa, as Manager of Elite Development, Inc. and Elite Home Builders, LLC, proved to me through satisfactory evidence of identification, which was drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Kathleen M Lewis
Notary Public

My Commission Expires: 12-23-16



**ACKNOWLEDGEMENT
AND
ASSENT OF MORTGAGOR**

The present holder of a Mortgage (the "Mortgage") upon the property is Citizens Bank, N.A. formerly RBS Citizens, N.A. (the "Mortgagor"), of 1 Citizens Plaza, Providence, Rhode Island 02903. The Mortgage is dated May 22, 2008, and is recorded at the Norfolk Registry of Deeds in Book 25897, Page 53. The Mortgagee agrees that the covenants shall have the same status, force and effect as though executed and recorded before Mortgagee's acceptance of the Mortgage and further agrees that the Mortgage shall be subordinate to the Subdivision Covenant.

IN WITNESS WHEREOF, the said Citizens Bank, N.A. formerly RBS Citizens, N.A. has caused its corporate seal to be affixed and these presents to be signed, acknowledged and witnessed in its name and on its behalf by Yvonne Dietrich and Marvin L. Watts, hereby duly authorized on this 22nd day of June, 2015.

CITIZENS BANK, N.A.

By: Yvonne Dietrich

Name: Yvonne Dietrich
Title: Vice President

By: Marvin L. Watts

Name: Marvin L. Watts
Title: SVP

STATE OF Virginia
County of Henrico

, ss.

On this 22nd day of June, 2015, before me, the undersigned notary public, personally appeared YVONNE Dietrich AND MARVIN L WATTS as VP AND SVP of Citizens Bank, N.A., proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

KIMBERLY G. WILKINSON
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
COMMISSION ID # 7528518
MY COMMISSION EXP. 09/30/2016

Kimberly G. Wilkins
Notary Public
My Commission Expires: 09/30/2016



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 7/21/2015

Agenda Item	Call for Special Town Meeting
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Town Manager will recommend that the Board of Selectmen call for a Special Town Meeting to be held on November 2, 2015. This action will allow Town Meeting members advance notice for planning purposes. The Board is scheduled to open the warrant for the Special Town Meeting on September 8th.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>Suggested Motion:</i> That the Board of Selectmen vote to call for a Special Town Meeting to be held on November 2, 2015 at the Needham Town Hall.			
3.	BACK UP INFORMATION ATTACHED	YES	NO



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 7/21/2015

Agenda Item	Hillside School Feasibility Update
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Town Manager will update the Board on the status of the Hillside School Feasibility Study and potential summer and fall project schedule.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 7/21/2015

Agenda Item	Town Manager Performance Evaluation
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
In accordance with the Town Manager Evaluation Policy, the Board of Selectmen prepares an annual performance evaluation of the Town Manager. Each member of the Board completes his or her own evaluation. The individual evaluations are then compiled into a consensus evaluation overview document which contains the numerical average for each point of evaluation and a summary of overall evaluation comments. Board policy calls for the overview to be released at a meeting of the Board of Selectmen.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>Suggested Motion:</i> That the Board vote to approve the Town Manager Consensus Evaluation Overview Document dated July 21, 2015.			
3.	BACK UP INFORMATION ATTACHED	YES	NO
a. Town Manager Consensus Evaluation Overview Document 2015 b. Board of Selectmen Town Manager Evaluation Policy (BOS-PERS-004)			

**Town of Needham/Board of Selectmen
Town Manager Consensus Evaluation Overview Document
July 21, 2015**

In accordance with its policies, the Board of Selectmen prepares an annual performance evaluation of the Town Manager. Each member of the Board completes his or her own evaluation. The individual evaluations are then compiled into a consensus evaluation overview document, which contains the numerical average for each point of evaluation and a summary of overall evaluation comments. Board policy calls for the overview to be released at a meeting of the Board of Selectmen.

Rating Criteria	
Unsatisfactory (1)	The Manager's work performance is inadequate and inferior to the standards of performance required for the position.
Improvement Needed (2)	The Manager's work performance does not consistently meet the standards of the position.
Meets Expectations (3)	The Manager's work performance consistently meets the standards of the position.
Exceeds Expectations (4)	The Manager's work performance is frequently or consistently above the level of a satisfactory employee.
Excellent/Highly Commendable (5)	The Manager's work performance is consistently excellent when compared to the standards of the job.

Personal Characteristics (5)
Board Member Suggestions and Comments:

Professionalism (5)
Board Member Suggestions and Comments:
Kate is a leading figure in her profession. She is a mentor to her managers and balances her professional activities outside of – and to the benefit of – the Town.
Most recently Kate handled constituent complaints re: Kendrick Street. They were handled swiftly and professionally, satisfying most residents.
Kate is extremely professional and knowledgeable about municipal affairs and is always current on municipal matters.

Public Relations/Communications (5)
Board Member Suggestions and Comments:
Kate performs to the highest standards and exhibits patience when dealing with difficult constituents.

Board Support/ Relations (5)
Board Member Suggestions and Comments:
Kate exhibits flawless behavior, is totally trustworthy, and is the height of discretion and understanding.
Kate works extremely well with individual board members and is available to discuss any issue which is brought to her.

Kate does very well supporting the Board and helping to drive communication to resolve issues and solve problems.

Organizational Leadership/Personnel Management (4.875)

Board Member Suggestions and Comments:

Kate is a highly effective manager and has built a strong, hardworking and loyal team. The quality of the management team has been improving with each new hire. Kate provides and gets a very high degree of loyalty to and from her staff.

Kate does a good job with collective bargaining and communicating any issues with our Board.

Financial Management (5)

Board Member Suggestions and Comments:

Kate adheres to sound policies and proposes capital plans and improvements that are sustainable and reflective of the resources available that fiscal year.

Planning and Organization (5)

Board Member Suggestions and Comments:

Kate is constantly looking at new ways to streamline and lower costs. She is open to looking at long standing policies to see if they need to be revised to reflect the times.

Achievement of Goals (5)

Board Member Suggestions and Comments:

Kate strives to accomplish goals set out by the Board and the list of goals completed is proof of this.

Overall Rating (5)

Board Member Suggestions and Comments:

Needham's prevailing municipal culture is to minimize risk. That culture predates Kate's leadership and includes elected and appointed boards. Her challenge is to know when to push the boundary and I believe she does that very effectively. One area for possible improvement might be to encourage senior and line staff more in that realm, although I do believe that many already successfully manage that challenge.

Kate and her senior management team are constantly looking forward and planning all aspects of Town management and finances.

Kate's work for the Town continues to be outstanding. She is among the best in her field and her leadership is an asset to the Town and the Board.

Another productive year and it has been a pleasure to work with Kate.

Town of Needham Board of Selectmen

Policy Number:	BOS-PERS-004
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Policy:	Town Manager Evaluation
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Date Approved:	December 21, 2010
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Date Revised:	April 9, 2014
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Approved:	_____ Chairman, Board of Selectman
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POLICY AND PURPOSE

The purpose of this evaluation instrument is to formally appraise the Town Manager's performance on an annual basis. The document allows the Board of Selectmen to assess the Town Manager's performance in management practices and in the accomplishment of goals. Through the evaluation procedure, Board members will recognize strengths, offer positive feedback, and suggest any areas that require corrective action.

Individual performance evaluation forms prepared by members of the Board of Selectmen are considered work product/personal documents, and shall not be publicly released. The only document to be released will be an overview document, compiling the scores and comments, prepared by the Chair or his or her designee.

PROCEDURE

1. The period of evaluation is July 1 through June 30.
2. The Town Manager will submit a narrative self-evaluation including a report on goal achievement. A copy of the report and a blank evaluation form will be distributed to each Board member.
2. Board members will complete their evaluations forms and give them to the Chairman by a date set by the Chairman.
3. The Chairman or his or her designee will compile scores from individual evaluation forms and develop a consensus overview document.
4. The Chairman will give the individually completed performance evaluation forms to the Director of Human Resources who will place them in the Town Manager's personnel file.
5. Board members may meet individually with the Town Manager to discuss aspects of the performance review document.

6. The Chairman will provide the other Board members and the Town Manager with the consensus evaluation overview document at least one week prior to the date at which the document will be publicly released.
7. The overview document will be released by the Chair at a public meeting of the Board of Selectmen.

Selectman:

**Town of Needham
Town Manager Performance Evaluation Form**

Instructions

A space has been provided for each statement within the performance areas. Check the number which most accurately reflects the level of performance for the factor. If you did not have an opportunity to observe or make a determination on a particular factor, please indicate so in the N/A space.

Rating Scale (1-5)

Unsatisfactory (1)

The Manager's work performance is inadequate and inferior to the standards of performance required for the position.

Improvement Needed (2)

The Manager's work performance does not consistently meet the standards of the position.

Meets Expectations (3)

The Manager's work performance consistently meets the standards of the position.

Exceeds Expectations (4)

The Manager's work performance is frequently or consistently above the level of a satisfactory employee.

Excellent/Highly Comendable (5)

The Manager's work performance is consistently excellent when compared to the standards of the job.

1. Personal Characteristics: Exhibits honest and ethical behavior; acts in a fair and equitable manner; effectively deals with unforeseen issue and problems; shows resilience by maintaining energy and motivation despite constant demands. Responds well to stressful situations. displays creativity, innovation, flexibility and appropriate risk taking.	Board Member Suggestions & Comments	Rank
---	--	-------------

2. Professionalism: Is fully knowledgeable and committed to the field of local government management; seeks to enhance skills and abilities through educational opportunities; actively participates in professional municipal management organizations; encourages staff training and development.	Board Member Suggestions & Comments	Rating
---	---	----------------------

3. Public Relations/Communications: Projects a positive image in the community; is reasonably open and available to the public and responsive to citizen complaints or requests; communicates effectively to the media; keeps the citizenry informed of current issues in Town government; Maintains good communications with the business community. Supports and recognizes the efforts of volunteer citizens and groups. Maintains effective communications with state and federal elected representatives, other communities, state agencies, and municipal organizations.	Board Member Suggestions & Comments	Rating
--	---	----------------------

4. Board Support/ Relations Offers professional advice to the board, including appropriate alternatives and recommendations, based upon thorough study and analysis; implements policy matters and other directives adopted by the Board of Selectmen; keeps Board members informed of issues and activities in Town government and in the community; listens and understands Selectmen concerns; maintains a professional working relationship with the Board, promoting a climate of mutual respect and trust.	Board Member Suggestions & Comments	Rating
--	---	----------------------

5. Organizational Leadership/Personnel Management: Provides leadership, motivation and support within the organization; effectively delegates tasks and assignments; builds and motivates a team, providing direction and monitoring/adjusting performance as required. assures selection for employment of the best-qualified personnel; assures systematic performance evaluation of staff in the organization; establishes high standard of performance for all managers; recognizes, develops, and utilizes their leadership abilities; effectively leads collective bargaining efforts with unions, keeping the Board informed on progress; strives to maintain good staff morale and maintains open, honest and professional relationships with staff.	Board Member Suggestions & Comments	Rating
--	---	----------------------

6. Financial Management Prepares a timely and realistic annual budget proposal in a manner that promotes full understanding of issues and needs; employs sound fiscal management practices for the development of the operating and capital budget recommendations; effectively monitors and controls budget expenditures; provides complete and accurate financial information to facilitate budget deliberations; creatively manages available resources to increase productivity and efficiency; develops and maintains a long-term financial plan for the Town;	Board Member Suggestions & Comments	Rating
---	---	----------------------

7. Planning and Organization Creates and facilitates an environment for long-range and strategic planning; identifies opportunities to improve productivity, innovation,	Board Member Suggestions & Comments	Rating
--	---	----------------------

staff development and cost efficiencies; develops proposals for cost effective reorganization of Town operations; establishes appropriate goals and objectives for performance.	
---	--

8. Achievement of Goals Shows appropriate progress to the year's goals as indicated on the attached self-evaluation.	Board Member Suggestions & Comments	Rating
---	--	---------------

OVERALL RATING	Board Member Suggestions & Comments	Rating
-----------------------	--	---------------

This document is based in part on policies of the towns of Ashland, Sudbury, and Natick Massachusetts

Town Manager Performance Evaluation Form
Acknowledgement of Receipt

This is to acknowledge the fact that the performance review was conducted by the Board of Selectmen in accordance with the procedures and that the Town Manager has received the overview document with the compilation of scores.

BOARD OF SELECTMEN

Date: _____

TOWN MANAGER

Date: _____



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 7/21/2015

Agenda Item	Proposed Draft Registered Marijuana Dispensary Application Policy
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
In anticipation of requests by applicants for RMD licenses, which will ultimately require a letter of support or non-opposition as part of the Commonwealth's permitting process, the Board will discuss a proposed policy for considering such requests.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>No vote is proposed at this meeting.</i>			
3.	BACK UP INFORMATION ATTACHED	YES	NO
a. Proposed Draft Registered Marijuana Dispensary Application Policy dated July 13, 2015			

Registered Marijuana Dispensary Applications

The Board of Selectmen may provide a letter of support or non-opposition with respect to any application seeking to locate a Registered Marijuana Dispensary (RMD) in Needham after a public hearing and consultation with the Town Manager.

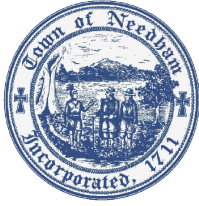
Prior to the hearing being scheduled:

1. The applicant entity must have filed an Application of Intent with the State Department of Public Health (DPH) and received an invitation to submit a siting profile from DPH.
2. The applicant entity shall submit a copy its current draft Siting Profile to the Town Manager. Other than Section C (Letter of Support or Non-Opposition) and its attachment, the Siting Profile shall be complete, including attachments.

The applicant entity shall promptly provide a copy of any amendments to its draft Siting Profile and, prior to filing with DPH, a copy of its final Siting Profile, to the Town Manager.

In the event of any changes to the Siting Profile after a letter of support or non-opposition has been approved by the Board, other than completion of Section C and necessary attachments thereto, the hearing shall be reopened unless the Town Manager determines that the changes are minor or technical in nature.

Other than compliance with the Open Meeting Law, the hearing on approval of a letter of support or non-opposition shall not require any specific form of notice. Notwithstanding the foregoing, the Town Manager shall attempt to provide reasonable public notice at least ten days before the hearing by measures such as: posting on the Town's website, email to the Needham Times, Hometown Weekly, and The Needham Channel, and a list serve available to the public through the Notify Me feature of the Town website.



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 07/21/2015

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
<i>Board members will report on the progress and / or activities of their Committee assignments.</i>			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below)			
None			



NEEDHAM BOARD OF HEALTH

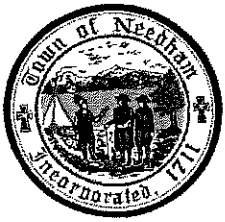


Memorandum

To: Christopher Coleman, Assistant Town Manager (Operations)
From: Timothy McDonald, Director of Public Health
Date: June 25, 2015
Re: 20B Exemption – Traveling Meals Summer Program

The Needham Public Health Department hires packers/drivers to staff the Traveling Meals Program during the summer when volunteers are not available. The Summer Traveling Meals Program may run from June 24, 2015 through September 2, 2015. The summer packers/drivers hired by the Public Health Department are listed below; three of the four persons that will be employed by the Traveling Meals Summer Program hold positions with the Needham Public Schools during the academic year. The fourth person is a Needham resident not otherwise employed by the Needham Public Schools, the Town of Needham, or its departments. I certify that all of the four persons who will be employed as packers/drivers for the Summer Traveling Meals Program meet the eligibility criteria listed below:

1. The second job (or contracted service) must be with a completely independent agency, department or board. The individual may not participate in or have any official responsibility for any of the activities of the second agency, and the first agency must not regulate the activities of the second agency. *[All persons who will be employed by the Summer Traveling Meals Program meet this criteria; the Needham Public Schools does not regulate the Needham Public Health Department.]*
2. The position must be publicly advertised. *[It was publicly advertised by the Town's Human Resources Department.]*
3. The individual must file a statement disclosing the second job or contract with the Town Clerk. *[All persons who will be employed by the Summer Traveling Meals Program have filed this certification with the Town Clerk, Theodora Eaton.]*
4. The second job or contracted services must be performed outside the normal working hours of the first position. *[The Summer Traveling Meals Program occurs during the summer months when the Needham Public Schools are not in session.]*
5. The services performed in the second job or contract must not be part of the employee's duties in the first job. *[Work performed for the Summer Traveling Meals in no way relates to the duties performed at the Needham Public Schools.]*
6. The employee must not be compensated in the second position (or contract) for more than 500 hours per year. *[Work performed for the Summer Traveling Meals will occur June 24,*



NEEDHAM BOARD OF HEALTH



2015 and September 2, 2015 for a total of 11 weeks; no person employed by the Summer Traveling Meals Program will exceed 500 hours worked over the course of those week.]

7. The department manager of the second agency, department or board must file a written certification with the Town Clerk that no employee of the agency is available to do the work as part of their regular duties. *[As the Director of the Needham Public Health Department, I have filed such a declaration with the Town Clerk, Theodora Eaton.]*
8. The Board of Selectmen must approve the 20(b) exemption. *[This step is pending; it awaits the consent of the Board of the Selectmen at its next meeting in July 2015.]*

Name	SS	School Year Employment
Dawn O'Halloran	[REDACTED]	Kindergarten After School Program (KASE)
Catherine Murray	[REDACTED]	Broadmeadow School Cafeteria Worker
Vedhavalli SJ Nathan	[REDACTED]	After School Teacher Newman Elementary School
Alice G. Gennelly	[REDACTED]	Resident of Needham. Currently not employed with the Town of Needham in any other position

Sincerely,

Timothy Muir McDonald
Director of Public Health, Town of Needham

CC: Maryanne Dinnell, Traveling Meals Program Coordinator
Theodora Eaton, Town Clerk
Elizabeth Dennis, Director of Human Resources



Needham Public Health Department

1471 Highland Avenue, Needham, MA 02492 781-455-7500 ext. 511
www.needhamma.gov/health 781-455-0892 (fax)



June 23, 2015

Mrs. Theodora K. Eaton, Town Clerk
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Dear Mrs. Eaton,

The Needham Traveling Meals Program has hired me to be a Packer/Driver for the Traveling Meals program for the summer of 2015. I am employed by the Needham Public Schools at the Kindergarten After School Program (KASE).

There will be no conflict with any School Department responsibilities as the Traveling Meals program operates during the time when school is not in session.

Thank you,

Dawn O'Halloran

Dawn O'Halloran

Date

6/23/15



Needham Public Health Department

1471 Highland Avenue, Needham, MA 02492 781-455-7500 ext. 511
www.needhamma.gov/health 781-455-0892 (fax)



June 23, 2015

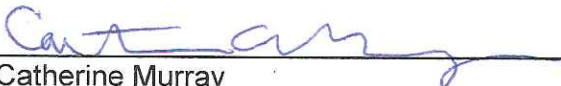
Mrs. Theodora K. Eaton, Town Clerk
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Dear Mrs. Eaton,

The Needham Traveling Meals Program has hired me to be a Packer/Driver for the Traveling Meals program for the summer of 2015. I am employed by the Needham Public Schools at the Broadmeadow School Cafeteria.

There will be no conflict with any School Department responsibilities as the Traveling Meals program operates during the time when school is not in session.

Thank you,


Catherine Murray

Date 6-23-15



Needham Public Health Department

1471 Highland Avenue, Needham, MA 02492 781-455-7500 ext. 511
www.needhamma.gov/health 781-455-0892 (fax)



June 23, 2015

Mrs. Theodora K. Eaton, Town Clerk
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Dear Mrs. Eaton,

The Needham Traveling Meals Program has hired me to be a Packer/Driver for the Traveling Meals program for the summer of 2015. I am employed by the Needham Public Schools at New Elementary School as an after school teacher.

There will be no conflict with any School Department responsibilities as the Traveling Meals program operates during the time when school is not in session.

Thank you,

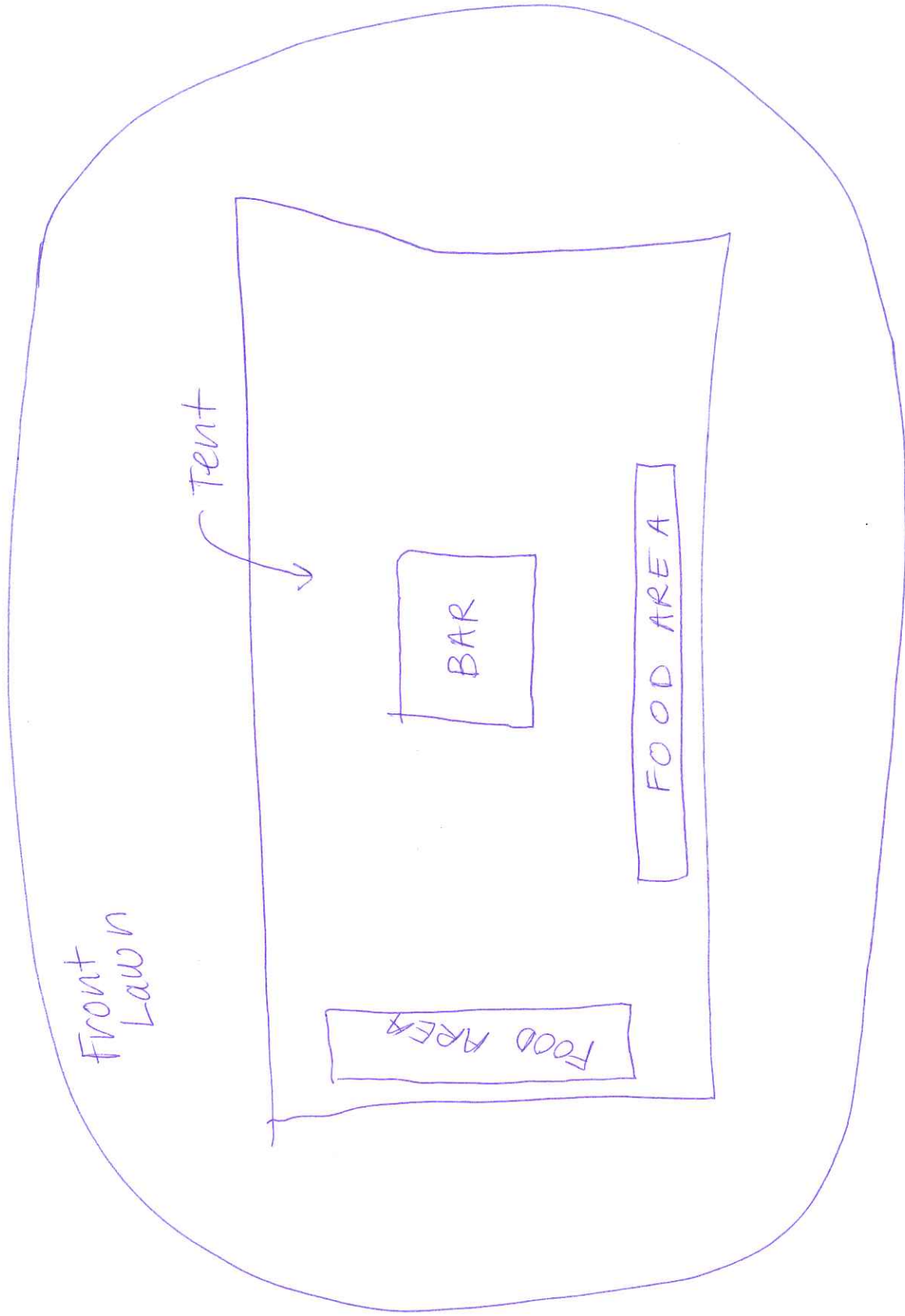
V. S. Jayaraman
Vedhavalli SJ-Nathan

Date 06/23/2015

**ONE DAY SPECIAL LICENSE
TOWN OF NEEDHAM BOARD OF SELECTMEN
EVENT INFORMATION SHEET**
(Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	Jennifer Sullivan		
Event Manager Address	130 Harris Avenue, Needham, MA		
Event Manager Phone Number	(617) 851-8374 / (781) 449-5319 ⁰²⁴⁹²		
Organization Representing (if applicable)	Needham Pool + Racquet Club		
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	☒ Non-profit		☒ For profit
	☐ Proof of non-profit status is attached Form of Proof: _____		
Name of Event	"Summerfest" party		
Date of Event	July 13 th		
License is for Sale of:			
☒ Wines & Malt Beverages Only			
☒ All Alcoholic Beverages (for non-profit groups only) changing license.			
Requested Time for Liquor License	FROM:	6:00 pm	TO: 9:00 pm
Are tickets being sold in advance for this event?	☒ YES	\$	/per ticket ☐ NO
Is there an admission fee for this event?	☒ YES	\$	17.50/per ticket ☐ NO
Are you using dues collected to purchase alcohol for this event?	☒ YES		☐ NO
How many people are you expecting at this event?	125		
Name & address of event location. Please attach proof of permission to use this facility.			
Needham Pool + Racquet Club 1550 Central Ave Needham, MA 02492			
Who will be serving the alcohol to your guests? Beverages to Go - Dover, MA Bartenders from Special Occasion Servers			
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).			
Michael Bernardi + Kristin Tornifoglio from Special Occasion Servers			
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.			
Guests will be served alcohol at the bar (see attached floor plan)			
☒ I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))			
Event Manager Signature:			Date:
Jennifer Sullivan			5/7/15

Summerfest - July 30th



Entrance to Club



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street Boston, MA, 02114

NOTICE OF APPROVAL OF SPECIAL LICENSE

The local licensing authorities of the within named city or town have approved, pursuant to the provisions of Chapter 138 Section 14, issuance of a special license as described herein.

City/Town: NEEDHAM

Date of Local Authority Approval: May 26, 2015

Name of Licensee: Jennifer Sullivan, Needham Pool & Racquet

Address of Licensee: 130 Harris Avenue, Needham MA 02492

Effective Date or Dates of License: July 30, 2015

Authorized Hours of Sales: 6:00pm to 9:00pm

Description of the Licensed Premises: Summerfest Party to be held
at Needham Pool & Racquet Club, 1550 Central Avenue, Needham.

License is for Sale of:

All Alcoholic Beverages	<u> </u>
Wines and Malt Beverages Only	<u> X </u>
Wines Only	<u> </u>
Malt Beverages Only	<u> </u>

The Licensed Activity or Enterprise is:

For Profit	<u> X </u>
Nonprofit	<u> </u>

Is the license for a dining hall maintained by an incorporated educational institution authorized to grant degrees? NO

Restrictions attached to the license by the local authority:

THE LOCAL LICENSING AUTHORITIES

By _____

[Signature]
MB Cooley
[Signature]
[Signature]



eTIPS On Premise 2.0 SSN: XXX-XX-XXXX
Issued: 11/11/2012 Expires: 11/11/2015
ID#: 3353717 D.O.B.: XX/XX/XXXX

Michael Berardi
14 Agawam Dr
Northborough, MA 01532-2434

For service visit us online at www.gettips.com

[Print](#) [Main Menu](#)

Do not click Back-Space to leave this window



Already paid. 9/27/15



Town of Needham, Massachusetts Road Event Form

INTERNAL USE ONLY

☒ DPW	☒ Police
☒ Fire	☐ OTM
☒ Park & Rec	☐ Paid
☐ PFD	

TYPE OF EVENT: (check all that apply)

☒ RUN ☒ WALK ☐ BICYCLE ☐ MOTORCYCLE

Name of Event:

Charles River Center
5K / 1 Mile Walk

Name of Organization:

Charles River Center

**Has this event been conducted in other
Towns in the past?** ☐ YES ☒ NO

If yes, name of Town and date:

Organization Mailing Address:

59 E. Mulitia Heights Drive

Organization

is

☒ **Not-for-Profit**

Organization Billing Address (if Police Detail is required):

59 E. Mulitia Heights Drive Needham, MA 02492

Primary Contact:

Hilary Ryan

Contact Title:

Director of Development

Contact Address:

59 E. Mulitia Heights Drive Needham, MA 02492

Contact Phone (Day):

(781) 972-1030

Contact Phone (Cell):

(617) 835-6130

Contact Email:

hryan@charlesrivercenter.org

Event Date(s):

September 27, 2015

Date Expected to be in Needham:

September 27, 2015

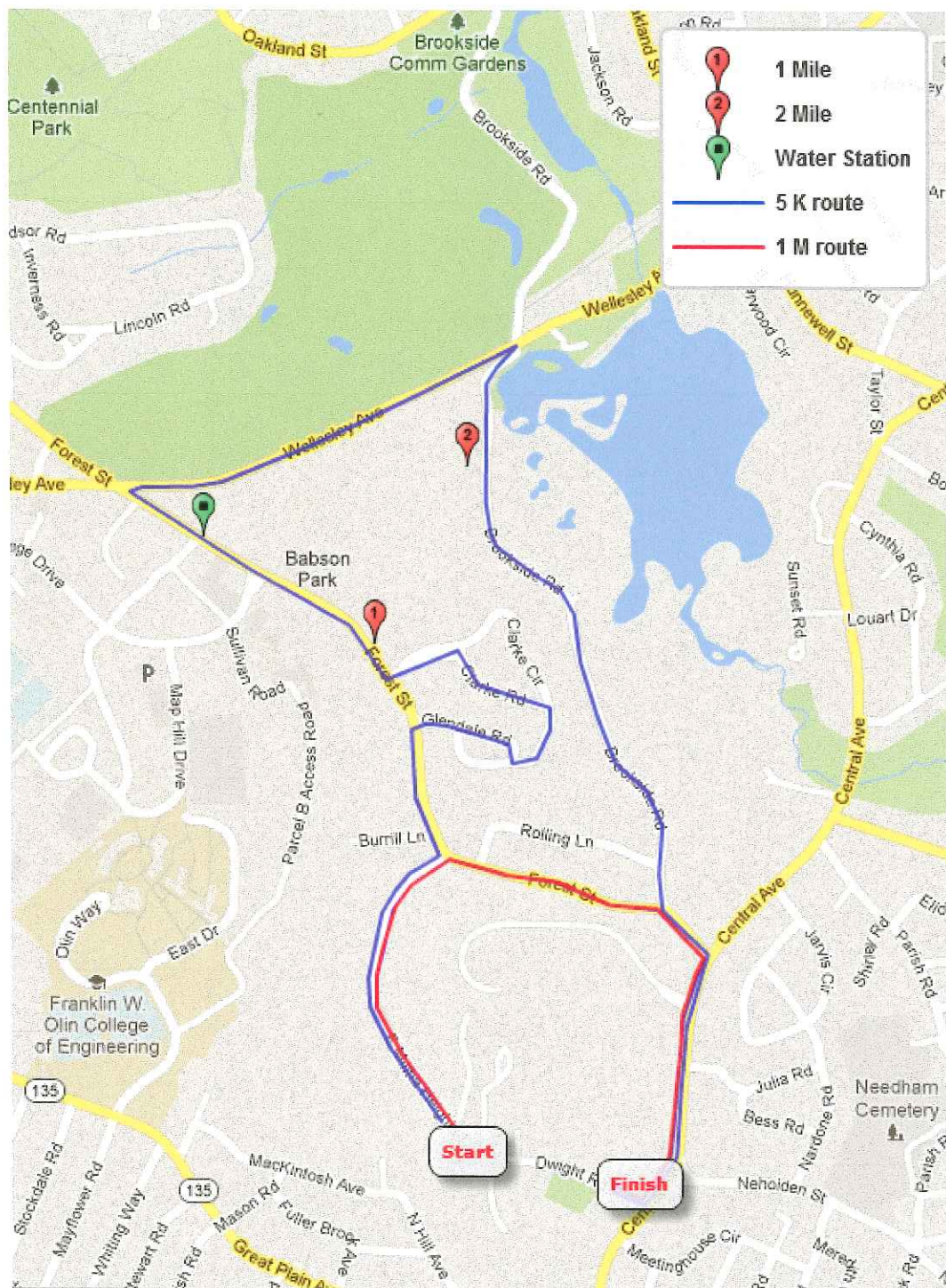
What facilities are needed for the end of the race (if in Needham)?	None
Once the event begins, how long will it take to complete the event?	upto 2 hours
Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?	Signs will be located at start and finish line 59 E. Militia Heights Drive. Along the route: see route map
Will volunteers be placed along the route?	yes
Will you be using a sound system? (includes music) If yes, please describe where and when it will be used.	yes at start line located at 59 E. Militia Heights Drive
Will there be any food served? (contact Needham Health Dept: 781-455-7500 x262)	yes
Will portable toilets be used? List locations.	yes 59 E. Militia Heights Drive
Will hydration stops be set up along route? If yes, please include these on route plan.	yes
If the event takes place after dark, what is the plan to meet lighting needs?	N/A
What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?	First aid station located at finish line staffed by nursing personnel staffed by Charles River Ctr.
Does the event take place during commuter times?	N/A
Is school in session during the event? Will school drop off or pick up be impacted by the event?	N/A
Are businesses open during the time of the event?	Yes
Does the route pass any business that might be impacted by the event? (e.g. funeral homes, markets, restaurants)	N/A
Are there any churches/houses of worship located along the event route? Will church/house of worship services take place during the event?	N/A
What is the plan to handle trash?	Charles River Center will remove all trash along the route.

Earliest Time Expected in Needham: 9:00 AM	Latest Time Expected in Needham: 3:00 pm
Number of Expected Participants: 600	Number of Expected Spectators at Peak 250 Time: 11:00 AM
Are participants charged a fee? ☒ YES ☐ NO	
Estimated Number of Vehicles: 300	What type of Parking is required: vehicle parking
Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked: requesting public facilities to approve use of Newman and Hillside parking lots.	
Are event organizers available to meet with members of the Town to plan event? Yes	
Do event organizers foresee the need for any road closures (subject to police review)? Yes . Brookside Road and portion of Forest Street. - talking to NPD.	
What will be done in case of inclement weather? The event will be canceled.	
Will neighborhoods be impacted by parking and traffic? yes the neighborhood adjacent to Charles River Center.	
What activities are planned for the start of the race (if in Needham)? Race Day Registration at the Charles River Center 59 E. Militia Heights Drive	
What activities are planned for the end of the race (if in Needham)? Post Race festivities at the Charles River Center 59 E. Militia Heights Drive	
What facilities are needed for the start of the race (if in Needham)? None	

Please return the completed application and attachments to the Office of the Town Manager, Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492:

- ***event route map (include map and text of route, parking plan, volunteer placement)***
- ***application fee (\$25 events that start and end in Needham; \$50 event passes through Needham)***
- ***certificate of insurance***

Charles River Center 5K Run/1 Mile Walk Course Map



**ON-LINE REGISTRATION
IN ADVANCE**

through September 26, 2015

Runner (12+) \$33.25

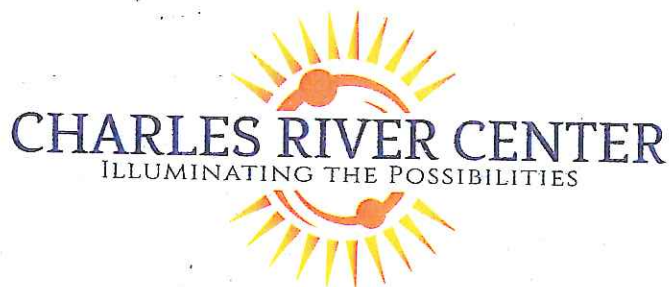
Walker (12+) \$28.00

Youth (under 12) \$17.50

(Registration includes processing fees)

CharlesRiverCenterRoadRace.com

The Charles River Center is a non-profit human service agency, providing employment and job training, residential homes, therapeutic day programs, and recreational programs for adults and children with developmental disabilities and autism.



CharlesRiverCenter.org



**Sunday September 27, 2015 11am
59 East Militia Heights Drive
Needham, MA 02492**



***A fun and challenging course
through Needham and Wellesley to
support the Charles River Center.***

CharlesRiverCenterRoadRace.com



Town of Needham, Massachusetts Road Event Form

INTERNAL USE ONLY

☐ DPW ☐ Police
☐ Fire ☐ OTM
☒ Park & Rec
☐ PFD ☐ Paid

TYPE OF EVENT: (check all that apply)

☐ RUN ☐ WALK ☒ BICYCLE ☐ MOTORCYCLE

Name of Event:

BRACING AIDS® Ride

Name of Organization:

Global Impact Productions

**Has this event been conducted in other
Towns in the past?** ☒ YES ☐ NO

If yes, name of Town and date:

Needham, Ma

Organization Mailing Address:

127 W. 26th St Ste 402 NY NY 10001

☒ **Organization
is
Not-for-Profit**

Organization Billing Address (if Police Detail is required):

Same 127 W. 26th St Ste 402 NY, NY 10001

Primary Contact:

Bob Roth

Contact Title:

Logistics Coordinator

Contact Address:

127 W. 26th St. Ste 402 NY, NY 10001

Contact Phone (Day):

212.989.1111

Contact Phone (Cell):

619.997.3366

Contact Email:

rroth@globalimpactpro.com

Event Date(s):

9-25-15

Date Expected to be in Needham:

9-25-15

Earliest Time Expected in Needham: 7:15 am	Latest Time Expected in Needham: 8:30 am
Number of Expected Participants: 125	Number of Expected Spectators at Peak Time:
Are participants charged a fee? ☐ YES ☒ NO	
Estimated Number of Vehicles: at Ridge Hill - 3-5	What type of Parking is required: minimal - rest stop volunteer staff
Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked: none - n/a	
Are event organizers available to meet with members of the Town to plan event? yes	
Do event organizers foresee the need for any road closures (subject to police review)? no	
What will be done in case of inclement weather? riders will be transported in vehicles	
Will neighborhoods be impacted by parking and traffic? no	
What activities are planned for the start of the race (if in Needham)? n/a	
What activities are planned for the end of the race (if in Needham)? n/a	
What facilities are needed for the start of the race (if in Needham)? n/a	

What facilities are needed for the end of the race (if in Needham)?	n/a
Once the event begins, how long will it take to complete the event?	1 to 1.5 hours
Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?	none requested from Needham
Will volunteers be placed along the route?	yes
Will you be using a sound system? (includes music) If yes, please describe where and when it will be used.	no
Will there be any food served? (contact Needham Health Dept: 781-455-7500 x262)	at Ridge Hill - only prepackaged ^{rest stop} foods
Will portable toilets be used? List locations.	yes - see enclosed diagram
Will hydration stops be set up along route? If yes, please include these on route plan.	no
If the event takes place after dark, what is the plan to meet lighting needs?	n/a
What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?	we have volunteers monitoring and working the route. There will be qualified medical volunteers at the rest stop for first aid
Does the event take place during commuter times?	no
Is school in session during the event? Will school drop off or pick up be impacted by the event?	no
Are businesses open during the time of the event?	dnk
Does the route pass any business that might be impacted by the event? (e.g. funeral homes, markets, restaurants)	no
Are there any churches/houses of worship located along the event route? Will church/house of worship services take place during the event?	dnk
What is the plan to handle trash?	we dispose of all trash and leave route and rest stop cleaner than we found it.

Please return the completed application and attachments to the Office of the Town Manager, Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492:

- ***event route map (include map and text of route, parking plan, volunteer placement)***
- ***application fee (\$25 events that start and end in Needham; \$50 event passes through Needham)***
- ***certificate of insurance***

March 9, 2015

Ms. Kate Fitzpatrick
Town Manager Office
Town of Needham
1471 Highland Avenue
Needham, MA 02492



Dear Ms. Fitzpatrick,

I am writing to request permission again this year, to set up a rest stop at **Ridge Hill Reservation** as part of a charity bicycle ride, BRAKING AIDS® Ride. We would like to use the space as last year on Friday, September 25, 2015 from 6:15 AM to 9:00 AM. The Reservation parking lot is an ideal spot for our riders to relax, get snacks, and receive first aid, if necessary..

BRAKING AIDS® Ride is a three-day, charity bike ride. Approximately 125 riders will each raise at least \$3,500 to benefit Housing Works, a major AIDS service organization headquartered in New York City and with offices around the country. Housing Works offers a wide array of HIV/AIDS services including but not limited to the homeless population, HIV medical care, and mental health.

BRAKING AIDS® Ride is a chance for everyone – not just athletes – to make an extraordinary difference. It's a ride, not a race, with people of all ages, shapes, and sizes riding side by side.

Enclosed is our **Site Use Summary** describing the details of our proposed set-up and our **Notification and Approval of Event** form. **Please fill out the approval form & fax or mail back to me.** If you have any questions, please do not hesitate to contact me at 212.989.1111 or email at rroth@globalimpactpro.com to discuss this request. I look forward to hearing from you.

Sincerely,

A handwritten signature in purple ink that reads "Bob Roth". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bob Roth
Logistics Coordinator
BRAKING AIDS® Ride

SITE USE SUMMARY

Location: Ridge Hill Reservation
Day of Use: Friday, September 25, 2015
Number of Participants: Approximately 125

Setup Begins: 6:15 AM
Hours of Operation: 7:15 AM – 8:00 AM
Cleanup Complete: 9:00AM

How we would like to use your site:

On Friday, September 25th, we would like to establish a rest stop at **Ridge Hill Reservation** for the participants of the BRAKING AIDS® Ride. At our rest stops, we provide our dedicated Riders and Volunteers the opportunity to get some rest, drink water, get snacks, and if necessary, get medical attention. Specifically we would like to set up two 10' x 10' tents to serve water and snacks, and to use the bathroom facilities on site. This set-up can be on a grassy area or on pavement, whatever is preferable for you.

Staff

Volunteers staff the rest stop. Each volunteer team has a manager who has worked with the BRAKING AIDS® Ride staff for months to prepare for the event. There are also staff members who move up and down the route to ensure the event progresses smoothly.

Equipment

The Volunteer team of approximately three people arrives in the morning to begin setting up the rest stop. They will arrive in a minivan and a cargo van. Rest stops each have two 10' x 10' tents; one for beverages and snacks, and one for first aid. The van contains all the supplies needed to operate a rest stop, including tables and chairs, trashcans, coolers, etc.

As part of this permit request, we hope to use the bathroom facilities on site for our participants. If this is not possible, a vendor can place two portable toilets the afternoon before the rest stop will be used. The vendor is given a site drawing instructing them where to place the toilets. As we have done in the past we would like to bring in portable restrooms on Thursday, Afternoon September 24, 2014 and picked up either the Afternoon of the 24th or the Morning of September 28, 2015, whichever you prefer. A staff member is also responsible for checking placement that afternoon.

Hours of Operation

The rest stop has hours of operation as listed at the top of this page. The Riders are aware of the hours of operation. The hours are also posted at the rest stop. Riders who are not able to keep pace with the route hours or who are unable to continue for other reasons will be picked up in a sweep vehicle. Riders will only be permitted to pass through the rest stop during the hours of operation.

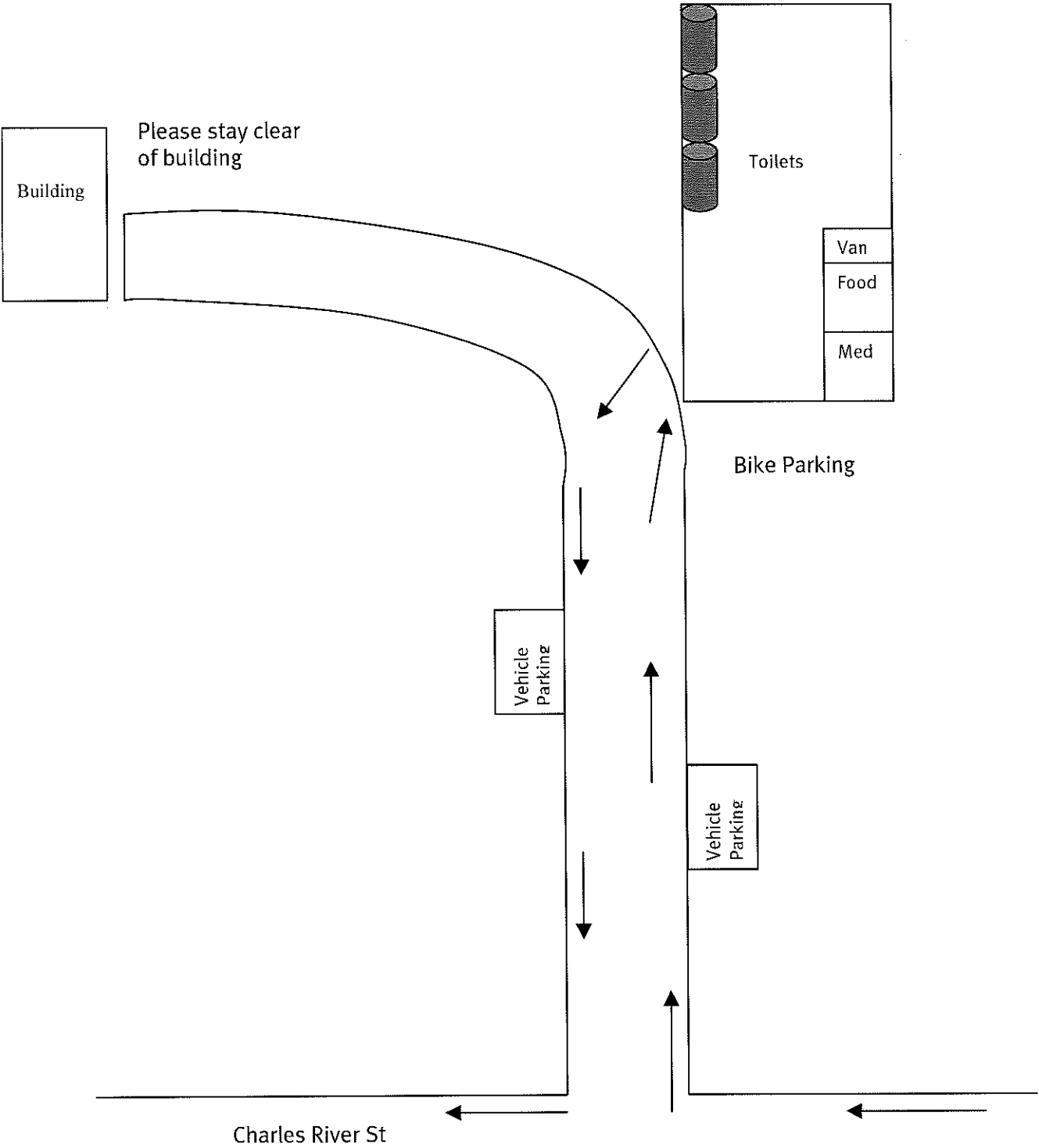
Insurance

BRAKING AIDS® Ride is fully insured for property damage and general liability. If required, we will provide a certificate of insurance with your establishment named as additionally insured. Certificates of Insurance are generally provided 1 month before the event.

Cleanup

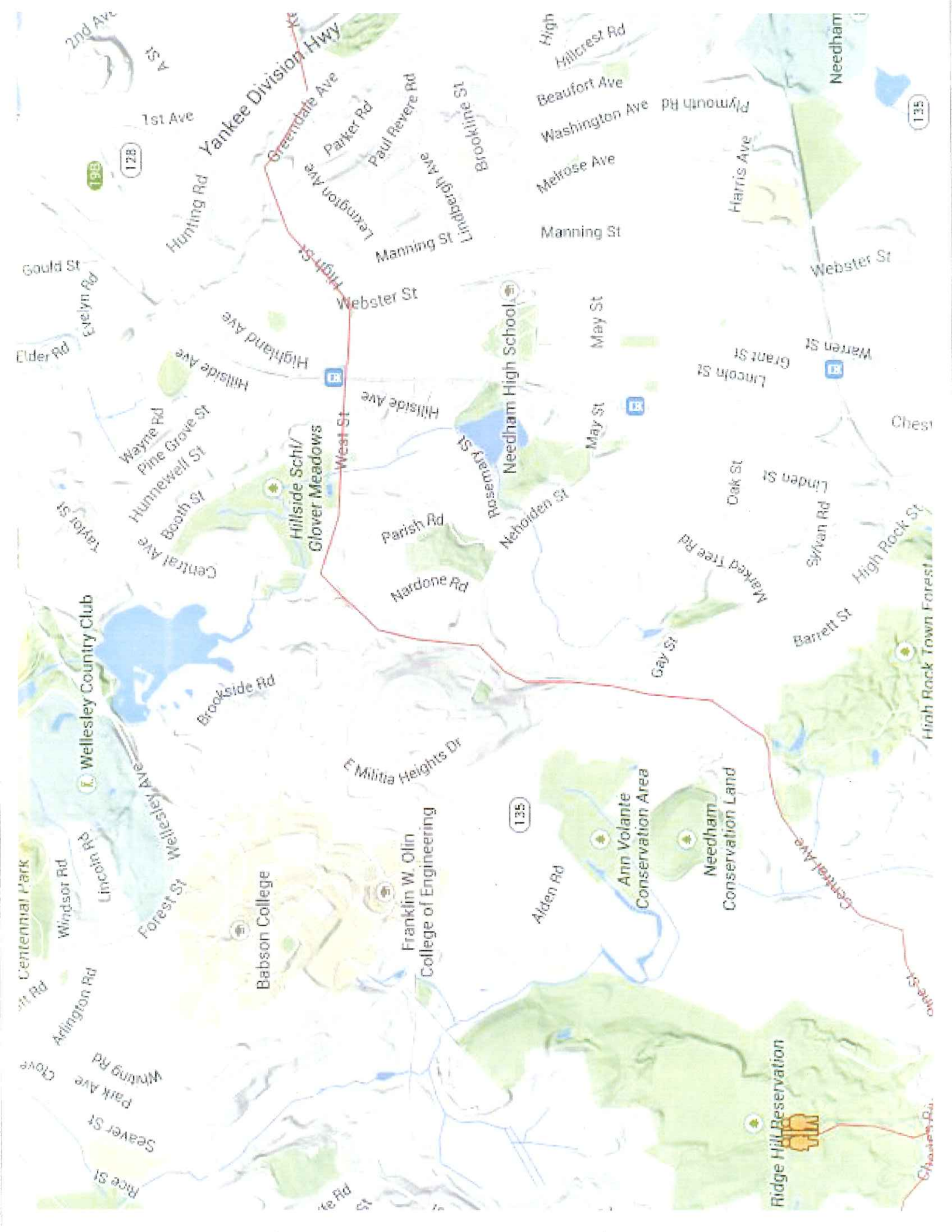
BRAKING AIDS® Ride strives to leave a site cleaner than when we arrived. Our volunteer team will regularly pick up the site to ensure that our participants and the community will see a clean area. At the end of the day we will pick up and remove all garbage that we generate. Clean-up for a rest stop usually takes one hour and everyone immediately departs. We realize that you are entrusting your site to us. We endeavor to be worthy of that trust.

Day 1
Oasis 1
Ridge Hill Reservation



BRAKING AIDS® Ride - Route Cues 2015 Day 1

Segment Mileage	Total Miles	Turn	Note	Police/Motorcycle Safety support	Township or Borough
1.2	5.5	Bear Left	Onto Nahanton Street	Moto	Newton
1.2	6.7	Cross	Charles River becomes Kendrick Street	Norfolk County	Needham
0.5	7.2	Forward	Cross Route 128	High Sweep Area	
0.1	7.3	Bear Right	Onto Greendale Avenue		
0.3	7.6	Forward	Onto High Street		
0.2	7.8	Forward	Onto West Street at light		
0.1	7.9	Forward	Cross Highland Ave at light	Moto Safety	
0.6	8.5	Left	Onto Central Avenue at stop sign	Moto	
0.8	9.3	Cross	Great Plain Avenue at light - gets narrow	HIGH TRAFFIC	Moto Safety (single file)
1.3	10.6	Right	Onto Pine Street		
0.4	11.0	Right	Onto Charles River Street at stop sign - Unmarked		
0.2	11.2	On right	Ridge Hill Reservation - Oasis 1		
0.4	11.6	Forward	To avoid Grove Street		





RECEIVED
TOWN OF NEEDHAM
BOARD OF SELECTMEN
2015 JUL -9 P 4: 26

The Revitalization Trust Fund

Needham Community

07/05/2015

"It is only through reaching out,
that we are drawn together"[™]

To: Kate Fitzpatrick-Town Manager
Needham Board Of Selectmen

From: Paul Good-Chair
The Revitalization Trust Fund (NCRTF)

Re: Request for Approval of Banners

Dear Kate and the Board of Selectmen,

The Revitalization Trust Fund is requesting permission from the Town for acceptance of the following banner for use within the NCRTF/Town of Needham **"Chapel Street Banner Showcase"** program.

This unique program was created to provide a low cost visibility option for Needham Non-profits and smaller Town displays.

Banner Sponsor: The Charles River Center

Charles River Center banner – To raise awareness of their events planned within the month of September 2015.

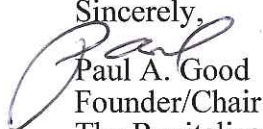
The attached, "evergreen design" banner is planned to be used annually within this "Chapel Street Banner Showcase" program.

Two organizations (ie.24 opportunities per year) can display within the Showcase area each month simultaneously for a 30 day period. Each organization has a 5 banner display presented on every other pole within the 10 pole display.

We hope more of our town non-profit organizations will participate and bring greater awareness to the wonderful work they do in service to our Needham community.

Thank you for your consideration.

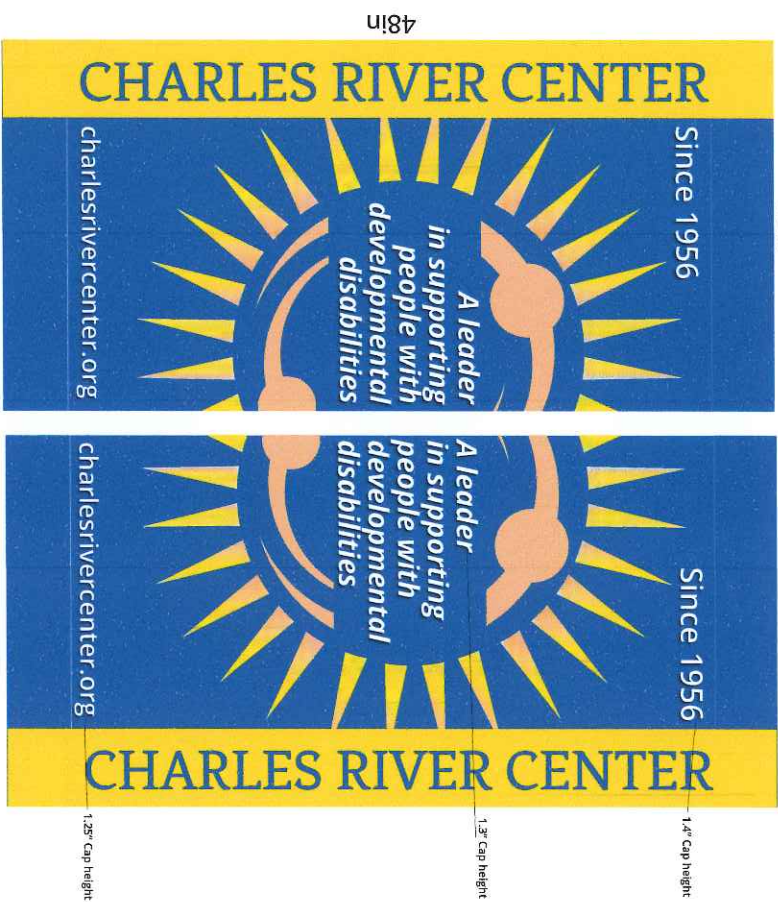
Sincerely,


Paul A. Good
Founder/Chair

The Revitalization Trust Fund (NCRTF)

(5) double sided 13oz Durabanner
top and bottom pockets with 4" opening

23in



Town of Needham
Water Sewer Billing System
Adjustment Form

DEPARTMENT OF PUBLIC WORKS

TO: TOWN TREASURER AND COLLECTOR
cc: TOWN ACCOUNTANT, WATER AND SEWER SUPERINTENDENT

WHEREAS the appropriate divisions of the Department of Public Works have submitted to you the following commitment(s) on the dates listed below for the collection of water, sewer revenue and

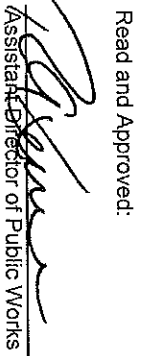
WHEREAS certain inadvertent error(s) were made in said commitment(s), it is hereby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales:	-\$346.52
Water Irrigation:	\$0.00
Water Admin Fees	\$0.00
Sewer Sales:	-\$781.64
Transfer Station Charges:	\$0.00

Total Abatement: -\$1,128.16

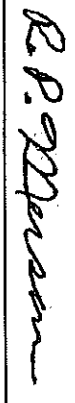
Order #: 1201

Read and Approved:


Assistant Director of Public Works
7/16/2015

For the Board of Selectmen

Date: 7/21/15


Director of Public Works
7/16/15

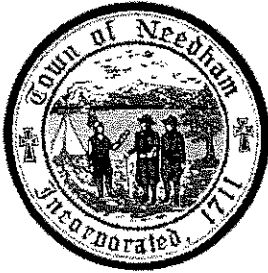
**Town of Needham
Water Sewer Billing System
Adjustment Form**

Prepared By:		Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Irrigation Water	Domestic Water	Sewer	Total	Reason	Corrected Last Read Y/N
DB	Vora	Premal		16831	14388	94	Parish Road	\$0.00	-\$82.18	-\$142.06	-\$224.24	ACC	N
DB	Clavell	Jose E		23447	14878	12	Farnham Circle	\$0.00	-\$24.54	-\$42.18	-\$66.72	ACC	N
DB	Bonasia	Philipp J		8919	6222	50	Powers Street	\$0.00	-\$34.00	-\$58.00	-\$92.00	ACC	N
JO	Council on Aging (2)							\$0.00	-\$205.80	-\$539.40	-\$745.20	COA	N
Total:											-\$1,128.16		

ALSO, LET THIS SERVE AS AUTHORIZATION TO ABATE ANY PENALTY OR INTEREST WHICH HAS ACCRUED DUE TO THE NON-PAYMENT OF AMOUNTS AS STATED ABOVE.

Legend:
O.I. = O.I. reading slower than inside meter causing large bill when inside meter is read.
TWN = Town Project caused damage to private property
EC = Extenuating Circumstances
Equip = Equipment Malfunction
UEW = Unexplained water loss
ACC = Accidental Water Loss
BP = Billing Period beyond 100 days
COA - Council on Aging

Calendar Year: 2014



Application for a Mobile Food Truck

Before completing the following application, please carefully review the "Food Truck Policy" document, which includes important details about the licensing requirements.

Date: 6/24/13 Applicant (company name): Harvigil Corp

D/B/A (e.g. if food truck name is different from company name): Sante Mobile Farmhouse Cafe

Primary Contact Name: Scott Haviland Primary Contact Cell Phone: 774 217 1676

Primary Contact Business Phone: Same Primary Contact Email: scott@santemobilecafe.com

Name(s) of Owner(s), Partner(s), or Corporate President: Scott Haviland, Steven Gilman

Mailing Address of Company: 53 Fother Road Hingham MA 02043

Address of Vehicle Garaging (if different from above): 126 Acorn St, Millis MA 02054

Address of Commissary (if different from above): 1180 Great Plain Ave Needham MA

Truck License Plate State & Number: MA Reg R43969

Make/Model of vehicle: Dodge Ram 1500

Proposed Location(s) /Day(s)/Hour(s) of Operation: Location description shall include address and physical description. Provide a separate site plan and photo(s) for each location(s). See Appendix II of policy for list of locations presently approved for food trucks.

1. Charles River Landing

FROM 10am TO 6pm (MON) (TUE) (WED) (THU) (FRI)

2.

FROM 10am TO 6pm (MON, TUE, WED, THU, FRI)

3.

FROM 10am TO 6pm (MON, TUE, WED, THU, FRI)

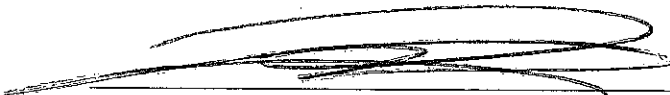
---OVER---

Calendar Year: 2014

Required Documents (Attach to this application):

- | | |
|---|---|
| ☒ Completed application | ☒ Copy of MA Department of Motor Vehicles (DMV) Vehicle Registration |
| ☒ Insurance Certificate/Worker's Comp Affidavit | ☒ CORI Request Form w/identification (Must complete at Town Manager's Office, need an ID) |
| ☒ Site Plan | ☒ Copy of a Menu |
| ☒ A color photo of your truck in operation | ☒ Copy of State Hawkers and Peddlers License or Town Solicitor's License |
| ☐ Copy of Needham Health Department License | ☒ Current MA Business Registration Certificate |
| ☐ Copy of Fire Department Permit (propane) | |

APPLICANT UNDERSTANDS AND AGREES TO COMPLY WITH ALL THE CONDITIONS NOTED ON THIS APPLICATION, THE BOARD OF SELECTMEN, POLICE DEPARTMENT, FIRE DEPARTMENT, HEALTH DEPARTMENT, AND OTHER LOCAL, STATE AND FEDERAL LAWS GOVERNING MOBILE FOOD FACILITIES AND ACCESSIBILITY AS THEY MAY APPLY TO THIS PERMIT.


Signature of Applicant / Authorized Representative

7/18/15
Date

Scott Hawiland
Print Name

SANTÉ Farmhouse Café

Salads • Wraps • Smoothies

~ SALADS ~

STRAWBERRY FIELDS \$8

organic baby spinach mix, fresh sliced strawberries, mandarin oranges, onion, jicama, raisins, candied walnuts ~ organic strawberry vinaigrette

SWEET HARVEST \$7

organic baby kale & arugula mix, roasted sweet potato salad, tomato, candied pecans, black currants, organic goat cheese ~ creamy lemon-thyme vinaigrette

MARINATED FETA & AVOCADO \$8

organic field greens, cucumber, white beans, marinated organic feta cheese, avocado, pistachios ~ white balsamic vinaigrette

BABY KALE & QUINOA SALAD \$8

organic baby kale & arugula mix, slow roasted beets, organic wild rice & quinoa salad, carrots, candied pecans, crumbled organic goat cheese ~ creamy lemon-thyme vinaigrette

SANTÉ CAESAR \$6

baby kale & arugula mix, sunflower seeds, black currants, parmesan lavash chips ~ chia Caesar

MACRO FRENCH-LENTIL \$8

baby kale & arugula mix, seasoned green lentil, white bean, chick pea & quinoa salad, chia seeds, tomato, carrots, jicama, avocado

GRASS FED GREENS* \$13

organic field greens, grilled grass fed skirt steak, tomato, roasted red peppers, candied walnuts ~ gorgonzola vinaigrette

~ SALAD ADD-ONS ~

grilled free range chicken breast \$3

grilled grass fed skirt steak* \$6

seared ahi tuna* / salmon* / jumbo gulf shrimp \$7

avocado, wild rice & quinoa salad, sweet potato salad, French lentil salad, marinated feta cheese, goat cheese, parmesan lavash crisps, candied walnuts, candied pecans, pistachios, black currants \$2

ALL SALADS CAN BE MADE AS A WRAP ON OUR
FRESHLY MADE LAVASH BREAD FOR NO EXTRA
CHARGE

Please let your server know if you or anyone in your party has a food allergy

* Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

SANTÉ Farmhouse Café

Salads • Wraps • Smoothies

~ SALADS ~

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SANTÉ Farmhouse Café

Salads • Wraps • Smoothies

~ SMOOTHIES ~

SMALL \$4 LARGE \$6

CHIA-BERRY BLAST

organic strawberry, blackberry, raspberry mix, organic Greek yogurt, chia seeds, organic clover honey, blueberry-pomegranate juice

PEANUT BUTTER POWER

organic chocolate-almond milk, peanut butter, banana, chocolate soy protein powder, chia seeds

WATERMELON COOLER

watermelon, strawberries, banana, organic lemonade

COCO-CHINO

organic chocolate-almond milk, coffee, organic unsweetened cocoa powder, organic blue agave syrup

CHOCOLATE-ALMOND INDULGENCE

organic chocolate-almond milk, organic unsweetened cocoa powder, chocolate soy protein powder, banana, organic clover honey

~ SIDES ~

HOUSE MADE GRANOLA

add organic Greek yogurt

SANTE SWEETS

our version of house-made seasoned sweet potato fries

TABBOULEH

house-made Tabbouleh served with parmesan lavash crisps

HUMMUS ON THE GO

organic chick pea hummus, served with heirloom carrots, organic celery sticks and parmesan lavash crisps

PISTACHIO ENERGY BITES

pistachios, organic rolled oats, honey, chia seeds, flax seeds, black currants, packaged in bite size pieces

CHECK US OUT ONLINE AT

WWW.SANTEMOBILECAFE.COM

CORPORATE EVENTS, GRADUATION PARTIES,
BIRTHDAY PARTIES, FESTIVALS, ROAD RACES

SANTÉ Farmhouse Café

774-217-1676

53 FOTTLER ROAD

HINGHAM, MA 02043

SANTÉ Farmhouse Café

Salads • Wraps • Smoothies

~ SMOOTHIES ~

SMALL \$4 LARGE \$6

CHIA-BERRY BLAST

organic strawberry, blackberry, raspberry mix, organic Greek yogurt, chia seeds, organic clover honey, blueberry-pomegranate juice

PEANUT BUTTER POWER

organic chocolate-almond milk, peanut butter, banana, chocolate soy protein powder, chia seeds

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watermelon, strawberries, banana, organic lemonade

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organic chocolate-almond milk, coffee, organic unsweetened cocoa powder, organic blue agave syrup

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~ SIDES ~

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