

# Shea Engineering & Surveying, Inc.

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September 24, 2020

Town of Mendon  
Mendon Planning Board  
20 Main Street  
Mendon, MA. 01756

Re: Miscoe Springs Subdivision  
Waiver Request

Dear Planning Board Members:

We respectfully request the following waivers from the Mendon Rules And Regulations For Subdivision Of Land as revised February 27, 2012. (the applicable regulation for this project) Each waiver request is preceded with the language contained in the applicable section of the Regulations.

#### Section 3.4.1.c. Performance Guarantee

Requirement – “that no building permits shall be issued until at least the base course of the bituminous concrete, as specified in these Rules and Regulations, has been applied to the streets which serve that structure. Such construction and installation shall be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant with the written consent of the Board.”

**Waiver Request** to allow the following language to be used in place of the above language of Section 3.4.1.c., said waiver to be limited to Lots 59, 60, 61, 65, 66, 67 & 68 and is exclusive of any other lots

“that no building permits shall be issued until at least **the gravel subbase, as specified in these Rules and Regulations, Section 5.2.5. has been applied to the streets which serve that structure and that no occupancy permits shall be issued until the base course of the bituminous concrete, as specified in these Rules and Regulations, has been applied to the streets which serve that structure.** Such construction and installation shall be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant with the written consent of the Board.”

#### Section 3.4.5. Release of Lots

“The applicant shall submit to the Board a completed Form H (see Appendix B, Volume II) to seek approval for the release of lots. As a minimum the roadway binder course shall be in place prior to release and access shall be maintained to all released lots. The approved Form H shall be filed at the Registry of Deeds and written proof of filing submitted to the Board as described above (3.4.4).

**Waiver Request** to allow the following language to be used in place of the above language of Section 3.4.5., said waiver to be limited to Lots 59, 60, 61, 65, 66, 67 & 68 and is exclusive of any other lots.

“The applicant shall submit to the Board a completed Form H (see Appendix B, Volume II) to seek approval for the release of lots. As a minimum the roadway **gravel subbase, as specified in these Rules and Regulations, Section 5.2.5.** shall be in place prior to release and access shall be maintained to all released lots. The approved Form H shall be filed at the Registry of Deeds and written proof of filing submitted to the Board as described above (3.4.4).

#### Section 4.18. Slopes

“Excavated cuts shall have a maximum slope of three (3) horizontal to one (1) vertical (3:1), cut slopes greater than fifteen feet (15’) in height shall be benched or terraced and approved by the Board.”

**Waiver Request** to allow the following language to be used in place of the above language of Section 4.18., said waiver to be limited to Locust Hill Drive Station 17+00 to Station 20+50, right sideslope only.

“Excavated cuts that result in exposed ledge or boulder surfaces shall have a maximum slope of one (1) horizontal to ten (10) vertical (1:10). Upon completion of excavation to expose rock / ledge surface on side slope, the contractor shall remove loose rock fragments to the satisfaction of the Planning Board’s Engineer, who shall, then, make a determination as to what areas may need fencing.

Fencing shall be 4’ high chain link, clad with black vinyl. Fencing shall be required at locations where the rock / ledge slope is steeper than 1.5’ hor. To 1.0’ vert. and has a continuous slope 4’ high or higher.”

The waivers listed above will allow the project’s heaviest site construction on seven of the most challenging lots to be released prior to the binder course of pavement being in place. Statutory safeguards for full construction of the roadways and infrastructure will remain in place during construction, with inspections by the Board’s Engineer, posting of a bond and the installation of the binder course that serves each lot prior to issuance of occupancy permits.

The requested waivers are unique to this part of the project. This is the most rugged terrain on the site, with extensive ledge and an elevation range from 408 to 500. In areas where ledge cannot be avoided (roadway, driveways and foundation locations) there will be blasting, followed by removal and transport of the rock to locations where it will be

used to construct walls, rip rap slopes and structural fill. The movement of these heaviest of building materials from one location to another would certainly degrade the binder course to the point of needing replacement.

We believe the waivers, as requested, to be in the best interest of the inhabitants of Mendon, as well. With the arrival of Covid-19 this year, roadway construction got off to a slow start. The recent return of prospective homeowners to the market and with so many people spending more time and working from their homes, the need for new housing has taken on new significance.

We look forward to discussing the proposed waivers at an upcoming Planning Board meeting of your choosing.

Sincerely,

Frederick Lapham, PLS  
Shea Engineering & Surveying, Inc.