

FORM H - Partial
CERTIFICATE OF PARTIAL RELEASE

WHEREAS, on Oct. 18, 2023, the Town of Franklin, a Massachusetts municipal corporation, acting through its Planning Board, with an address of Municipal Building, 355 E. Central Street, Franklin, Massachusetts 02038 [hereinafter "board"] received a request for a Certificate of Partial Release concerning the construction of ways and installation of municipal services in a subdivision owned by Joel D'Errico Feb 2003, with an address of 72 Deer View Way Franklin Ma

[hereinafter "owner"];

WHEREAS, on Oct 6, 2003, based on the owner's application dated Feb 2003, and after duly noticed public hearing(s), the board approved a definitive subdivision plan showing 10 lots, which is entitled: Countryside Estates by: Heritage Design and recorded or registered at the Norfolk County Registry of Deeds as Plan # 66, 67, 68 in Book 521 of 2004

WHEREAS, the approved definitive subdivision plan shows the division of a parcel of land located at Sept Drive Countryside Lane [hereinafter "subdivision"] and further described in a deed or deeds dated 10963 pg 1 and recorded at the Norfolk Registry of Deeds in Book(s) 10963, Page(s) 1; or is registered in Norfolk County Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____;

NOW THEREFOR, the board has determined that the construction of ways and installation of municipal services have been partially completed to the satisfaction of the board, as set forth in a vote attached hereto; and that:

_____ the following enumerated lots are hereby released from the covenant dated: 8 September 2014

_____ Lot A 1, 2, 3, 4, 5, 6, 7, 8, 9

_____ the performance guarantee, which secures the construction of ways and installation of municipal services, as provided in the TRIPARTE DEAN BANK agreement dated _____, may be reduced in the amount of _____

_____, and the Treasurer of the town of Franklin is hereby directed to release such sum as provided in the agreement.



Amy Love <alove@franklinma.gov>

Re: Countryside Bond Reduction

1 message

Joel D'Errico <joelwderrico@gmail.com>
To: Amy Love <alove@franklinma.gov>

Tue, Nov 14, 2023 at 9:12 AM

If you want Amy..Fine..
I have a comment for you though
Matt asked for the Board to view the right side of September Dr as it will be turned over to the town with the roadway..
It has been chipped and is stable..
The trees are growing naturally and that 600' feet will require no grass mowing..
I will take care of handicap ada s in the spring(2)
There are 31 trees on the 10 lots
27 September Dr is ledge to the back of the sidewalk so it cannot support tree growth.. there is one planted left of the driveway however.
Can you message the members for a view with this email as Matt asked as well?
Joel D thanks

On Tue, Nov 14, 2023 at 9:04 AM Amy Love <alove@franklinma.gov> wrote:

Hi Joel,
I can add this to the November 20 agenda if that works for you.
Balsam Estates will be on the Dec. 4th agenda.
[Amy Love, Town Planner](#)
[Town of Franklin](#)
[355 East Central](#)
Franklin, MA 02038
508-520-4907

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TOWN OF FRANKLIN - SITE OBSERVATION REPORT

Countryside Estates

Report No.: 4831 023 - 023	Date: October 27, 2023	Arrive: 11:00 AM
Observer: Matt Crowley, PE	Weather: Clear, ~60°	Leave: 11:30 AM
Owner: Joel D'Errico 72 Deerview Road Franklin, MA 02038 Joel D'Errico	508-439-0022	Contractor: Canesi Brothers Construction, Inc. 801 Union Street Franklin, MA 02038 Bill Canesi
		508-922-2518

Items Observed: **Construction Status in accordance with Owner's Request for Bond Reduction**

OBSERVATIONS

Observation Requested By: Joel D'Errico

Met/walked site with: N/A

Current Activity on Site: No current activity

Observed Construction: BETA arrived on site to perform a construction observation in conjunction with the Owner's request for bond reduction. BETA's site walk and review of the Approved Plans confirmed the site to be constructed in general conformance with the Approved Plans and was substantially complete with the exception of items included on the attached Cost to Complete Estimate, dated November 1, 2023, and as listed/described below:

- Required maintenance has been performed on the Infiltration basins as requested by the Town Engineer. BETA notes that if substantial time passes before the Town accepts the roadway, additional maintenance may be required.
- Perimeter silt fence located beyond Infiltration Basin 2 remains and must be removed.
- The sidewalk panel associated with the ramp at the intersection of Prospect Street has been replaced and a detectable warning panel installed; however, the base of the ramp is set approximately 2" above the roadway pavement and does not comply with ADA requirements. The sidewalk panel should be replaced and the adjacent transition curb sawcut to eliminate a tripping hazard.
- A detectable warning panel has not been installed on the ramp located at the southwest corner of the intersection of Countryside Lane and September Drive.
- The following items were discussed by the Board at the December 6, 2021 Planning Board hearing. It was BETA's understanding that the Board wished to visit the site before making a final determination and are presented again for consideration:
 - Loam and seed within the Right-of-Way on the northern side of September Drive from the intersection of Prospect Street to Lot 9 and on the southern side of September Drive for a short section adjacent to Lot 1 has not been installed. BETA notes the developer has installed stump grindings on the 2:1 slopes and BETA anticipates that natural vegetation will eventually take over. BETA defers to the DPW and the Board on their preference for surface treatment in the

- area. If the Board determines that no additional work is required in this area, the bond estimate can be reduced by \$14,440, which includes the Town's standard contingency of 25%.
- Shade trees throughout the development consist of a combination of mature trees left in place, trees installed by the developer, and landscaping installed by private lot owners. BETA notes that there are approximately 32 trees that could be considered shade trees, where the Approved Plans call for 56. Subdivision Rules require a minimum of 3 trees per lot and would result in minimum of 27 required for the development. If the Board determines that no additional trees are required, the bond estimate can be reduced by \$21,000, which includes the Town's standard contingency of 25%.
 - The required number of plantings for screening has been installed in the area of Infiltration Basin No. 1; however, they are all located on the north side of the basin. Mature vegetation is located between the pond and the adjacent residence to the south, but it provides minimal low-level screening. BETA defers to the preference of the Board on if additional screening is required. If the Board determines that additional screening is required in accordance with the Approved Plans (6 evergreens), the bond estimate can be increased by \$2,250, which includes the Town's standard contingency of 25%.
- BETA defers to the Board to determine a minimum Bond amount to be retained until as-built plans have been provided and the roadway is accepted by the Town.

Photos Attached:



Typical Roadway, Countryside Lane



Typical Roadway, September Drive



Recently completed work along Lot 1 frontage



Typical drainage grate and inlet stone (photo 11/2021)



Infiltration Basin No. 2



Infiltration Basin No. 1



Typical silt fence that requires removal



Accessible ramp lacking detectable warning panel



Ramp located not flush with pavement at Prospect Street



Typical stump grindings placed along north side of September Drive with natural vegetation emerging



Typical shade tree installation by owner (photo 11/2021)



Typical mature trees left in place (right background) (photo 11/2021)



Typical plantings done by private lot owners (photo 11/2021)



JOB
CALC
DESC

COUNTRYSIDE ESTATES, FRANKLIN, MA
MJC
ORDER OF MAGNITUDE
CONSTRUCTION COST

NO. 4831 01
DATE 11/01/23
SHEET 1 OF 1

September Drive and Countryside Lane

Item Description	Unit	Quantity	Unit Cost	Item Cost
MISC. PUNCH LIST ITEMS	LS	1	\$ 3,000	\$ 3,000
STREET TREES	EA	24	\$ 700	\$ 16,800
LOAM (6") & SEED	SY	1100	\$ 11	\$ 11,550
Subtotal				\$ 31,350
Contingency (Engineering Services & Bid Documents, etc)	25%			\$ 7,838
ORDER OF MAGNITUDE CONSTRUCTION COST				\$ 39,200

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907
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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: November 15, 2023
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: Bond Reduction - Countryside Estates

The DPCD has reviewed the above referenced request for Bond Reduction to be reviewed at the Monday, November 20, 2023 Planning Board meeting and offers the following commentary:

General:

1. The current Bond is held in a Tripartite Agreement with the Town of Franklin in the amount of \$54,961.00 for September and October Drives.
2. The Applicant has requested a Bond Reduction.
3. BETA has provided a cost to complete along with a detailed list of items and pictures.
4. The Applicant has provided a letter regarding tree plantings.

Based on BETA's observation report, the **Cost to Complete is \$39,200.**