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ZONING BOARD OF APPEALS
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**DECISION ON APPLICATION FOR
COMPREHENSIVE PERMIT**

APPLICANT: Cricket Lane, LLC, 92 Middlesex Road, Tyngsboro, MA 01879

PROPERTY: 55 Rear Pearson Drive, Newbury, Massachusetts
Assessors References R20-0-75

DATE: March 18, 2021

I. PROCEDURAL HISTORY

1. An original Application for a Comprehensive permit was received by the Newbury Zoning Board of Appeals (the "Board") on or about February 20, 2020. The Application was for a proposed project called "The Village at Cricket Lane" consisting of twenty-four (24) single-family detached homeownership units. Six (6) of the units (or twenty-five [25%] percent) will be affordable to households earning up to eighty percent (80%) of the Area Median Income, in accordance with applicable state regulations and guidelines. The remaining units will be market rate units. Of the affordable units, one (1) will be a 4-bedroom unit and five (5) will be 3-bedroom units. The remaining eighteen (18) units will consist of twelve (12) 3-bedroom and six (6) 4-bedroom units.
2. The Applicant proposes to be a limited dividend entity that will limit its profits in accordance with legal requirements. Accordingly, the jurisdictional requirements under 760 CMR 56.04(1)(a) will be satisfied if and when the Applicant executes a Regulatory Agreement and other related documents as referenced more fully in Section IV hereof.
3. The Applicant provided a project eligibility/site approval letter dated December 12, 2019 issued by the Massachusetts Housing Finance Agency ("MassHousing") thereby satisfying 760 CMR 56.04(1)(b). The approval contained in the letter is expressly limited to development of twenty-four (24) single family homes.
4. The Applicant provided a copy of a purchase and sale agreement dated March 29, 2019 by and between Byfield Estates, LLC and Walter K. Eriksen, Jr., or his nominee for the purchase of the Property thereby satisfying 760 CMR 56.04(1)(c). The Applicant further

provided amendments and an assignment of said Purchase and Sale Agreement dated March 23, 2020 and September 22, 2020.

5. The Board's hearing on the Application was duly opened on March 19, 2020 and continued in accordance with the list of dates as set forth on **Exhibit A**. The hearings closed on March 18, 2021.
6. The Board notified all applicable local boards and commissions of the filing of the Application by sending a copy thereof to such local boards and commissions for their recommendations, all of which have been made a part of the record of these proceedings and have been taken into consideration by the Board in rendering its Decision.
7. During the course of the public hearing, Town staff, boards and commissions, and local residents submitted oral and written testimony with respect to the Application. The Board considered the technical review of an independent site peer reviewer, a traffic peer review consultant, and a wetlands and environmental consultant in regard to matters of public health and safety, environmental health and safety, traffic, site and preliminary stormwater management plans, and other issues of local concern.
8. The Applicant provided various materials, reports and revised plans throughout the public hearing on the Application.
9. During the public hearing, the Petitioner was represented by the law firm of Deschenes & Farrell, P.C., Douglas Deschenes as counsel, and Ranger Engineering Group, Benjamin Osgood. The Board utilized the services of Joseph J. Serwatka, P.E., Stantec Consulting Services, LEC Environmental Consultants, Inc and Lisa L. Mead and Adam Costa, of the law firm Mead, Talerman & Costa, LLC.
10. The Board heard testimony from abutters and other nearby residents regarding their concerns about the project.
11. The Board received the correspondence and submissions as set forth on **Exhibit B** attached hereto.

II. PROJECT AND PROPERTY DESCRIPTION

1. The project is described and shown in the Application package and various plans, including most notably, the following:

Site Plans entitled "40B Comprehensive Permit, The Villages At Cricket Lane, Byfield, MA", Dated: August 17, 2020 revised through January 28, 2021, Sheets 1-30, Prepared by: Ranger Engineering Group, Inc. 13 Branch Street, Suite 101, Methuen, MA 01844. ("Plans"). **Exhibit C**

Architectural plans entitled "The Village at Cricket Lane", Ronald Henri Albert AIA, Architect, 69 Island Road, Lunenburg, MA 01462, consisting of 9 pages. **Exhibit C**

Traffic Assessment, prepared by TEPP LLC dated February 4, 2020.

2. The Property is located in the Town's Agricultural-Residential (R-AG) Zoning District.
3. The Property includes 65,684 square feet (15.08 ac +/-) known as 55 Pearson Drive including a "40 foot wide right of way easement over same as shown on Drawing V0801 (collectively the "Property"). The entire site consists of woodlands with wetland areas along the site's southern, southeastern and northern boundaries.
4. Surrounding properties to the south and west of the proposed development are predominantly used for residential purposes. The property abuts undeveloped woodlands of the Martin H. Burns Wildlife Management Area along its northern and eastern boundaries.
5. The Applicant first proposed to construct twenty-four (24), single-family detached homeownership units. Six (6) of the units (or twenty-five [25%] percent) will be affordable to households earning up to eighty percent (80%) of the Area Median Income, in accordance with applicable state regulations and guidelines. The remaining units will be market rate units. Of the affordable units, one (1) will be a 4-bedroom unit and five (5) will be 3-bedroom units. The remaining eighteen (18) units will consist of twelve (12) 3-bedroom and six (6) 4-bedroom units.
6. The lots will be serviced by a shared subsurface sewage disposal system that is to be operated, maintained, and repaired by the Condominium Association and by a connection to the Byfield Water District water system.
7. All utilities are to be below ground.
8. The Applicant proposes that the affordable units will be sold to households earning no more than 80% of the Area Median Income (AMI).

III. FINDINGS

1. The Board notified all applicable local boards and commissions of the filing of the Application by sending a copy thereof to such local boards and commissions for their recommendations, all of which have been made a part of the record of these proceedings and have been taken into consideration by the Board in rendering its Decision.
2. During the course of the public hearing, Town staff, boards and commissions, and local residents submitted oral and written testimony with respect to the proposed changes. The Board considered the technical review of Town Department Heads and independent site, traffic, and environmental peer reviewers, in regard to matters of public health and safety, environmental health and safety, traffic, site and preliminary stormwater management plans, and other issues of local concern.
3. Peer review was thorough and cooperative.
4. According to the Commonwealth's Department of Housing and Community Development Subsidized Housing Inventory ("SHI"), as defined in 760 CMR 56.02, as of

February, 2017, three and one-half percent (3.5%) of the Town of Newbury's total housing stock constituted SHI eligible housing, as defined in 760 CMR 56.02. The Town of Newbury has not met the state requirement of 10% affordable housing as defined by the foregoing set of regulations and thus is not presumed to meet its community needs.

5. The Board finds that the Town of Newbury has a continued need for affordable housing as required by GL. c. 40B, and the project will provide such housing.
6. The Board finds that the Project will not provide adequate access to public transportation. Based upon the Board's review of the traffic peer review consultant report and testimony and the comments from the neighbors, the Board has determined that the addition of traffic associated with the Project will result in a significant increase in the number of vehicular trips on Pearson Drive and potentially the degradation of the current neighborhood use thereof.
7. The Board finds that because there are only the single access roadways of Pearson Drive and Orchard Street serving the Project, this condition may adversely impact existing local residents and existing use of Pearson Drive.
8. The Board finds that the location and density of the Project is inconsistent with neighboring development patterns.
9. The Board relied upon an Order of Resource Area Delineation issued by the Newbury Conservation Commission approving the boundaries of Bordering Vegetated Wetlands ("BVW") and Isolated Land Subject to Flooding (ILSF) on July 16, 2019.
10. The Board finds that a 23,515 +/- square foot isolated wetland that provides vernal pool habitat is located within the southwestern portion of the site. This vernal pool also is associated with the aforementioned ILSF. Because the area is only protectable under the Massachusetts Wetlands Protection Act as ILSF, no regulatory Buffer Zone occurs to protect the wetland or vernal pool. Furthermore, despite evidence of breeding activity by vernal pool species, the Natural Heritage and Endangered Species Program (NHESP) declined to certify this vernal pool. To the Board's knowledge, to date, no additional information has been submitted to the NHESP to reverse their decision. While this project may impact species using this vernal pool and further impact or reduce breeding activity within the pool, its protection lies beyond the Board's jurisdictions.
11. The Board finds that NHESP Certified Vernal Pool (CVP) #7914 partially extends onto the northern portion of the site. The Board also finds that a 100-foot Title V setback from CVP #7914 extends onto the northern portion of the site.
12. The Board finds that the site and adjacent 1.28 +/- acre parcel at 55 Pearson Drive collectively contain 2,039 +/- square feet of historic wetland fill that the Applicant voluntarily agreed to mitigate as part of The Village at Cricket Lane project. The Board also finds that The Village at Cricket Lane project proposes to permanently fill 1,730 +/- square feet of BVW and temporarily disturb 855 +/- square feet of BVW. In total, the project will impact 4,624 +/-square feet of BVW.

13. The Applicant proposes to restore the 855 +/- square feet of temporarily impacted BVW and proposes 5,660 +/- square feet of wetland replacement at 1.5 to 1 ratio of mitigation to impact as detailed on plan sheets 7 and 23. The Board finds that this wetland restoration and replacement properly mitigates the historic and newly proposed wetland impacts.
14. To mitigate for vegetation removal and grading within close proximity to the BVW, the Applicant proposes to replant trees and shrubs along the 'C' Series wetland between flags C6 and C22 and along the 'D' Series Wetland between flags D13 and D18 as detailed on plan sheets 7, 8, and 23. The Board finds that the proposed tree and shrub planting should adequately mitigate any potential direct wetland impacts due to Buffer Zone work in close proximity to the C and D Series BVWs.
15. Notwithstanding the preceding findings, and the Board's continued concerns with respect thereto, the Board finds that, when built in accordance with the Plans and in compliance with the conditions imposed herein, the Project will be "consistent with local needs" as such phrase is contemplated by G.L. c. 40B, §§20-23. The Board also finds that any unmitigated impacts posed by the Project will not outweigh the benefits provided by the Project's affordable units.
16. The Board also finds that the Applicant has worked in good faith to mitigate adverse impacts to a reasonable and acceptable extent.
17. The Board finds that during the hearing process the Applicant was cooperative and made changes to the Plans in an effort to address concerns raised by the Board and the abutters to the proposed project, notwithstanding that all of the concerns of the neighbors could not be addressed.
18. The Board finds that the grant of waivers from local by-laws and regulations, as described more fully in Section IV and **Exhibit D** hereof, is acceptable although the grant of any waivers may cause adverse impacts to local concerns. Nevertheless, the Board finds that the local concerns that have been affected thereby do not outweigh the statutory requirements for affordable housing.
19. Notwithstanding waivers to local requirements and other adverse impacts to local concerns, the Board finds that the project as presently designed, and as conditioned by this decision, will be "consistent with local needs," as such term is contemplated under G. L. c. 40B.
20. The Board finds that the conditions imposed in the following section are necessary in order to properly address local concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such conditions do render the project uneconomic, the Board finds that the local concerns in imposing the same outweigh the statutory requirements for the affordable units that have been proposed.

IV. DECISION AND CONDITIONS

Upon Motion, duly seconded, the Board voted 3 to 0 (members Traister, Svahn, and Carnovale) to grant a Comprehensive Permit to the Applicant for the proposed project, subject to the following conditions:

1. Except as otherwise required by the conditions imposed by this Comprehensive Permit or by the Final Site Plans, as defined below, the Project shall be developed, constructed and completed in conformance with the Plans, as revised during the public hearing.
2. The Project may have no more than twenty-four (24) total single family homes, as shown on the Plans.
3. No building permits may issue unless and until the Applicant provides the Board with evidence of Final Approval by MassHousing under 760 CMR 56.04(7).
4. Final approval from MassHousing shall also include approval for the development and construction of the residential units referenced above.
5. Final, fully designed site plans (the "Final Site Plans") shall be submitted to the Board, the Board's designated engineer, the Newbury DPW Director and the Building Commissioner no less than 45 days prior to the application for building permits for the commencement of construction of the Project. The Final Site Plans shall be of a quality and level of detail sufficient to allow the DPW, Building Commissioner and the Board's engineer to review the Final Site Plans for consistency with the Plans, the terms of this Comprehensive Permit, legal requirements and industry standards. No construction shall commence and no building permits shall issue under this Comprehensive Permit until the Board's engineer has approved the Final Site Plans as being in conformance with this Decision, said approval to be in writing. If no written response or comments have been given to the Applicant by the Board or the Board's engineer concerning the Final Site Plans within forty-five (45) days after the Final Site Plan submission date, the Final Site Plans, as delivered, will be deemed to have been approved, provided that, for good cause shown, the Applicant shall allow a 30-day extension of such approval period. Nothing herein shall be construed to limit or otherwise affect the Newbury Building Department's authority and obligations under the State Building Code. The Final Site Plans shall include, but not be limited to, complete construction plans, final stormwater management plans and erosion control plans, landscaping plan and a lighting plan as well as all other plans described below and that are customarily submitted for projects of this scope as may be determined in the discretion of the Board's engineer. The 45-day time period under this paragraph shall not commence if the Board's engineer notifies the Applicant in writing that the Final Site Plans are incomplete.
6. The Final Site Plans shall include the final architectural plans. The final architectural plans shall be substantially in conformance with the building layouts as represented on the Plans submitted to the Board.

7. The Final Site Plans shall include a recordable condominium plan that conforms to detail requirements of this decision. No occupancy permits shall be issued unless and until said condominium plan is approved by the Board, such approval not to be unreasonably withheld, and evidence of the recording of the condominium documents is provided to the Board and the Building Commissioner. The approval of such condominium documents may be accomplished at a regular meeting of the Board.
8. The Final Site Plans shall include a construction mitigation plan that will address all aspects of construction mitigation, including, but not limited to: (i) blasting; (ii) provisions that meet the prior approval of the Newbury Fire Department and Newbury Police Department for traffic flow and emergency vehicle ingress/egress along any partially constructed driveways within the Project; (iii) stockpiling of materials; (iv) trucking routes that meet the prior approval of the Newbury Police Department; (v) a concise construction mitigation and sequencing plan; and (vi) erosion control plan. The construction mitigation plan shall address cutting and clearing. All trees proposed to be saved shall be tagged by the Applicant which shall present said proposed trees to be saved to the Board prior to any tree clearing. The Applicant shall, to the extent feasible, maintain as many mature trees as possible.
9. The Final Site Plans shall include a narrative of the construction sequencing for the Project. Such narrative shall include any phasing of the Project. The Board or the Board's engineer may impose reasonable amendments to such narrative to address public safety issues. The Applicant shall strictly adhere to the phasing plan submitted to the Board. Essential infrastructure for the entire project shall be completed within three (3) years from the date that construction is commenced, provided that, for good cause shown, the Applicant may seek reasonable extensions of one (1) year – which the Board may review and approve administratively without need for a public hearing.
10. The Applicant shall be responsible for scheduling a pre-construction meeting with the Board's engineer or its assigned agent and the Town's Conservation Agent thirty (30) days before the commencement of work on the project. The Applicant shall provide a construction sequencing schedule at this meeting. During the construction of the Project's infrastructure, the Applicant shall be responsible for the scheduling of a meeting with the Board's engineer or its assigned agent at least once every three months to discuss the progress of construction. The Applicant's failure to schedule and attend such a meeting may be grounds for a stop work order. The Applicant shall be responsible to pay for the inspection and ongoing peer review inspections by the Board's engineer and Board's wetland consultant who may, at their discretion and that of the Board, undertake more frequent inspections.
11. The final landscaping plan shall include landscaping for all roadway right-of-way areas, along with a representative planting list for each lot. Said plan shall be provided to the Board for approval prior to the issuance of the first certificate of occupancy. All plantings shall be guaranteed by the Applicant for at least one year.
12. The Applicant shall install and maintain all fencing shown on the Plans, as revised, and shall not allow it to fall into, or remain in, disrepair. The Applicant shall install markers in the field to show the limit of work prior to undertaking any work and/or excavation or

any other activities prior to construction. Applicant shall not clear any land beyond that shown on the Plans, as revised, without prior written approval from the Board.

13. As built-plans of the foundations of the homes shall be submitted to the Board's engineer and the Town Building Commissioner prior to the issuance of an occupancy permit.
14. Prior to construction of the 'Big Block Gravity Retaining Wall - Shea Concrete' along the entrance roadway, the Applicant shall submit stamped final design plans for the modular wall system to the Board's engineer. These plans must be accompanied by an engineering certification that the final wall design has not deviated from the approved site plans relative to the extent of temporary or permanent wetland impact nor shall the wall be longer than depicted on the approved plans. Following installation of the first base course of the retaining wall, an As-Built plan shall be submitted to the Board's engineer to confirm proper layout and location in according to the approved plans prior to placement of subsequent blocks.
15. The Applicant shall connect the project, as revised, to the Byfield water system of the Byfield Water District. However, no connection to, or extension of, the public water system shall be permitted until the Byfield Water District reviews and approves the same after receipt of full and complete plans therefor. Such approval from the Water District shall be based on technical requirements and shall not be unreasonably withheld. No building permits shall be issued until the Applicant provides the Board with evidence that it has received such administrative approval from the Water District.
16. The Final Site Plans shall depict the final design of the drainage system that exhibits compliance with all applicable best management practices and any applicable Stormwater Management Guidelines promulgated by the DEP or the Commonwealth of Massachusetts, including any additional requirements that may have been imposed by an Order of Conditions or Amended Final Order of Conditions for the Project.
17. No site work shall commence and thereafter no building permits shall be issued unless and until the Applicant provides evidence to the Building Commissioner that it has obtained any and all necessary Orders of Conditions from the Newbury Conservation Commission or a Superseding/Final Order of Conditions from the Massachusetts Department of Environmental Protection. In the event there are changes to the plans as a result of the foregoing permits, the Applicant shall return to the Board and request a modification to this Permit.
18. No building permits shall be issued until the Applicant has received a Title V Permit from the Board of Health or the Department of Environmental Protection to provide sanitary sewer service for each lot.
19. Upon completion of the stormwater management system, the Applicant's engineer shall provide a report to the Board's engineer, with a copy to the Board, certifying that the stormwater management system was installed in accordance with the approved plans. Such report shall include a certification that the excavations of the proposed infiltration systems were inspected prior to backfilling. An as-built plan of the stormwater

management system prepared by a licensed engineer shall be provided with the report and shall include a copy in electronic format.

20. Creation of the wetland replacement area must generally be performed within the same timeframes as the proposed wetland filling and completed (including all plantings and seeding) no greater than 6 months from the time of the wetland filling. In the event the Applicant desires to stabilize the roadway by installing a binder coat after excavation and loaming of the wetland replacement areas, but before planting and seeding of the wetland replacement area, the Applicant must provide a payment of Ten Thousand Dollars (\$10,000) to be held by the Board as a bond to insure the completion of any plantings within the aforementioned 6 months' timeframe.
21. Prior to commencement of work within the BVW and work for Wetland Replacement, Wetland Restoration, and Buffer Zone plantings, the Applicant shall submit a detailed work plan to the Board. The work plan shall include a time line, soil preparations/amendments, professional qualifications for the company who will carry out the plan and the wetland scientist who will oversee the work, watering and other care to be provided after planting, and other information relevant to assuring proper creation, planting, and monitoring of these areas.
22. BVW Replication/Restoration and Buffer Zone plantings shall be performed as detailed on the plan sheets 7, 8, and 23 and described in the materials referenced in the document section of this Decision. This work must be overseen and performed under the direct supervision of a wetland scientist, approved by the Board, with a minimum of 5 years direct experience in overseeing and inspecting such work activities. Currently Norse Environmental is performing these services for the Applicant. Should the Applicant decide to change the wetlands scientist, the Board shall first approve such change, which approval shall not be unreasonably withheld.
23. Following completion of the BVW Replication/Restoration and Buffer Zone plantings, spring and fall monitoring reports shall be prepared and submitted to the Board and the Conservation Commission for 2 full growing seasons to document soils, hydrology, plant species composition, invasive species, invasive species removal, success rate, and any necessary corrective measures to ensure success of each area. A minimum of 75% survival of native woody non-invasive species and 75% cover of native, non-invasive herbaceous species is required to be considered successful.
24. As soon as possible, all disturbed areas shall be brought to final grade, and shall be permanently stabilized by loam and seeding or other measures acceptable to the Board's engineer. Where necessary, the loam and seeding shall be held in place with jute netting. Bare ground and disturbed areas that cannot be permanently revegetated within thirty 30 days after disturbance shall be temporarily stabilized by a method approved by the Board's engineer. Temporary stabilization methods may include, but not be limited to, hydro-seeding, straw mats, jute netting, sod, or other methods approved by the Board's engineer.

25. The Primary and Reserve Septic System Soil Absorption Area must be constructed no closer than 102 linear feet from CVP #7914 as depicted on the approved plan sheets 11, 15 and 18.
26. Prior to backfill the septic system trenches, a stamped and signed As-Built plan, must be provided to the Board to confirm compliance with the septic system setback requirements from CVP #7914.
27. The Applicant proposes to establish a condominium association to maintain and repair all common areas, the project roadway and associated infrastructure, including the stormwater management system and the septic system. Such documents shall set forth the obligations of the condominium association for the operation and maintenance of all such common areas and improvements. Prior to the issuance of any occupancy permits, the Applicant shall provide documents establishing such condominium association to the Board for approval as to form and for verification that such documents are in conformance with this decision. The condominium association shall adopt rules and regulations and copies shall be provided to the Board. The condominium association documents shall attach this decision and shall incorporate such decision by reference and shall prohibit any modification of the documents related to the requirements hereunder and the affordable housing restriction related hereto. If after 30 days, the Applicant has received no response from the Board or its attorney the documents shall be deemed approved.
28. The Applicant's marketing package and/or reservation or similar documents must include a notice that the Property abuts the Martin Burns Wildlife Management Area which includes shooting ranges.
29. With respect to each of the Applicant's requests for waivers from local by-laws and regulations, the Board hereby decides as follows:
 - a. The Board approves all of the waivers to the requirements in the local by-laws and regulations only to the extent necessary in order to build the Project that is shown on the Plans and approved Final Site Plans and as are listed on **Exhibit C** attached hereto.
 - b. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§20-23.
 - c. No waivers are granted from permit or inspection fees.
 - d. Any by-law or regulation not inconsistent with the Project as approved and not expressly waived hereunder shall be strictly enforceable. Any subsequent revision to the Plans, including but not limited to revisions that are apparent in the Final Site Plans that require additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11). To the extent any such requested waivers are consistent in all material respects with the Plans approved by this Decision, such approval by the Board shall be deemed to be an insubstantial change under 760 CMR 56.05(11)(b).

30. The Applicant shall obtain approval by MassHousing or DHCD of an affirmative fair housing marketing plan prior to the sale of any units and shall ensure that the Project complies with fair housing requirements.
31. All of the Project's affordable units shall be restricted, in perpetuity, for sale to households earning no more than 80% of AMI. All affordability restrictions shall expressly survive foreclosure. The deed riders that are required in order to ensure the restrictions on affordability are subject to the review and administrative approval of the Board, which may consult with Town Counsel. Evidence of the recorded deed rider for each affordable unit shall be provided to the Board. The Final Site Plans shall include a designation of the initial location of all affordable units as presented to this Board. Said locations shall not be changed without the Board's administrative approval, unless the Applicant is required by MassHousing or DHCD to do so, in which case the Board's approval shall not be required but the Applicant shall notify the Board in writing of any change.
32. The maximum number of affordable local preference units allowed by law and the applicable subsidy program shall be reserved for a local preference favoring present residents of Newbury, the parents or legal guardians of children attending Newbury public schools, employees of the Town of Newbury, and teachers employed by the school district serving the Town of Newbury. The Applicant shall cooperate with Town staff seeking and securing such local preference. A lottery shall be established in a form approved by the Subsidizing Agency to effectuate any approved local preference, with an approved secondary lottery for all other applicants. The Board shall be kept apprised of all events in the lottery process. No occupancy permits may be granted until the Board, in consultation with its Counsel, has approved the lottery plan, such administrative approval not to be unreasonably withheld. The Board shall be kept apprised of all events in the lottery process.
33. So as to ensure that the construction and eventual sale of the affordable units remains on pace with market rate units, a minimum of one (1) out of every four (4) units constructed shall be an affordable unit. The Applicant shall work with all due efforts to prepare and institute the marketing plan and lottery. In no event shall the last four (4) market rate units be sold or an Occupancy Permit issued therefore, if the occupancy permits for the affordable units have not yet been issued and the lottery held.
34. In the event that the Applicant is unable to locate an income eligible buyer, the Applicant may rent the affordable units to an income eligible renter subject to the terms and conditions imposed by the Subsidizing Agency.
35. Evidence of a fully executed and recorded Regulatory Agreement for the Project shall be provided to the Board and the Building Commissioner prior to the issuance of any building permits.
36. The Monitoring Agent for the Project shall be a qualified entity approved by the MassHousing or DHCD. The Applicant shall provide the Board with copies of any and all correspondence, documents and statements required by any Affordable Monitoring

Services Agreement, the Regulatory Agreement or any applicable laws or regulations provided by the Applicant to the Monitoring Agent or from the Monitoring Agent to the Applicant. Copies of the fully executed Affordable Monitoring Services Agreement(s) for the Project shall be provided to the Board prior to the issuance of occupancy permits.

37. The Applicant's profit for the Project shall not exceed limitations imposed by applicable law and as may be prescribed under the Affordable Monitoring and/or Regulatory Agreements. The Town shall not be a party to the Regulatory Agreement but evidence of a fully executed and recorded Regulatory Agreement for the Project shall be provided to the Board and the Building Commissioner prior to the issuance of any building permits. Additionally, the Board shall be provided with a copy of any and all limited dividend audits and certified cost/income statements, as well as any other public records that are shared by and between the Applicant and the Monitoring Agent. As the Applicant is a limited dividend entity, all excess profits shall be used for affordable housing purposes in the Town of Newbury.
38. The Applicant is responsible for the preparation and execution of any document that may be required by DHCD in order to have at least 25% of the units in the Project included on the Town's Subsidized Housing Inventory, with the cooperation of the Town as may be necessary to accomplish the foregoing.
39. As security for completion of the infrastructure shown on the Final Site Plans, including but not limited to the driveways, sidewalks, parking, stormwater management system, lighting, water and septic systems, wetland replacement, wetland restoration, buffer zone plantings, landscaping and utilities (collectively the "Infrastructure"), the release of occupancy permits for the final four (4) units as surety and shall be subject to the following restrictions:
 - a. No occupancy permit for a unit shall be issued until: (1) the way shown on the Final Site Plans providing access to the subject unit's building has been installed, excepting the final course of pavement and curbing for the roadway, sidewalk, driveway and parking area; and (2) all other infrastructure as shown on the Final Site Plans essential for such building, as approved by the Board's engineer or its designated agent, has been constructed or installed so as to adequately serve said building. The final infrastructure for the Project, including but not limited to the final course of pavement and curbing, shall be installed prior to the occupancy of the final four (4) market rate units. The final infrastructure shall include, but not be limited to: intermediate and final course of pavement, curbing, remaining landscaping, and any "punch list" items identified by the Board's engineer. Alternatively, if the Petitioner desires to obtain such final occupancy permits before the completion of said final infrastructure, it shall deposit monetary security with the Town securing the installation and construction of such final infrastructure. The amount of such security and any necessary contingency shall be determined by the Board, acting upon the advice its consulting engineer and the form of the security agreement binding such security shall be subject to the review of Town Counsel.

- b. Upon completion of all such Infrastructure for the applicable building(s), as described above, the Board's engineer shall inform the Newbury Building Commissioner accordingly, who may then release occupancy permits. No occupancy permit shall be issued without such authorization from the Board's engineer and such authorization shall be ineffective unless it is in writing.
 - c. Notwithstanding the procedures of this paragraph, the Board may institute an enforcement action in order to compel the completion of any infrastructure not completed by the Applicant.
40. During construction, the Petitioner shall maintain all feasible and reasonable means of dust control and shall collect all debris on a daily basis in accordance with best management practices. No construction, deliveries or any other activities may occur on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Yom Kippur, Rosh Hashanah, Thanksgiving, Christmas Eve or Christmas Day. No construction may begin before 7:00 a.m. or continue past 6:00 p.m., unless approved in advance, in writing by the Board. Deliveries may be made after 7:30 a.m., until 6:00 p.m., provided, however, that access to the Site by excavators, skidders, bulldozers, or other heavy equipment, tractor trailers, flatbeds or any other oversized trucks and/or construction vehicles hauling earth moving equipment, trusses, modular wall panels, and other building materials that require either "wide-load" vehicles and/or are scheduled to be delivered within or by a convoy, may occur between 8:00 a.m. and 6:00 p.m. Notwithstanding the foregoing, interior construction that doesn't generate excessive noise may occur on weekday evenings, until 7:00 p.m. Construction crews may not arrive, work may not commence, trucks and other equipment may not idle or warm up until 7:00 a.m. on approved construction days. The Petitioner shall cause Pearson Drive to be free and clear of mud, dirt, sand and gravel and other materials during construction. The Petitioner shall install a stabilized construction entrance at the entry to the site from Pearson Drive to clean and wash vehicles leaving the site. The Petitioner shall cause Pearson Drive to be swept routinely to keep it free of debris as noted above. No construction vehicles, employee vehicles or any other related equipment shall park on Pearson Drive once the entry drive and wetlands crossing is constructed and passable.
41. Snow and ice removal shall be the responsibility of the Applicant, its successors and assigns. Snow and ice removal shall be undertaken as soon as is practicable after snowfall and shall not impede or obstruct the parking areas and driveways and so as not to impede or obstruct the hydrants. Snow shall be deposited and stored in the areas designated on the Plans, as revised. Snow shall not be deposited on Pearson Drive at any time. In the event the snow storage areas on the site reach capacity, snow shall be removed and hauled away from the Property.
42. The roadways, infrastructure and open space depicted on the Plans shall be maintained by the Applicant or a Condominium Association.
43. Trash and recycling shall be private and shall be the responsibility of the Condominium Association and in conformance with the Town of Newbury trash and recycling regulations and policy.

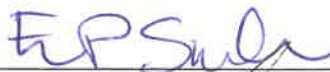
44. The Board's engineer or its assigned agent shall be charged with general oversight over the infrastructure construction activities at the project. In this capacity, the Board's engineer or its assigned agent shall, during periods of active construction, conduct periodic inspections as reasonably necessary to ascertain the status and nature of work at the site and provide reports to the Board as deemed necessary. In addition, the Applicant shall also provide the Board's engineer or its assigned agent with any pertinent photographs, logs, data or other information that may be helpful in the monitoring process.
45. The Board's engineer's (or agent's) reasonable fees for any services contemplated hereunder shall be paid by the Applicant in the manner prescribed by G.L. c. 44, §53G. The Applicant shall also pay for all third party inspections of project infrastructure, as may be reasonably required by the Board's engineer or the Town's Building Commissioner, the scope of such review to be agreed-upon by the Board and the Applicant prior to the commencement of work by the review consultant.
46. Except as may be otherwise required in this Permit, changes to the Project and the conditions contained herein shall be processed in accordance with 760 CMR 56.05(11), as may be amended or re-codified.
47. This permit shall not be valid until recorded with the Southern Essex District Registry of Deeds and evidence of such recording is provided to the Building Commissioner and the Board of Appeals.
48. No occupancy permits may be granted until any and all deeds, restrictions, easements and/or other instruments relating to the restriction of the open spaces on the Plans are reviewed and approved by the Town's Counsel, such approval not to be unreasonably withheld.
49. This Permit shall run with the land and be binding on the Applicant and any of its assignees and successors in interest at the Property or with respect to the Project. Any transfer of this permit prior to substantial completion of the Project or a phase thereof shall be subject to written confirmation from the Subsidizing Agency and otherwise subject to 760 CMR 56.05(12)(b). In addition, any sale, transfer or assignment of this permit, and any sale of more than 50% of the assets or interests in the Applicant prior to completion of construction, shall require the Board's administrative approval, such approval not to be unreasonably withheld. The Applicant shall provide 30-days advance written notice to the Board of any such request and, if the Board does not act on such request within thirty (30) days, such request shall be deemed approved.
50. This permit shall expire if construction is not commenced within three years from the date it is filed by the Board with the Town Clerk, as provided in 760 CMR 56.05(13)(c). For purposes of this paragraph only, commencement of construction is defined as the construction of a building foundation. The Applicant may apply to the Board for extensions of this Comprehensive Permit in accordance with 760 CMR 56.05(12)(c)

51. Any finding, by any court of competent jurisdiction, that any condition hereof is unenforceable shall not otherwise affect the enforceability of the remainder of the conditions hereof.
52. Appeals of this permit shall be made pursuant to G.L. c. 40B.

NEWBURY ZONING
BOARD OF APPEALS



Howard Traister, Chairman




Eric Svahn



Mario Carnovale

Date: March 31, 2021

Filed with the Town Clerk on April 1, 2021



Town Clerk

Copy of Findings and Decision mailed to:

Walter Eriksen
Cricket Lane, LLC
92 Middlesex Road
Tyngsboro, MA 01879

EXHIBIT A

DATES OF HEARINGS

Village at Cricket Lane

- Application Received – February 20, 2020
- Hearing Opened March, 19, 2020 and continued, with applicant consent, until May 14, 2020. Mutually agreed that the peer review process would begin.
- Chapter 53 of the Acts; Chairman Traister continued the May 14, 2020 hearing until June 25, 2020 with applicant consent. Peer review/communication with applicant process continues.
- Chapter 53 of the Acts; Chairman Traister continued the June 25, 2020 hearing until July 23, 2020 with applicant consent. Peer review/communication with applicant process continues.
- Hearing of August 20, 2020 held, with Adam Costa present and continued with consent to September 17, 2020. Peer review/communication with applicant process continues.
- Hearing of September 17, 2020 held, with Lisa Mead present and continued with consent to October 22, 2020. Peer review/communication with applicant process continues.
- Hearing of October 22, 2020 held, with Adam Costa present and continued with consent until December 3, 2020. Peer review/communication with applicant process continues.
- Hearing of December 3, 2020 held, with Lisa Mead present and continued with consent until December 17, 2020.
- Hearing of December 17, 2020 with Lisa Mead present and continued with consent until January 21, 2021.
- Hearing of January 21, 2020¹ with Lisa Mead present and continued with consent until February 18, 2021
- Hearing of February, 2021 with Lisa Mead present and continued with consent until March 18, 2021
- Hearing of March 18, 2021 with Lisa Mead present. Public Hearing Closed. Applicant consented to filing decision with Town Clerk by April 2, 2021.

EXHIBIT B MATERIALS SUBMITTED

Application Information:

- Village at Cricket Lane Comprehensive Permit (40B) Application Submittal
- Village at Cricket Lane (Byfield Estates) Project Eligibility Site Approval Letter from MassHousing (dated 12/12/2019)
- Village at Cricket Lane (Byfield Estates) Project Eligibility/Site Approval Application to Mass Housing for 55R Pearson Drive (dated 7/1/2019)

Petition against the Village at Cricket Lane dated 1/20/2021

Village at Cricket Lane Plan Revisions:

- Plan Resubmittal, Full Set resubmitted 3/8/2021 with corrected Applicant name
- Plan Resubmittal, Full Set dated 1/28/2021
- Plan Resubmittal, Full Set dated 1/11/2021
- Plan Resubmittal, Full Set dated 8/19/2020

ZBA Peer Reviewers Comment Letters:

LEC Environmental Review:

- Peer Review Memo #4 dated 1/21/2021
- Peer Review Memo #3 dated 1/19/2021
- Peer Review Memo #2 dated 10/9/2020
- Peer Review Memo #1 dated 4/29/2020

Serwatka Civil Engineering Review:

- Peer Review Response 3 dated 9/22/2020
- Peer Review Response 2 dated 7/18/2020
- Peer Review Response 1 dated 4/13/2020

Stantec Traffic Study:

- Presentation at ZBA Meeting 9/17/2020
- Peer Review Study dated 4/21/2020

Village at Cricket Lane Response Letters

- VACL Response to Request for Similar Projects dated 12-15-2020
- VACL Landscape Plan Revised dated 12/16/2020
- VACL Sample House Photos dated 12/17/2020
- VACL Response to Board Questions & Concerns dated 11/20/2020
- VACL Response to LEC Wetlands with Wetland Replication Plan dated 11/20/2020

- VACL Response to LEC/Wetlands Peer Review Comments dated 11/20/2020
- VACL Response to Sept 17 Meeting Questions & Comments dated 10/20/2020
- VACL Response to Issues raised at Sept 17 Meeting dated 10/19/2020
- VACL Peer Review Reply to Serwatka dated 10/19/2020
- VACL First Draft Declaration of Trust & Bylaws dated 10/7/2020
- Walter Eriksen Reply Letter dated 9/22/2020
- VACL Presentation Plan Set for Aug 20 Meeting dated 8/19/2020
- VACL Final Response to Dept-Board Comments dated 8/18/2020
- VACL Review Response Letter to Serwatka-FD-PB-CC-BOS-LEC dated 8/18/2020
- VACL Open Space Plan dated 8/10/2020
- VACL Review Response Letter to Serwatka dated 7/2/2020
- VACL Site Control P&S Agmt dated 6/22/2020
- Final Soil Sheet dated 3/15/2018

NEWBURY documents submitted to Village at Cricket Lane

- 19 Pearson Drive Abutter Email dated 2-16-2021
- 57 Pearson Drive Abutter Email dated 2-12-2021
- State Rep Lenny Mirra Email dated 1-26-2021
- Board of Health Approval of Septic Plans dated 10/28/2020
- Byfield Water District
- Department & Board/Committee Initial Comments dated 4/21/2020
- Parker River Clean Water Association (PRCWA) dated 9/10/2020
- PIE-Rivers dated 9/14/2020
- Planning Board Review Letter dated 6/17/2020
- Planning Board Letter to Mass Housing dated 9/20/2019
- Selectboard Review Letter dated 4/22/20
- Town of Newbury - BOS Initial Response to Project Eligibility Applic dated 9/23/2019

Historical Reference - Byfield Estates (55R Pearson Drive) Comprehensive Permit (WITHDRAWN)

- Byfield Estates Comprehensive Permit Material 2016-2018

EXHIBIT C
CIVIL and ARCHITECTURAL PLANS

40B COMPREHENSIVE PERMIT THE VILLAGES AT CRICKET LANE

BYFIELD, MA

DATE: AUGUST 17, 2020

REV: JANUARY 28, 2021

PREPARED FOR:

OWNER/DEVELOPER

CRICKET LANE, LLC

92 MIDDLESEX ROAD

TYNGSBOROUGH MA, 01879

INDEX OF DRAWINGS

SHEET NO.	DWG NO.	DRAWING TITLE
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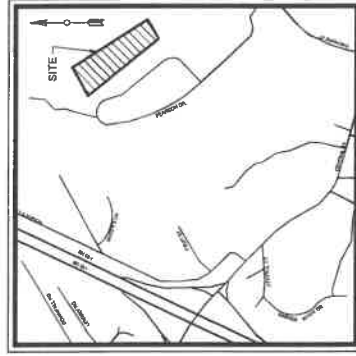
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2	CS0002	LEGEND, NOTES AND ABBREVIATIONS
3	CS0201	EXISTING CONDITIONS PLAN (1 OF 2)
4	CS0202	EXISTING CONDITIONS PLAN (2 OF 2)
5	V0801	ROADWAY LAYOUT AND PROPERTY LINE PLAN (1 OF 2)
6	V0802	ROADWAY LAYOUT AND PROPERTY LINE PLAN (2 OF 2)
7	CS1001	LAYOUT AND MATERIALS PLAN
8	CS1501	GRADING AND DRAINAGE PLAN
9	CS1701	UTILITY PLAN
10	CS3501	ROAD PROFILE
11	CS3502	SEWER PROFILE
12	CS4501	SUBSURFACE SEWAGE DISPOSAL NOTES, CALCULATIONS, & TESTING INFO
13	CS4502	SUBSURFACE SEWAGE DISPOSAL EXISTING CONDITIONS PLAN
14	CS4503	SUBSURFACE SEWAGE DISPOSAL UTILITY PLAN
15	CS4504	SUBSURFACE SEWAGE DISPOSAL SYSTEM LAYOUT AND PROFILE
16	CS4505	SUBSURFACE SEWAGE DISPOSAL SYSTEM PROFILES
17	CS4506	SUBSURFACE SEWAGE DISPOSAL SYSTEM NOTES AND DETAILS
18	CS4507	SUBSURFACE SEWAGE DISPOSAL SYSTEM CONVENTIONAL SYSTEM
19	CS6001	SITE DETAILS
20	CS6021	DRAINAGE DETAILS (1 OF 3)
21	CS6022	DRAINAGE DETAILS (2 OF 3)
22	CS6023	DRAINAGE DETAILS (3 OF 3)
23	CS6031	WETLAND DETAILS
24	CS6051	UTILITY DETAILS
25	CS8001	EROSION AND SEDIMENTATION CONTROL PLAN
26	CS8501	EROSION AND SEDIMENTATION CONTROL NOTES
27	CS9001	OPEN SPACE PLAN
28	CS9002	LANDSCAPE PLAN
29	CS9201	PRE-DEVELOPMENT DRAINAGE PLAN
30	CS9301	POST-DEVELOPMENT DRAINAGE PLAN



BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO
DISTURB THE LANDS BEFORE ANYTHING IN THE STATE AT
LARGE. IT IS ILLEGAL TO DO SO WITHOUT A PERMIT.
1-888-880-SAFE (1-888-880-7244-7233)
WWW.DIGSAFE.COM

PREPARED BY:
RANGER ENGINEERING GROUP, INC.

Ranger Engineering Group, Inc.
13 Branch Street, Suite 101
Methuen, MA 01844
Tel: 978-208-1762
rangereng.com



LOCATION MAP
Scale: N.T.S.



USGS MAP
Scale: N.T.S.



NOT FOR CONSTRUCTION

CS0001

SHEET 1 OF 30

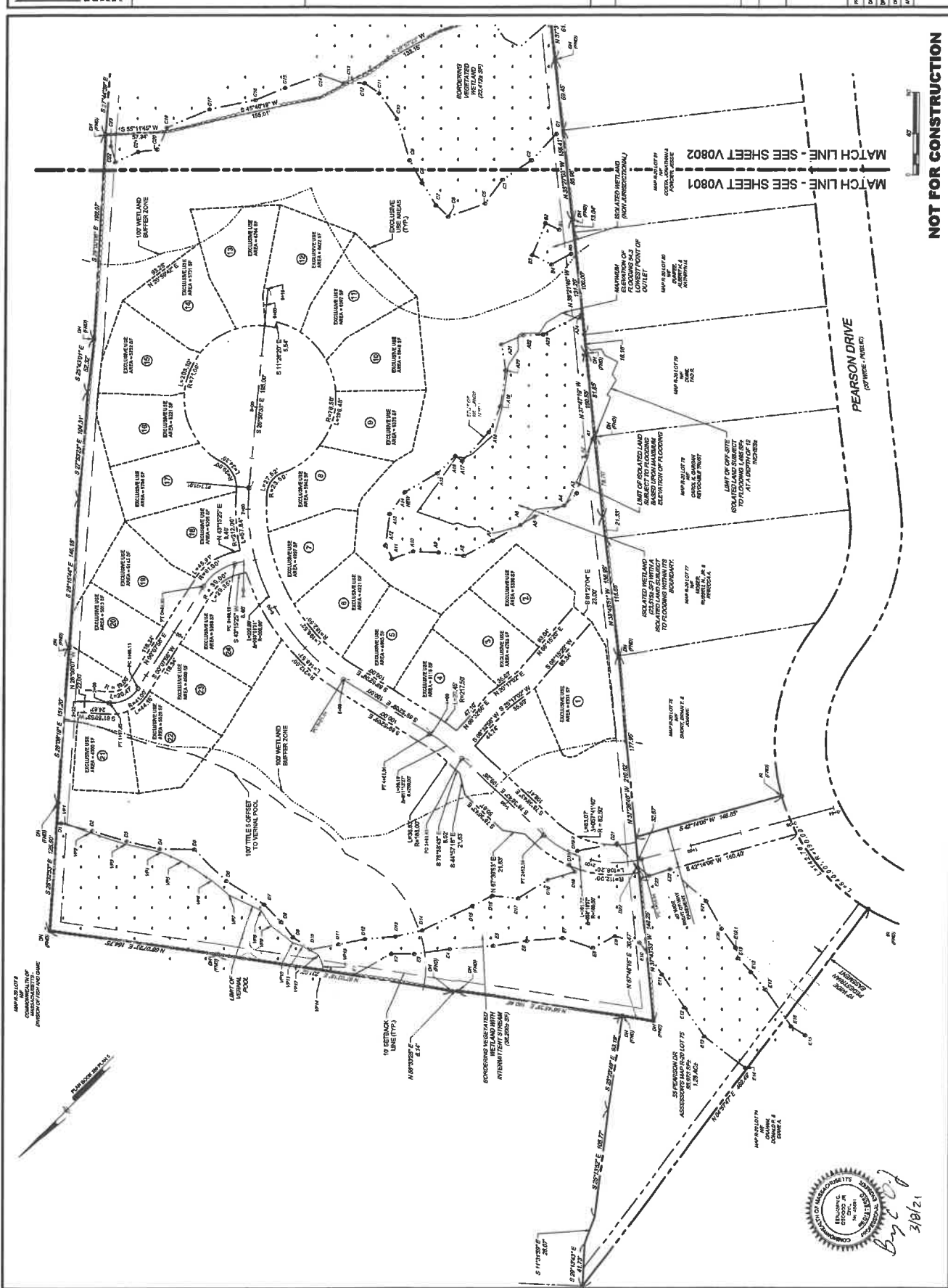


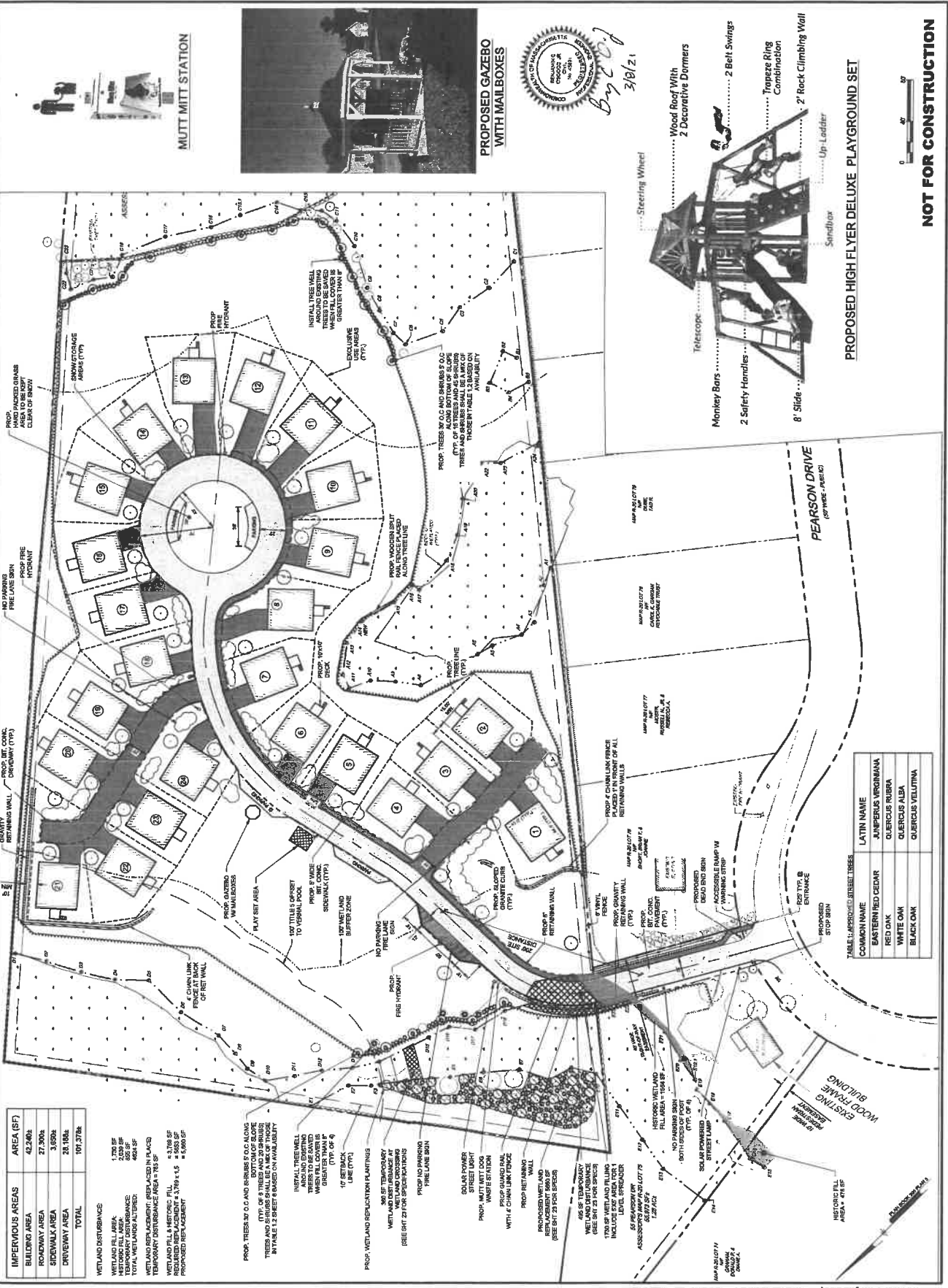
THE VILLAGE AT CRICKET LANE

COVER SHEET

CRICKET LANE, LLC
22 MIDDLESEX ROAD
TYNGSBOROUGH, MA 01879

DATE	NO.	REVISION
08/17/2020	1	REVIEW COMMENT REVISIONS
01/28/2021	2	REVIEW COMMENT REVISIONS
01/28/2021	3	REVIEW COMMENT REVISIONS
02/01/2021	4	FINAL REVIEW COMMENT REVISIONS





IMPERVIOUS AREAS	AREA (SF)
BUILDING AREA	42,262
ROADWAY AREA	27,300
SIDEWALK AREA	3,620
DRIVEWAY AREA	28,184
TOTAL	101,376

WETLAND DISTURBANCE	1,700 SF
WETLAND FILL AREA	2,000 SF
HISTORIC FILL AREA	4,000 SF
TOTAL WETLANDS ALTERED	7,700 SF
WETLAND REPLACEMENT: REPLACED IN PLACE	7,700 SF
WETLAND FILL & HISTORIC FILL	6,000 SF
PROPOSED REPLACEMENT	6,000 SF

TABLE 1: PROPOSED TREE LIST

COMMON NAME	LATIN NAME
EASTERN RED CEDAR	JUNIPERUS VIRGINIANA
RED OAK	QUERCUS RUBRA
WHITE OAK	QUERCUS ALBA
BLACK OAK	QUERCUS VELITIMA

By: [Signature]
 3/8/21

PROPOSED GAZEBO WITH MAILBOXES

PROPOSED HIGH FLYER DELUXE PLAYGROUND SET

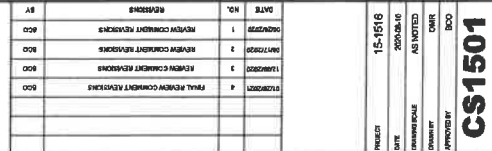
NOT FOR CONSTRUCTION

TABLE 1.1: APPROVED TREES

COMMON NAME	LATIN NAME
EASTERN RED CEDAR	JUNIPERUS VIRGINIANA
RED OAK	QUERCUS RUBRA
WHITE OAK	QUERCUS ALBA
BLACK OAK	QUERCUS VELUTINA

TABLE 1.2: APPROVED SHRUBS

COMMON NAME	LATIN NAME
WITCH HAZEL	HAMMELIS VIRGINIANA
AMERICAN HORSEBEAM	CARPENUS CAROLINIANA
SLUGG	TRILIS ALABAMA
DOGWOOD	CORNUS FLORIDA



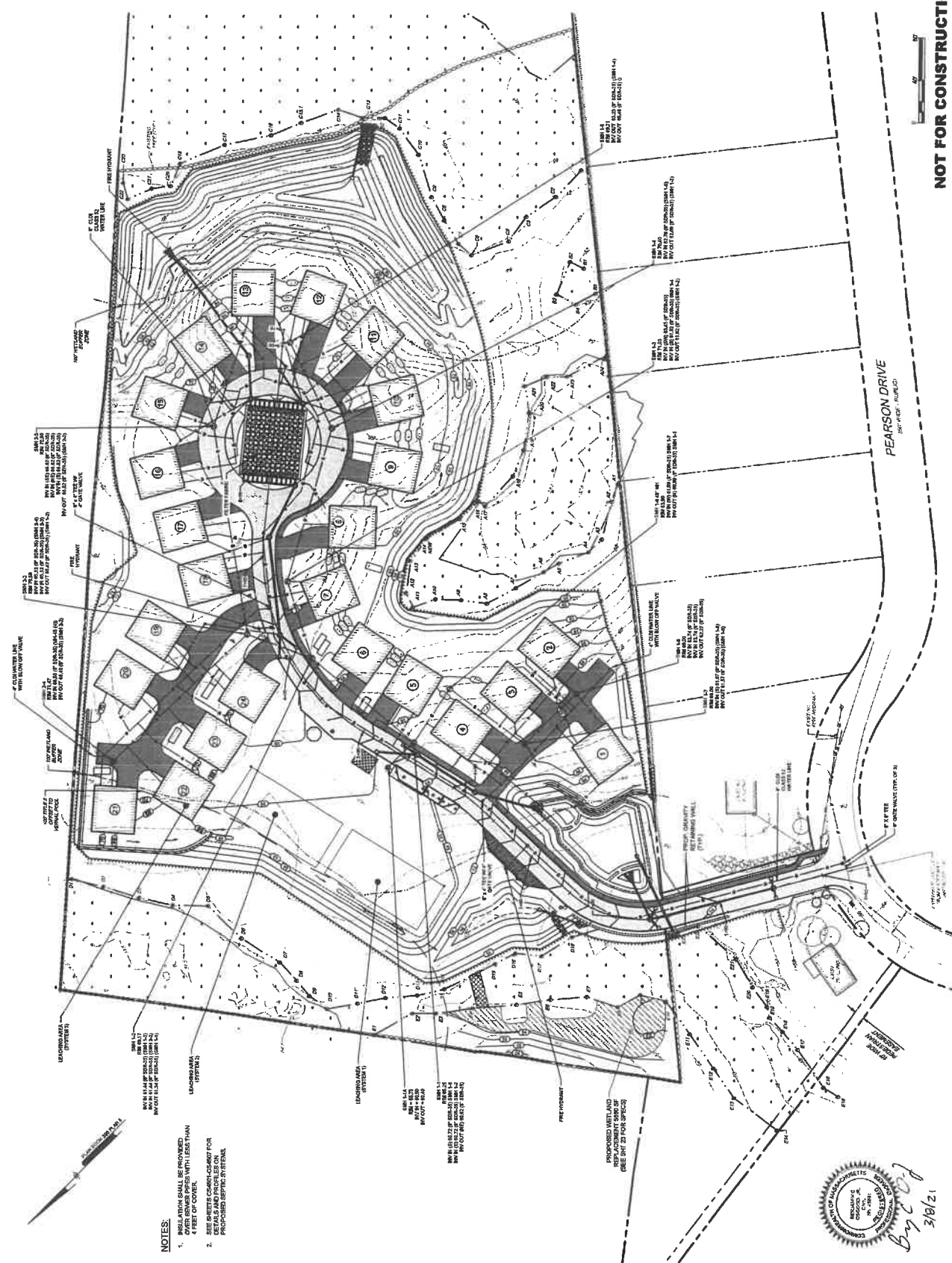
NOT FOR CONSTRUCTION
 3/8/21
 B. J. CO.

TEST	15-1516
DATE	2020-08-10
WEIR SCALE	AS NOTED
WEIR TYPE	OMER
WEIR BY	BOO

000	01/26/2021	4	FINAL REVIEW COMMENT REVISIONS	000
000	12/09/2020	3	REVIEW COMMENT REVISIONS	000
000	06/17/2020	2	REVIEW COMMENT REVISIONS	000
000	02/26/2020	1	REVIEW COMMENT REVISIONS	000
000				000

THE VILLAGE AT CRICKET LANE
BYPASS (NEWBURY), MA 01552
ASSESSORS MAP H-22 LOT 15
UTILITY PLAN
PRESENTATION PLAN
CRICKET LANE, LLC
22 MIDDLESEX ROAD
FRANKLIN, MA 01724

Long Engineering Group, Inc.
Branch Street, Suite 101
Riverside, MA 01884
978-306-1162
longeng.com



NOTES:

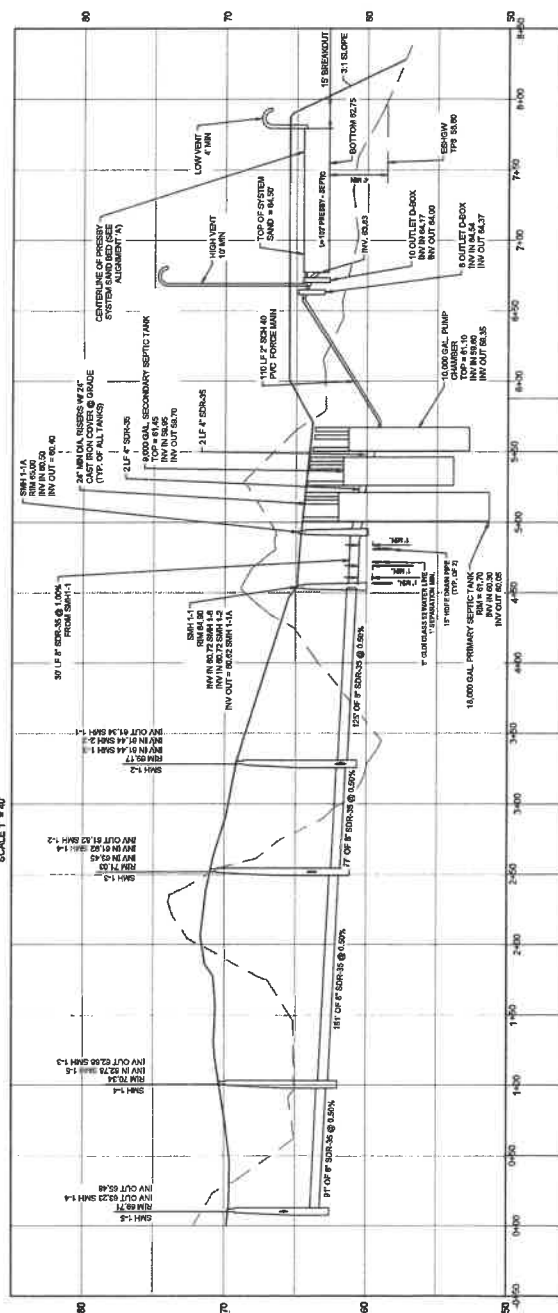
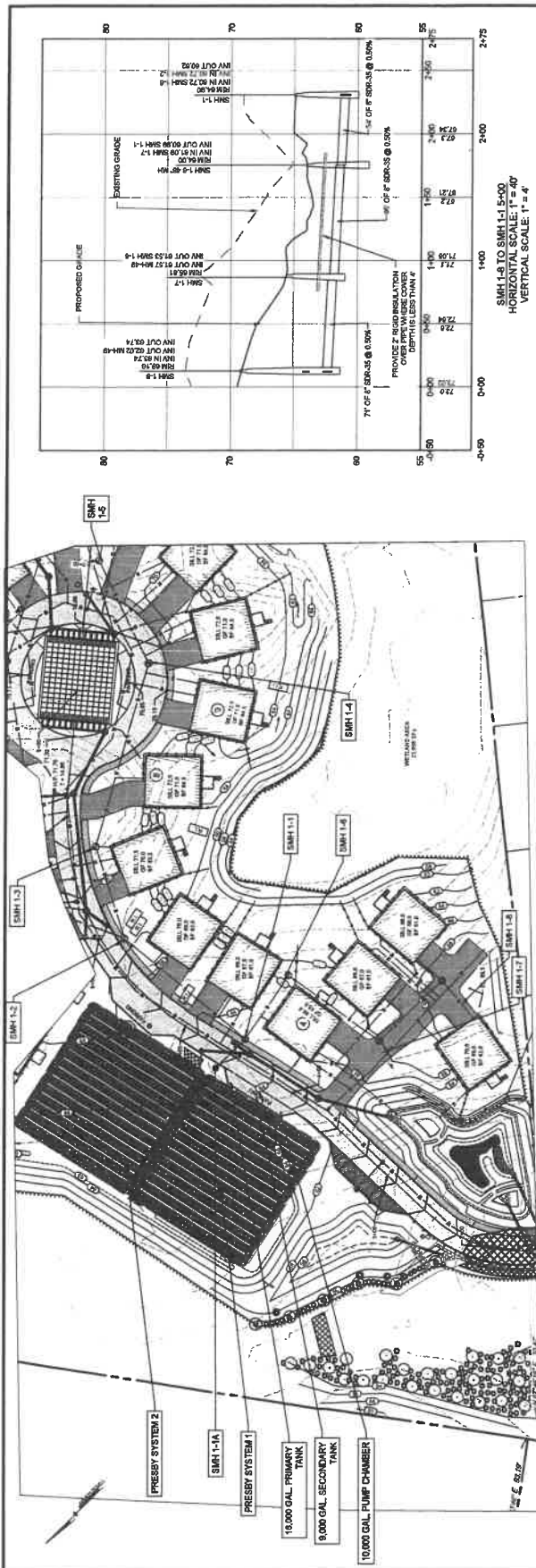
- INSULATION SHALL BE PROVIDED OVER SEWER PIPES WITH LESS THAN 4 FEET OF COVER.
- SEE SHEETS CS-45011-CS-45017 FOR SHEET R & L IN ORDER TO BE SHOWN.

PROPERTY	15-1516
DATE	2020-08-10
ISSUING STATE	AS NOTED
ALL INFORMATION	CMR
AS DISCLOSED	BOC

DATE	NO.	REVISIONS	BY
12/26/2020	1	REVIEW COMMENTS REVISIONS	BOO
12/23/2020	2	REVIEW COMMENTS REVISIONS	BOO
08/26/2020	3	REVIEW COMMENTS REVISIONS	BOO
12/23/2021	4	FINAL REVIEW COMMENTS REVISIONS	BOO

SEWER PROFILE

Ranger Engineering Group, Inc.



NOTE:
1. REFER TO SEPTIC SYSTEM PLAN FOR FULL DESIGN.



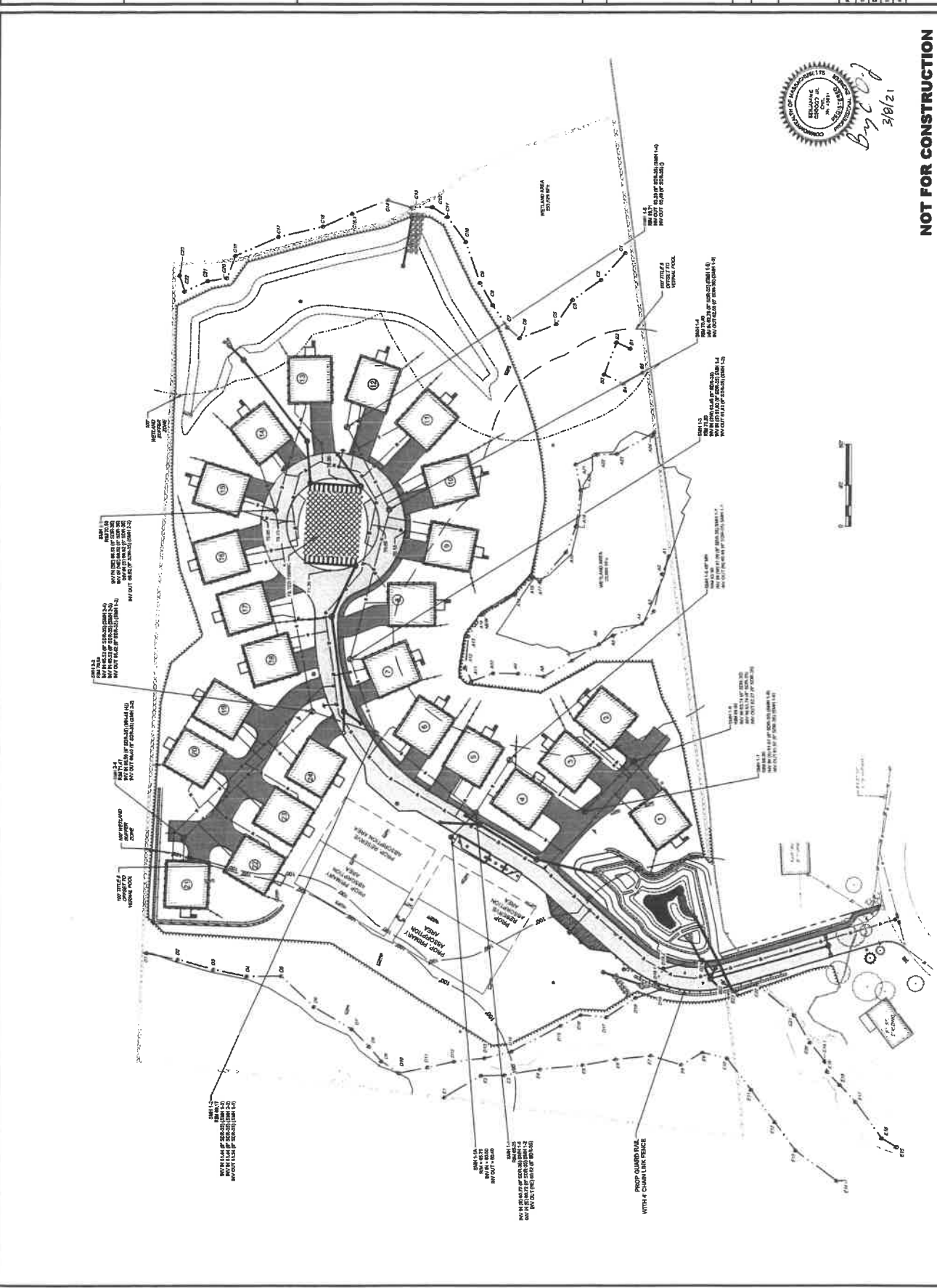
Bronger Engineering Group, Inc.
 100 North Main Street, Suite 101
 Johnston, RI 02831
 401-939-1142
 www.brongereng.com

PROJECT: 15-1516
 DATE: 2020-09-10
 DRAWING NO.: AS NOTED
 OWNER: [blank]
 PROJECT: [blank]

CS4503
 SHEET 14 OF 30

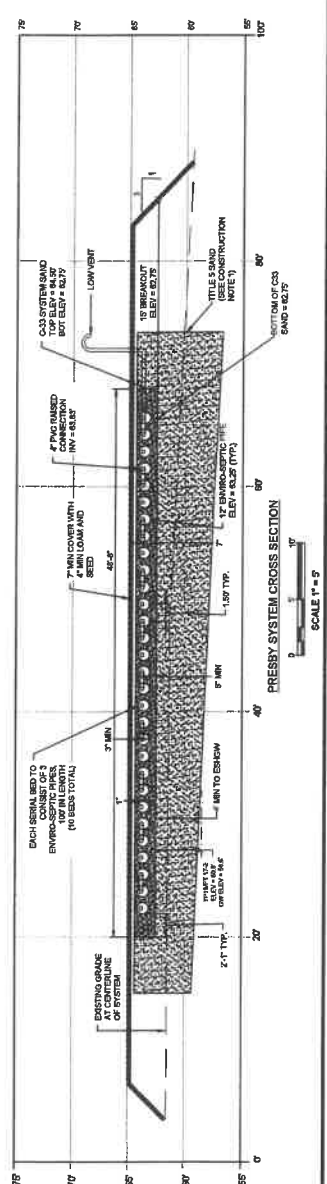
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09/20/20	2	REVISED COMMENTS REVISIONS
09/20/20	3	REVISED COMMENTS REVISIONS
09/20/20	4	REVISED COMMENTS REVISIONS

THE VILLAGE AT CRICKET LANE
 SUB-SURFACE SEWAGE DISPOSAL SYSTEM
 UTILITY PLAN
 APPROVED MAP 15-20 LOT 75
 APPROVED BY: [blank]
 CRICKET LANE, LLC
 200 MEDFORD ROAD
 TYNGHOBROOK, MA 01979



NOT FOR CONSTRUCTION
 3/8/21
 [Signature]

P.O. 749



DATE	15-1518
DESIGNED BY	AD NOTED
CHECKED BY	AD NOTED
APPROVED BY	AD NOTED
SCALE	AS NOTED

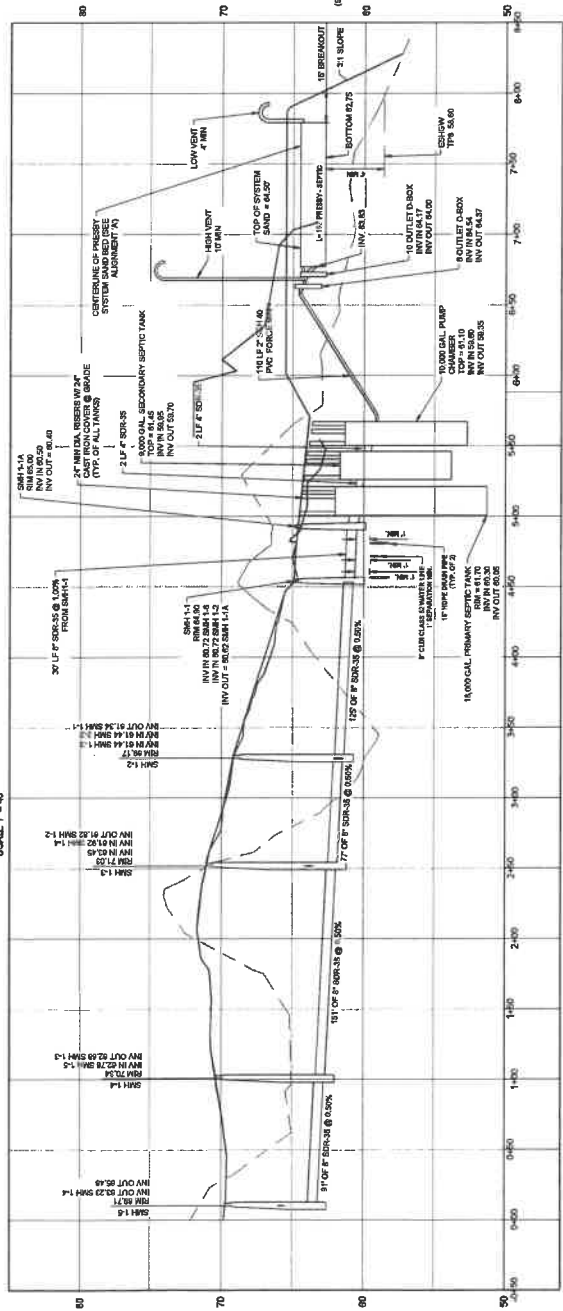
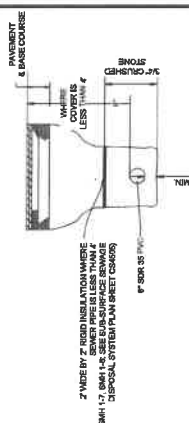
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08/20/20	2	FINAL & EMBLEM COMMENT REVISIONS
08/20/20	3	FINAL & EMBLEM COMMENT REVISIONS
08/20/20	4	FINAL & EMBLEM COMMENT REVISIONS
08/20/20	5	FINAL & EMBLEM COMMENT REVISIONS
08/20/20	6	FINAL & EMBLEM COMMENT REVISIONS
08/20/20	7	FINAL & EMBLEM COMMENT REVISIONS
08/20/20	8	FINAL & EMBLEM COMMENT REVISIONS
08/20/20	9	FINAL & EMBLEM COMMENT REVISIONS
08/20/20	10	FINAL & EMBLEM COMMENT REVISIONS

THE VILLAGE AT CRICKET LANE
APPROVED BY: [Signature]
DATE: 08/20/20
SUB-SURFACE SEWAGE DISPOSAL SYSTEM
SYSTEM PROFILES
CRICKET LANE, LLC
1750 BROADWAY, MA 01922
1750 BROADWAY, MA 01922

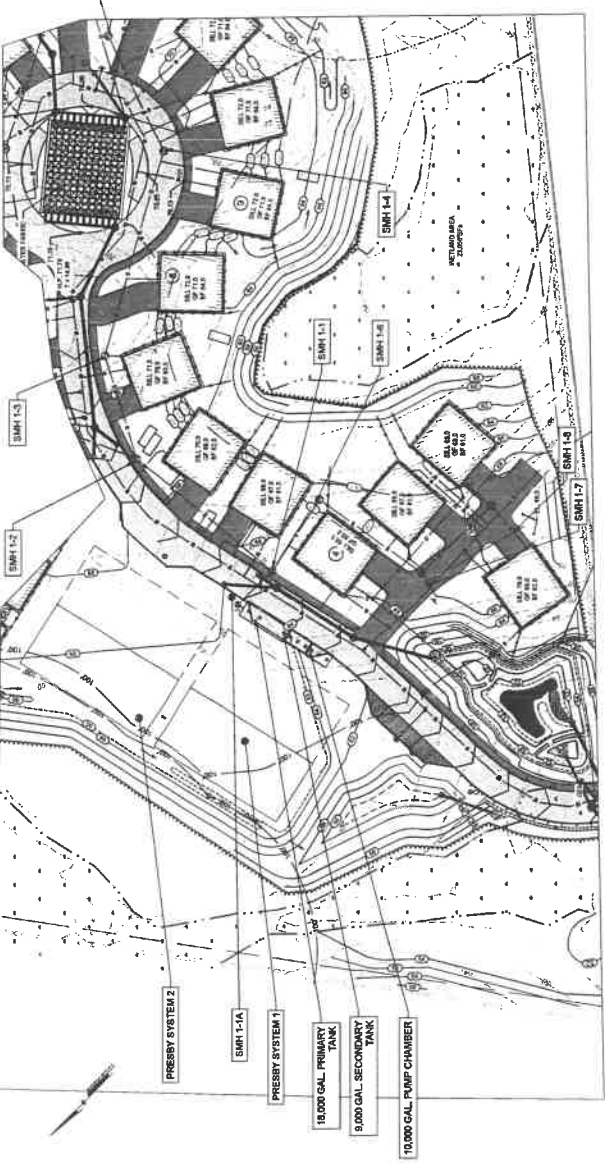
THE VILLAGE AT CRICKET LANE
APPROVED BY: [Signature]
DATE: 08/20/20
SUB-SURFACE SEWAGE DISPOSAL SYSTEM
SYSTEM PROFILES
CRICKET LANE, LLC
1750 BROADWAY, MA 01922
1750 BROADWAY, MA 01922

NOT FOR CONSTRUCTION

TRENCH DETAIL WITH INSULATION



SMH 1.1 TO SMH 1.6
HORIZONTAL SCALE: 1" = 40'
VERTICAL SCALE: 1" = 4'



LOCUS MAP
SCALE: 1" = 40'

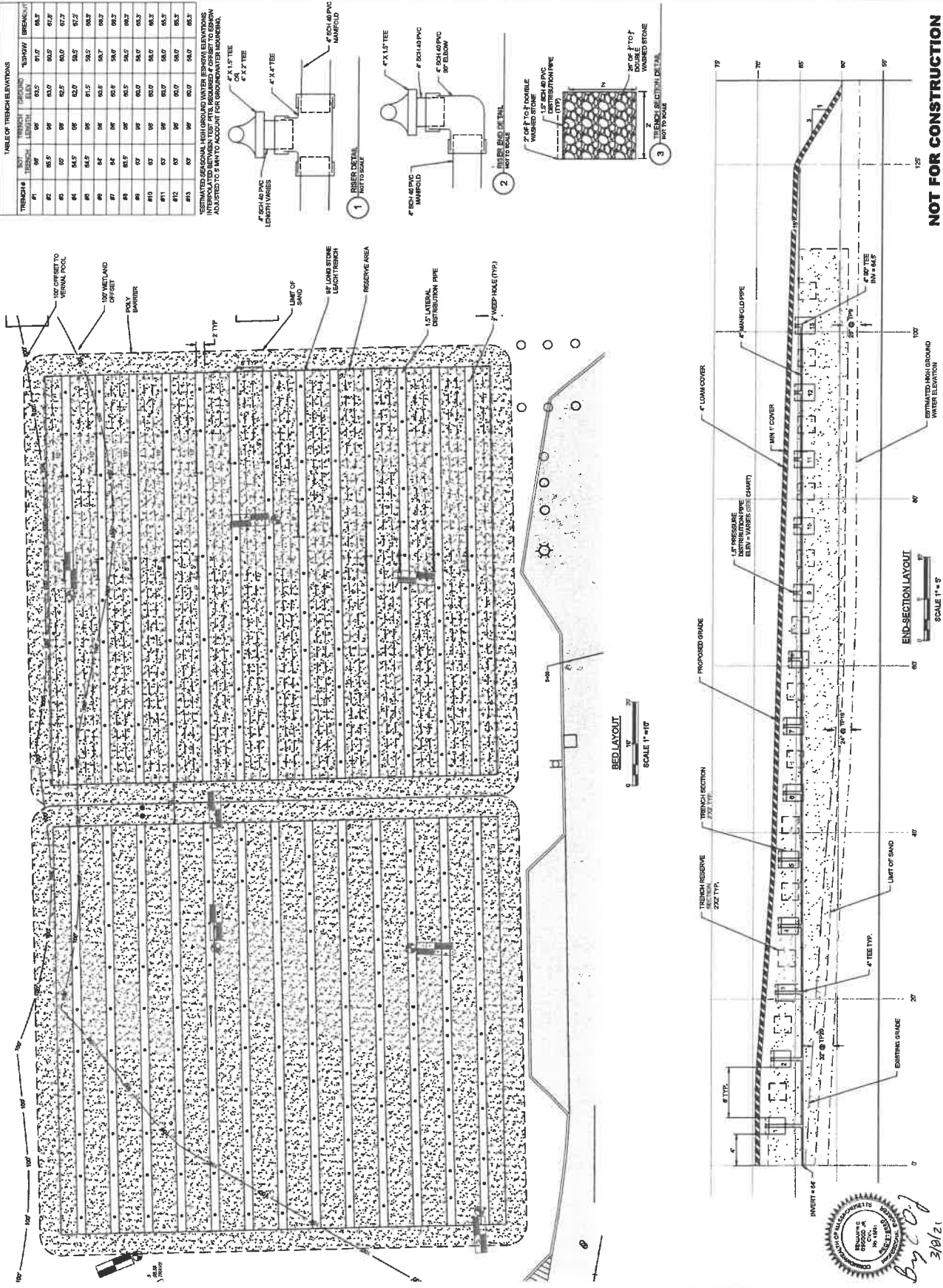
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06/17/2020	2	REVIEW COMMENT REVISIONS	BCD
12/09/2020	3	REVIEW COMMENT REVISIONS	BCD
02/02/2021	4	FINAL REVIEW COMMENT REVISIONS	BCD

THE VILLAGE AT CRICKET LANE
BRIGHTON (NEWBURY), MA 01822
ASSESSOR'S MAP R-30 LOT 75
SUB-SURFACE SEWAGE DISPOSAL SYSTEM
CONVENTIONAL SYSTEM

CRICKET LANE, LLC
62 WILLOUGHBY ROAD
LYNDSBOROUGH, MA 01928

Ranger Engineering Group, Inc.
13 Branch Trail, Suite 101
Merrimack, NH 03041
Tel: 978-306-1747
rangereng.com





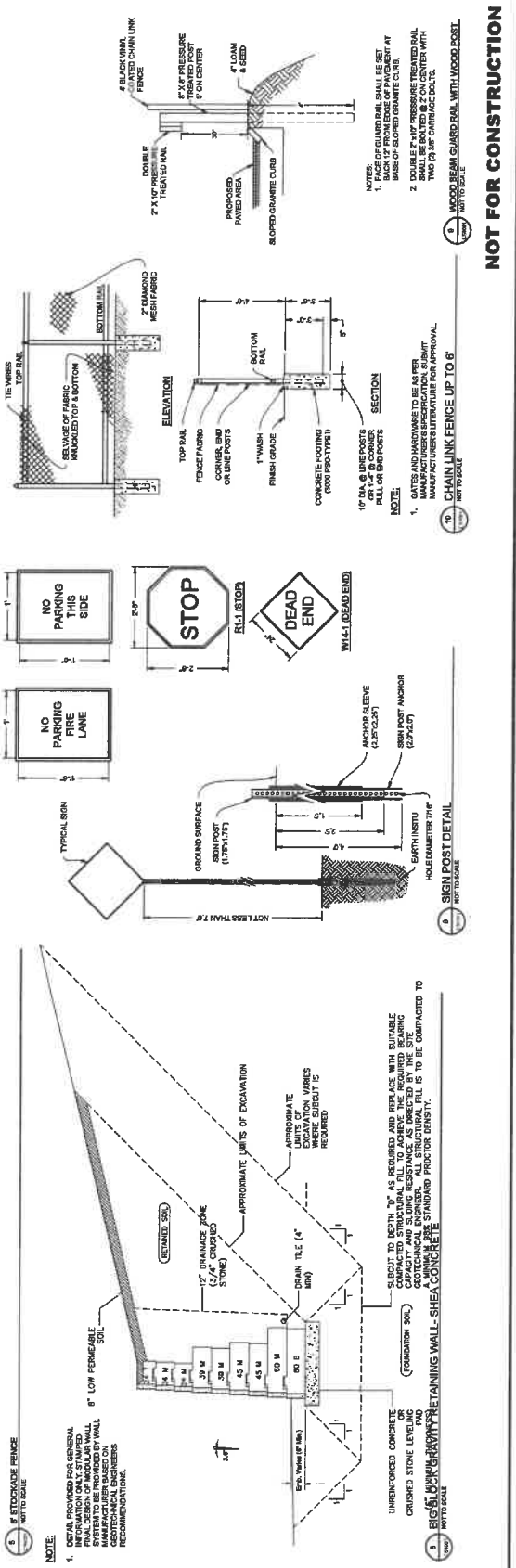
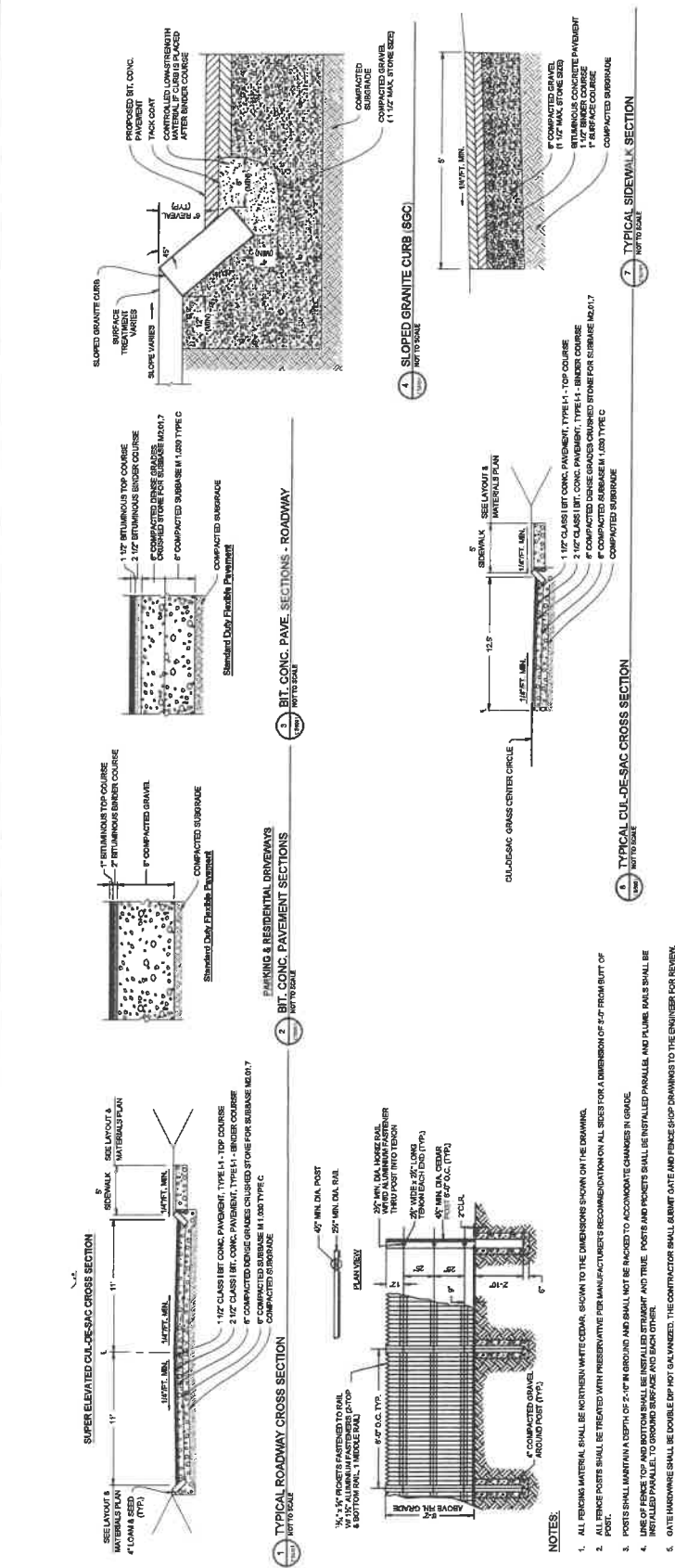
CRICKET LAKE, LLC
SITE DETAILS
AS250905 MAP 8-20 LOT 75
75.00 AC (66,600 S.F.)
175.00 AC (15,120,000 S.F.)
TYNENBROOK, MA 01879

DATE	NO.	REVISIONS
04/02/2020	1	REVIEW COMMENT REVISIONS
04/02/2020	2	REVIEW COMMENT REVISIONS
04/02/2020	3	REVIEW COMMENT REVISIONS
04/02/2020	4	REVIEW COMMENT REVISIONS
04/02/2020	5	FINAL REVIEW COMMENT REVISIONS

PROJECT	15-1516
DWG	2020-05-15
DRAWN BY	AS/EDS
CHECKED BY	CMR
APPROVED BY	BOO

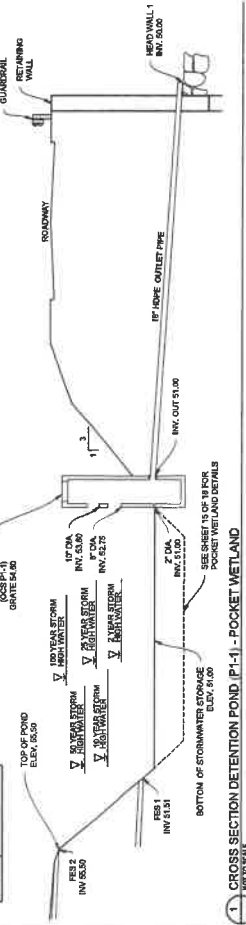
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SHEET 19 OF 30

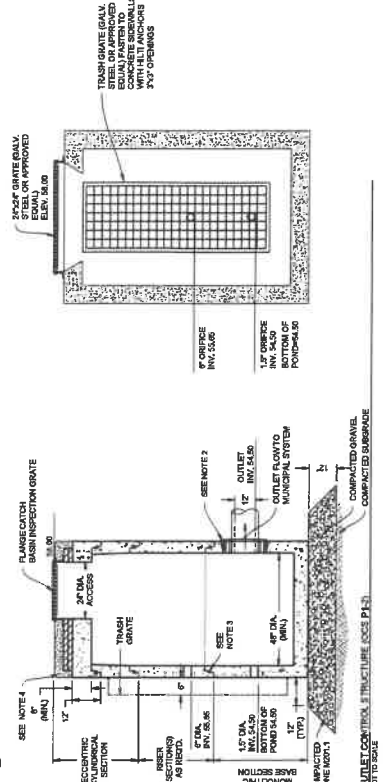
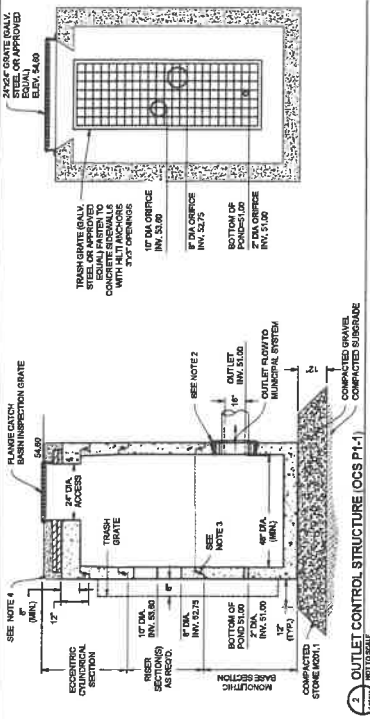
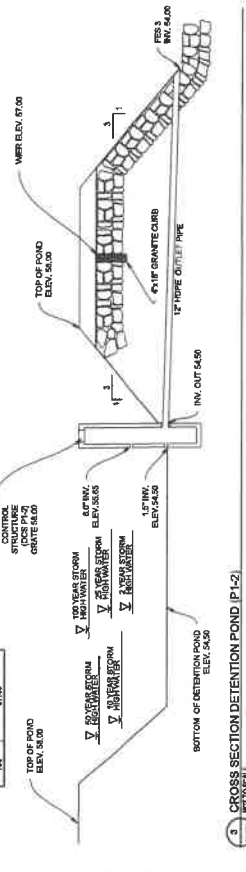


NOT FOR CONSTRUCTION

STORM	HIGH WATER ELEV.
2	52.72
10	53.30
25	53.80
50	54.07
100	54.45



STORM	HIGH WATER ELEV.
2	55.67
10	56.20
25	56.60
50	57.22
100	57.43



NOT FOR CONSTRUCTION

CS6022

SHEET 21 OF 30

THE VILLAGE AT CRICKET LAKE
BRIDGE (NEWBURY), MA 01922
ACCESSORY MAP AND LOT 75
CRICKET LAKE, LLC
TWOBROOK, MA 01979

DATE	NO.	REVISIONS
06/20/2012	1	REVIEW COMMENT REVISIONS
07/17/2012	2	REVIEW COMMENT REVISIONS
10/09/2012	3	REVIEW COMMENT REVISIONS
01/09/2013	4	FINAL REVIEW COMMENT REVISIONS

PROJECT	15-1516
DATE	2008-06-10
DRAWN BY	AS NOTED
CHECKED BY	CHM
APPROVED BY	BOO



DATE	NO.	REVISIONS	BY
1/2/2023	1	REVIEW COMMENT REVISIONS	BOO
1/17/2023	2	REVIEW COMMENT REVISIONS	BOO
2/20/2023	3	REVIEW COMMENT REVISIONS	BOO
1/20/2023	4	FINAL REVIEW COMMENT REVISIONS	BOO

CRICKET LANE, LLC



Stanger Engineering Group, Inc.
33 Research Street, Suite 101
Burlington, MA 01803
Tel: 617/232-1100
Fax: 617/232-1101
E-mail: info@stanger.com
Web: www.stanger.com

POCKET WETLAND DESIGN	
DRAINAGE AREA	62,234 SF
WETLAND AREA	1,570 SF
SURFACE TO WATER	.03

[illegible]

WETLAND REPLACEMENT NOTES:
WETLAND FILL AREA AT CROSSING.
HISTORIC FILL AREA.
TEMPORARY DISTURBANCE.
TOTAL WETLANDS ALTERED.

WETLAND REPLACEMENT AT TEMPORARY DISTURBANCE:
WETLAND REPLACEMENT FOR HISTORIC FILL AREA = $(1736 \times 2039) \div 1.5 = 5960$ SF

PERFORMANCE SPECIFICATIONS

Erosion Control Location and Definition at Work

WETLAND REPLACEMENT NOTES:
WETLAND FILL AREA AT CROSSING:

- NEW ENGLAND WETMEK TO BE USED WITHIN WETLAND REPLACEMENT TREATMENT AREA.
- ALL FILLING AND GRADING ROAD MAT TO BE USED FOR UPLAND AREAS.
- MULCHING AND SEEDING TO BE PERFORMED AFTER JUNE 15TH.
- SHRUBS TO BE MINIMUM 2.5' TALL. TREES TO BE MINIMUM 1.5' CALIPER.
- CONTAINER GROWN (MIN. 5 GALL).
- MIN OF 3 DIFFERENT TYPES OF SHRUBS TO BE PLANTED IN EACH TEMPORARY WETLAND DISTURBANCE AREA. MINIMUM OF 6 DIFFERENT SHRUBS TO BE PLANTED IN THE WETLAND REPLACEMENT AREA.
- GROUND PROTECTION MATS TO BE REMOVED UPON COMPLETION OF WETLAND REPLACEMENT AREA CONSTRUCTION.

PERFORMANCE SPECIFICATIONS

- [illegible]

From the Wetland EIS Area, all topsoil shall be excavated closer to the elevation of the topsoil/surface boundary as determined in the field. All remaining vegetation shall be removed from the wetland area and the topsoil removed from the wetland (W) area shall be moved to the wetland area. No heavy equipment shall pass the line of staked erosion control during this work. Topsoil removed from the wetland (W) area shall be moved to the wetland area.

- Excavation and Securing of Trench and Mineral Soil from Temporary Wetland Disturbance Area
- From the Temporary Wetland Disturbance Area are removed, all existing vegetation, with particular focus on invasive species, shall be removed. Trench shall be excavated and the temporary wetland disturbance area and on-site. All trench soil shall be accumulated in adequate location, as is otherwise directed in the approved permit. The trench shall be backfilled with the same soil removed from the temporary wetland disturbance area and on-site. After completion of the trenching work, the disturbed area shall be backfilled with the material removed from the trench. This material shall be placed as specified in State Plans and manual with New England Water.

Placement and Grading of Topsoil in Wetland Reclamation Areas.

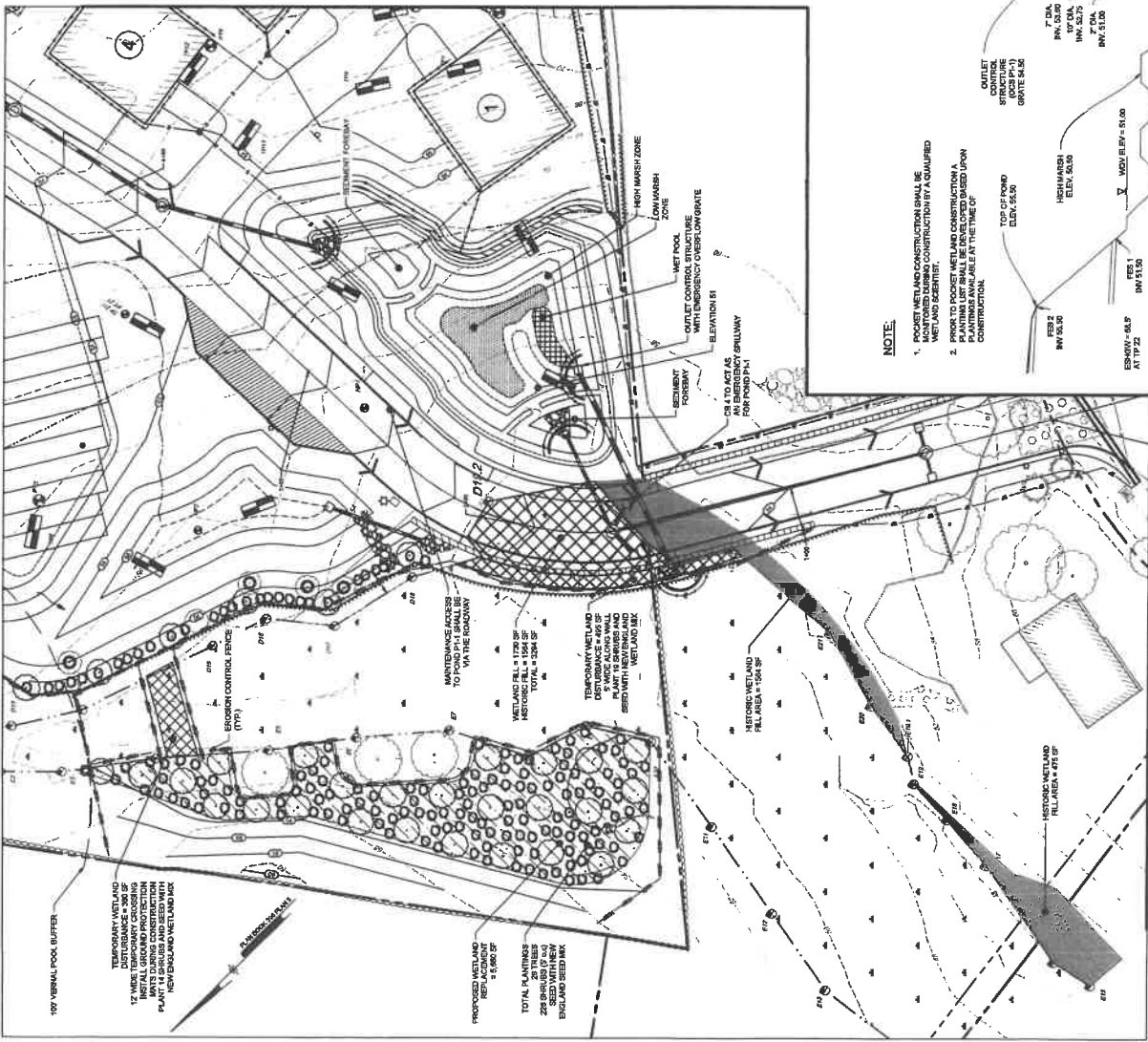
- [illegible]

Relocation of erosion control
Following planting and seeding of the wetland replication area, a second line of all fencing with compost filter-tubes shall be installed along the new limits of work. This work is intended to reduce or prevent erosion of the newly-planted replacement wetland. Upon installation of a second erosion control line, remove initial erosion control

- among wetland replication areas perimeter.
- On-site Supervision**
- During construction of the wetland replication area and the fill area, the work will be under the direct supervision of a wetland scientist.
- Replacement of Unsatiabley Plantings**

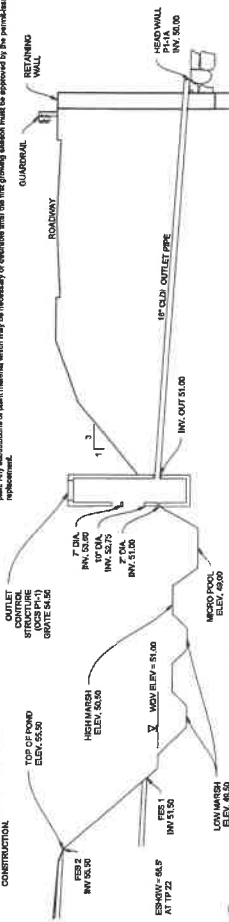
75% survival of planted woody vegetation and 75% herbaceous cover with healthy tillage shall be examined satisfactory evidence of growth after two growing seasons. All dead or unsatisfactory plants shall be removed and replaced in kind and size by the contractor with plants as originally established UNLESS the specification and planting plan. Any substitutions of plant material shall require approval of the engineer.

-



NOTE:

1. POCKET WETLAND CONSTRUCTION SHALL BE MONITORED DURING CONSTRUCTION BY A QUALIFIED WETLAND SCIENTIST.
2. PRIOR TO POCKET WETLAND CONSTRUCTION A PLANTING LIST SHALL BE DEVELOPED BASED UPON PLANTINGS AVAILABLE AT THE TIME OF



1 CROSS SECTION DETENTION POND (P1-1) - POCKET WETLAND
NOT TO SCALE

NOT FOR CONSTRUCTION

TABLE OF DIMENSIONS

BENIS	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN	BO	BP	BQ	BR	BS	BT	BU	BV	BW	BX	BY	BZ	CA	CB	CC	CD	CE	CF	CG	CH	CI	CJ	CK	CL	CM	CN	CO	CP	CQ	CR	CS	CT	CU	CV	CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ	DK	DL	DM	DN	DO	DP	DQ	DR	DS	DT	DU	DV	DW	DX	DY	DZ	EA	EB	EC	ED	EE	EF	EG	EH	EI	EJ	EK	EL	EM	EN	EO	EP	EQ	ER	ES	ET	EU	EV	EW	EX	EY	EZ	FA	FB	FC	FD	FE	FF	FG	FH	FI	FJ	FK	FL	FM	FN	FO	FP	FQ	FR	FS	FT	FU	FV	FW	FX	FY	FZ	GA	GB	GC	GD	GE	GF	GG	GH	GI	GJ	GK	GL	GM	GN	GO	GP	GQ	GR	GS	GT	GU	GV	GW	GX	GY	GZ	HA	HB	HC	HD	HE	HF	HG	HH	HI	HJ	HK	HL	HM	HN	HO	HP	HQ	HR	HS	HT	HU	HV	HW	HX	HY	HZ	IA	IB	IC	ID	IE	IF	IG	IH	II	IJ	IK	IL	IM	IN	IO	IP	IQ	IR	IS	IT	IU	IV	IW	IX	IY	IZ	JA	JB	JC	JD	JE	JF	JG	JH	JI	IJ	JK	KL	KM	KN	KO	KP	KQ	KR	KS	KT	KU	KV	KW	KX	KY	KZ	LA	LB	LC	LD	LE	LF	LG	LH	LI	LJ	LK	LM	LN	LO	LP	LQ	LR	LS	LT	LU	LV	LW	LX	LY	LZ	MA	MB	MC	MD	ME	MF	MG	MH	MI	MJ	MK	ML	MM	MN	MO	MP	MQ	MR	MS	MT	MU	MV	MW	MX	MY	MZ	NA	NB	NC	ND	NE	NF	NG	NH	NI	NJ	NK	NL	NM	NN	NO	NP	NQ	NR	NS	NT	NU	NV	NW	NX	NY	NZ	OA	OB	OC	OD	OE	OF	OG	OH	OI	OJ	OK	OL	OM	ON	OO	OP	OQ	OR	OS	OT	OU	OV	OW	OX	OY	OZ	PA	PB	PC	PD	PE	PF	PG	PH	PI	PJ	PK	PL	PM	PN	PO	PP	PQ	PR	PS	PT	PU	PV	PW	PX	PY	PZ	QA	QB	QC	QD	QE	QF	QG	QH	QI	QJ	QK	QL	QM	QN	QO	QP	QQ	QR	QS	QT	QU	QV	QW	QX	QY	QZ	RA	RB	RC	RD	RE	RF	RG	RH	RI	RJ	RK	RL	RM	RN	RO	RP	RQ	RR	RS	RT	RU	RV	RW	RX	RY	RZ	SA	SB	SC	SD	SE	SF	SG	SH	SI	SJ	SK	SL	SM	SN	SO	SP	SQ	SR	SS	ST	SU	SV	SW	SX	SY	SZ	TA	TB	TC	TD	TE	TF	TG	TH	TI	TJ	TK	TL	TM	TN	TO	TP	TQ	TR	TS	TT	TU	TV	TW	TX	TY	TZ	UA	UB	UC	UD	UE	UF	UG	UH	UI	UJ	UK	UL	UM	UN	UO	UP	UQ	UR	US	UT	UU	UV	UW	UX	UY	UZ	VA	VB	VC	VD	VE	VF	VG	VH	VI	VJ	VK	VL	VM	VN	VO	VP	VQ	VR	VS	VT	VU	VV	VW	VX	VY	VZ	WA	WB	WC	WD	WE	WF	WG	WH	WI	WJ	WK	WL	WM	WN	WO	WP	WQ	WR	WS	WT	WU	WV	WW	WX	WY	WZ	XA	XB	XC	XD	XE	XF	YG	YH	YI	YJ	YK	YL	YM	YN	YO	YP	YQ	YR	YS	YT	YU	YV	YW	YX	YY	YZ	ZA	ZB	ZC	ZD	ZE	ZF	ZG	ZH	ZI	ZJ	ZK	ZL	ZM	ZN	ZO	ZP	ZQ	ZR	ZS	ZT	ZU	ZV	ZW	ZX	ZY	ZZ
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SECTION 1-1



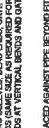
SECTION 2-2



SECTION 3-3



SECTION 4-4



SECTION 5-5



SECTION 6-6



SECTION 7-7



SECTION 8-8



SECTION 9-9



SECTION 10-10



SECTION 11-11



SECTION 12-12



SECTION 13-13



SECTION 14-14



SECTION 15-15



SECTION 16-16



SECTION 17-17



THE VILLAGE AT CRICKET LANE

UTILITY DETAILS

CRICKET LANE, LLC

ASSISTANTS: MAP R-20 LOT 75

BRIED: GREENBURY, MA 01822

PROJECT: 15-1516

DATE: 7/20/2015

DRAWN BY: AS NOTED

CHECKED BY: CDR

APPROVED BY: BOO

PROJECT: 15-1516

DATE: 7/20/2015

DRAWN BY: AS NOTED

CHECKED BY: CDR

APPROVED BY: BOO

PROJECT: 15-1516

DATE: 7/20/2015

DRAWN BY: AS NOTED

CHECKED BY: CDR

APPROVED BY: BOO

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APPROVED BY: BOO

PROJECT: 15-1516

DATE: 7/20/2015

DRAWN BY: AS NOTED

CHECKED BY: CDR

DURING ROADWAY CONSTRUCTION, STOCKPILE SOILS WHERE HOMES WILL BE CONSTRUCTED, SURROUND ANY STOCKPILES WITH A SILT FENCE AND ROW OF HAY BALES. STOCKPILES WHICH REMAIN FOR MORE THAN 30 DAYS SHALL BE HYDROSEED.

DURING HOME CONSTRUCTION ADJUST STOCKPILE LOCATIONS AS REQUIRED.



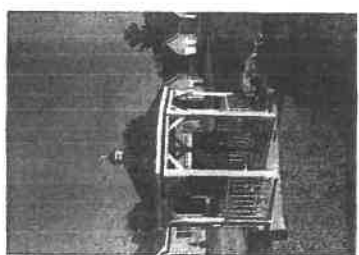
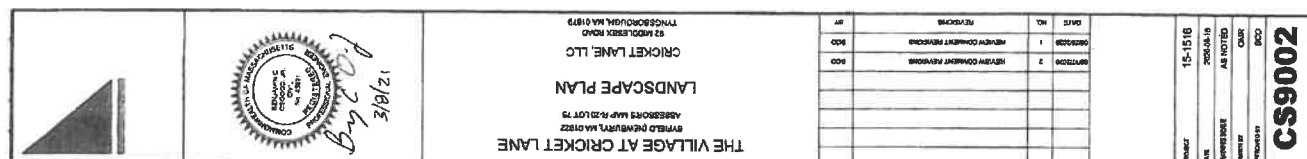
NOT FOR CONSTRUCTION

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	06/07/2020	1	REVIEW COMMENT METHODS	R00
	08/17/2020	2	REVIEW COMMENT METHODS	R00
	12/09/2020	3	REVIEW COMMENT METHODS	R00
	01/06/2021	4	FINAL REVIEW COMMENT METHODS	R00

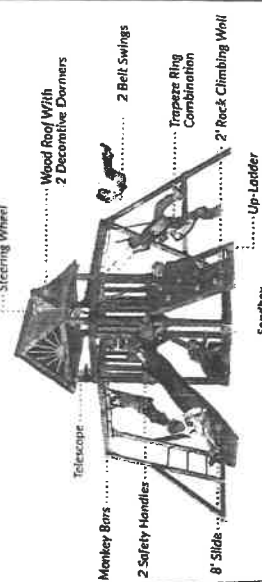
THE VILLAGE AT CRICKET LANE
 07122 (NEWBURY), MA 01822
 ASSESSORS MAP 40-107-15
 EROSION AND SEDIMENTATION
 CONTROL PLAN
 CRICKET LANE, LLC
 22 MITCHELL ROAD
 THYMSBOROUGH, MA 01879



Longview Engineering Group, Inc.
13 South Street, Suite 401
Memphis, TN 38104
Tel: 901-526-1243
longvieweng.com



PROPOSED GAZEBO
WITH MAILBOXES



PROPOSED HIGH FLYER DELUXE PLAYGROUND SET

NOT FOR CONSTRUCTION

[illegible]

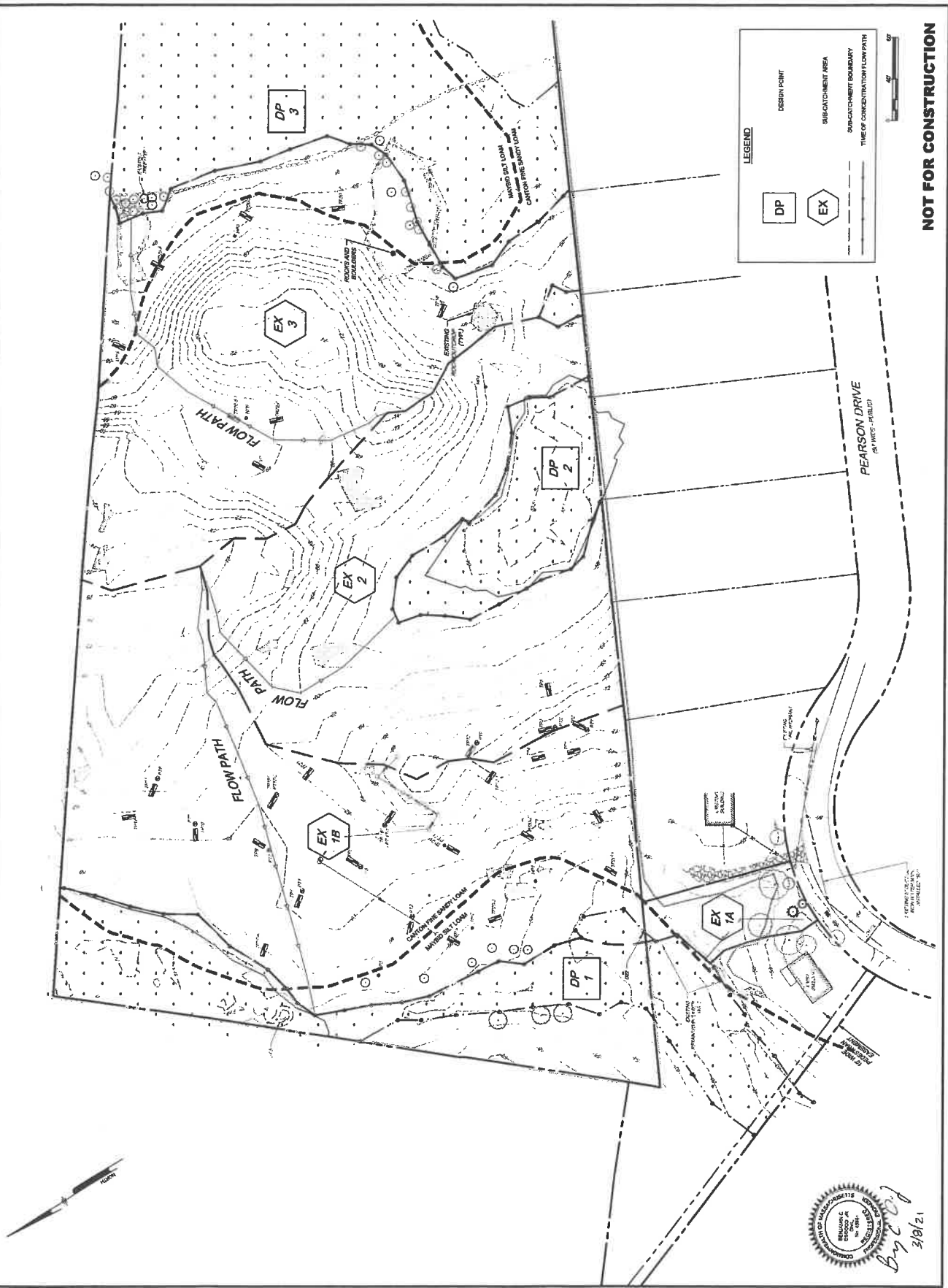


THE VILLAGE AT CRICKET LANE
PRE DEVELOPMENT WATERSHED
PLAN
CRICKET LANE, LLC
32 MOOREHEAD ROAD
THORNBROOK, MA 01975
ASSESSORS MAP 15-20 LOT 75
BRIDGE INVENTORY, MA 01822

NO.	DATE	REVISIONS
1	08/17/2010	REVIEW COMMENT REVISIONS
2	08/17/2010	REVIEW COMMENT REVISIONS
3	08/17/2010	REVIEW COMMENT REVISIONS
4	08/17/2010	REVIEW COMMENT REVISIONS
5	08/17/2010	REVIEW COMMENT REVISIONS

PROJECT	15-1518
DRAWN BY	3000-05-10
CHECKED BY	3000-05-10
APPROVED BY	3000-05-10
DATE	3000-05-10

CS9201
SHEET 28 OF 30



NOT FOR CONSTRUCTION





THE VILLAGE AT CRICKET LANE
BRIEF DEVELOPMENT WATERSHED
PLAN
CRICKET LANE, LLC
92 McClellan Road
THUNDERBOLT, MA 01822
ASSESSORS MAP #2-20-107-75

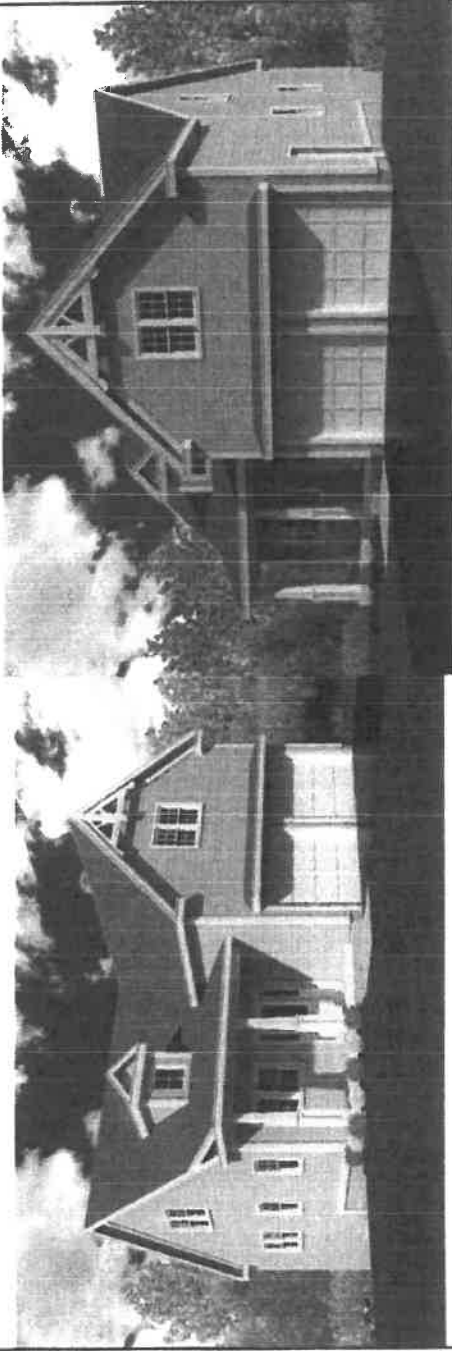
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DATE	2020-05-15	
ISSUED FOR	AS NOTED	
DESIGNED BY	OUR	
APPROVED BY	BOO	
DATE	2020-05-15	
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99	05/15/20	REVIEW COMMENT REVISIONS
100	05/15/20	REVIEW COMMENT REVISIONS



NOT FOR CONSTRUCTION

CS9301
SHEET 30 OF 30

3/10/21
By 200



FRONT-LEFT 3D ARCHITECTURAL VIEW
no scale

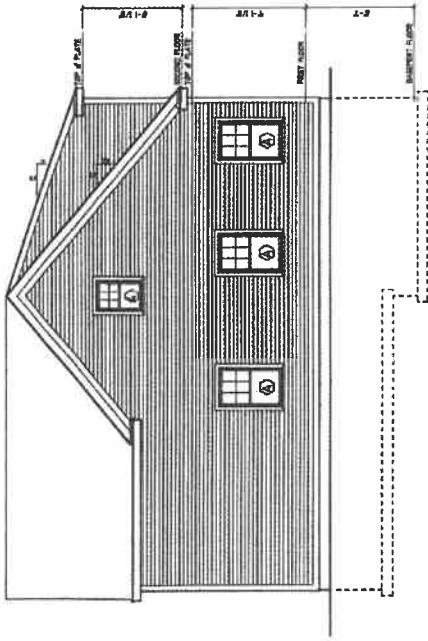
FRONT-RIGHT 3D ARCHITECTURAL VIEW
no scale



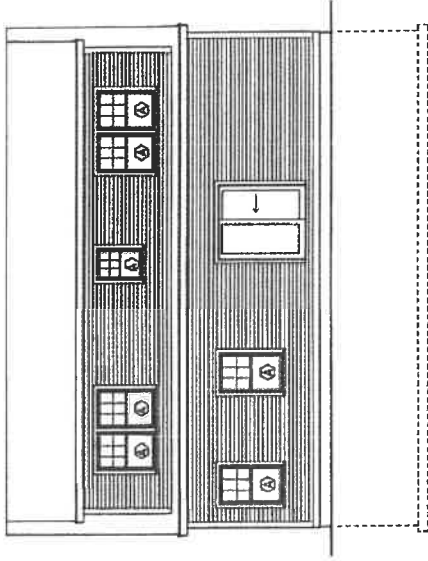
A-1

THE VILLAGES AT CROCKET LANE
3 BEDROOM - 2100 S.F. ESSENTIAL 1A
CROCKET LANE
DEVELOPER:
CROCKET LANE DEVELOPMENT, LLC
3000 CROCKET LANE, SUITE 100
3000 CROCKET LANE, SUITE 100
3D ARCHITECTURAL RENDERINGS

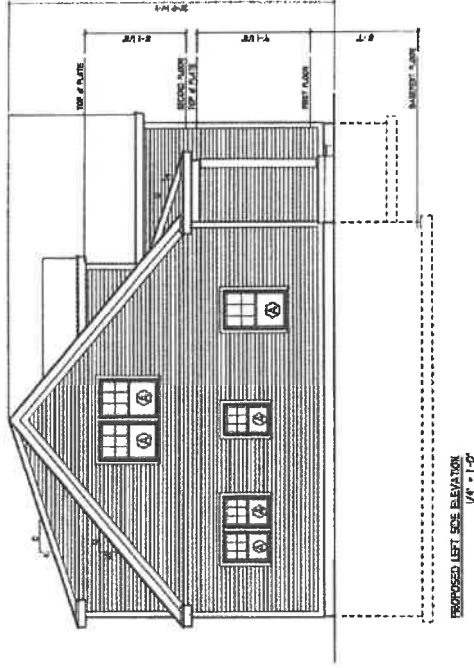
es renald henri albert als architect
es renald henri albert als architect
es renald henri albert als architect



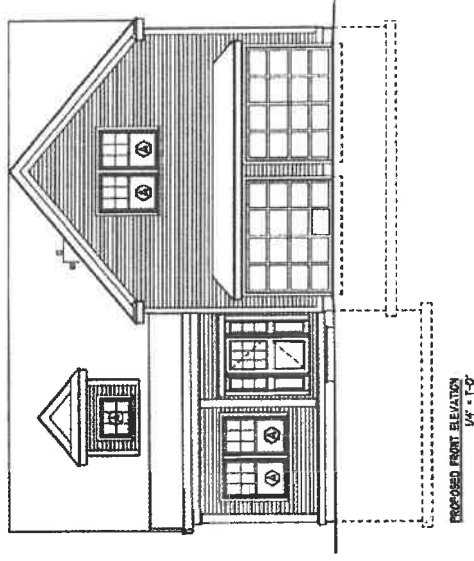
PROPOSED REAR ELEVATION
1/4" = 1'-0"



PROPOSED REAR ELEVATION
1/4" = 1'-0"



PROPOSED LEFT SIDE ELEVATION
1/4" = 1'-0"



PROPOSED FRONT ELEVATION
1/4" = 1'-0"

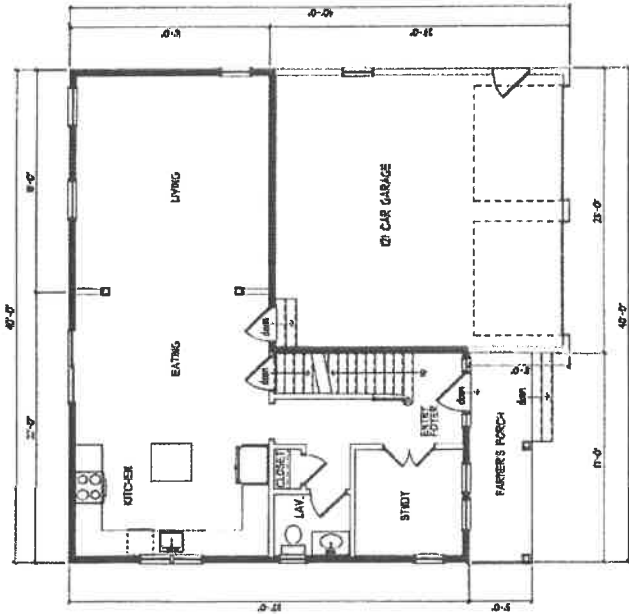


DATE: 1/10/10
BY: RHA
SCALE: 1/4" = 1'-0"

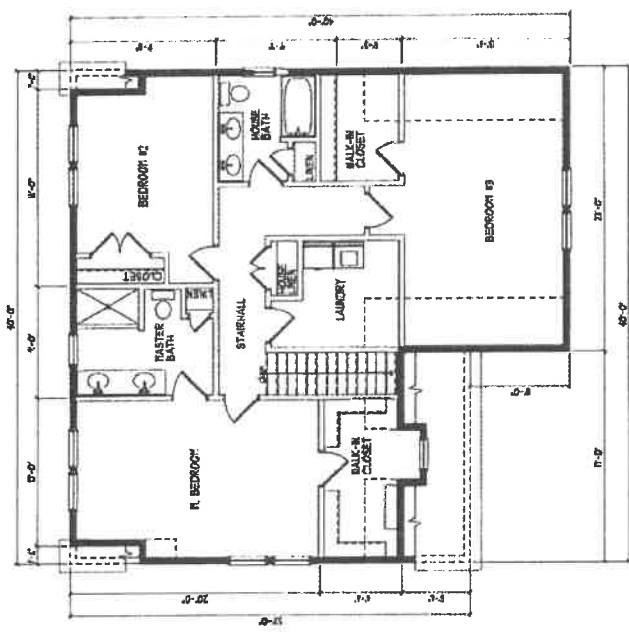
R-2

THE VILLAGES AT CRICKET LANE
5 BEDROOM - 2 1/2 BATH
CRICKET LANE
REAR, PA
DESIGNED BY
RONALD HENRI ALBERT, LTD.
PROPOSED EXTERIOR ELEVATIONS

RONALD HENRI ALBERT, LTD. ARCHITECT
80 Island Road, Bensalem, PA 19003 215-369-2411



PROPOSED FIRST FLOOR PLAN
1/4" = 1'-0"



PROPOSED SECOND FLOOR PLAN
1/4" = 1'-0"

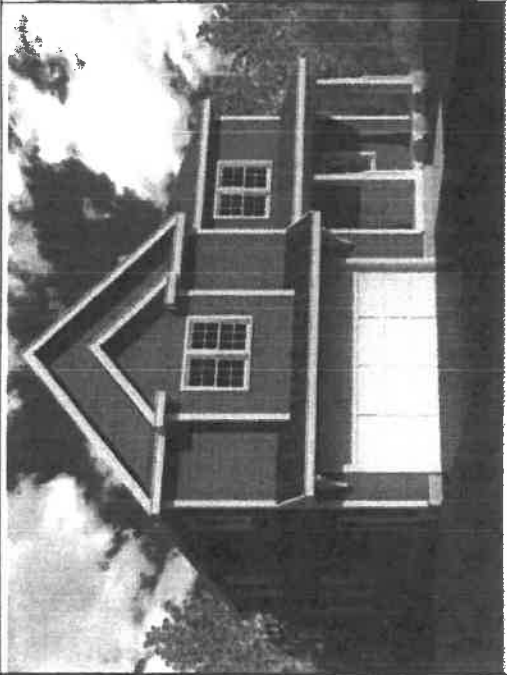


DATE: 10-10-11
BY: [Signature]
CHECKED: [Signature]

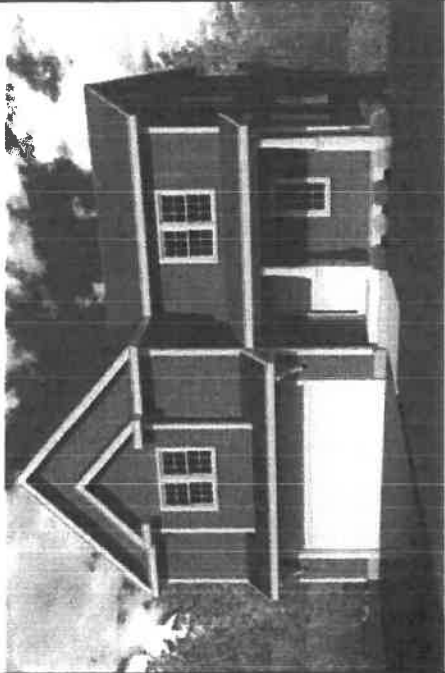
A-3

THE VILLAGES AT CROCKET LANE
11000 CROCKET LANE
CROCKET LANE, FL 33156
DEVELOPER: CROCKET LANE DEVELOPMENT, LLC
ARCHITECT: RONALD HENRI ALBERT AIA ARCHITECT

PROPOSED FIRST & SECOND FLOOR PLANS
RONALD HENRI ALBERT AIA ARCHITECT
1000 10th Street, Suite 200, Fort Lauderdale, FL 33304
TEL: 954-562-3411



FRONT-LEFT 3D ARCHITECTURAL VIEW
to scale



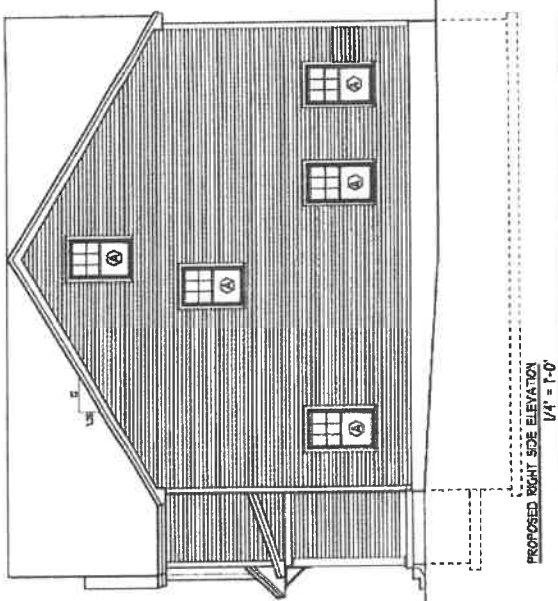
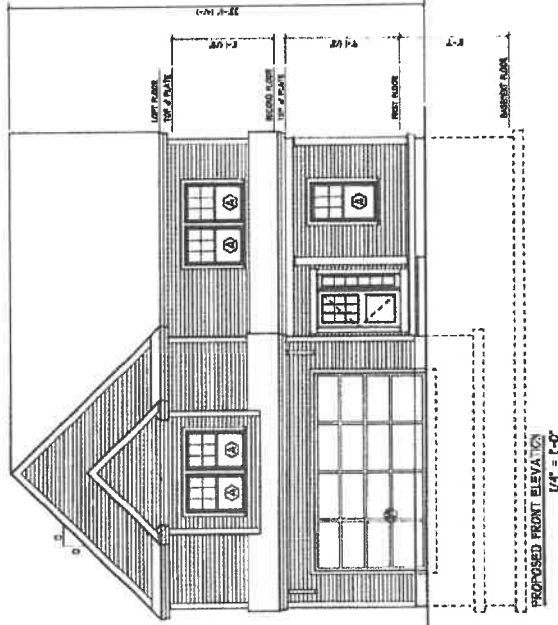
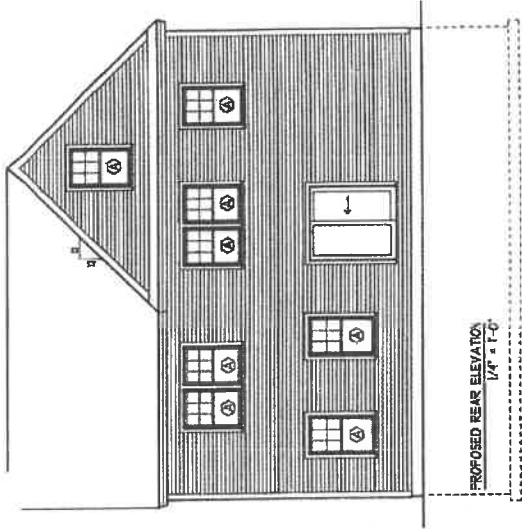
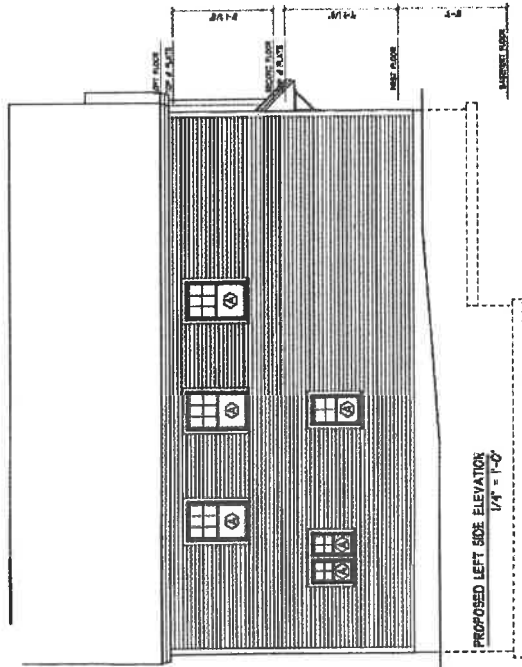
FRONT-RIGHT 3D ARCHITECTURAL VIEW
to scale



00-1

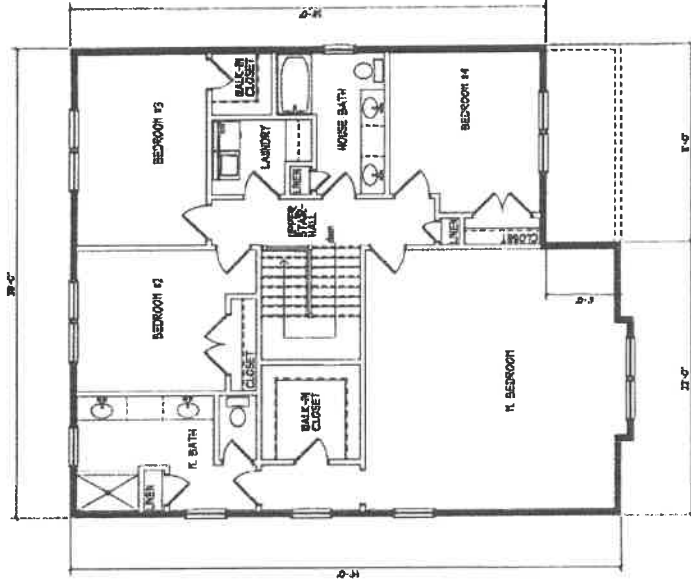
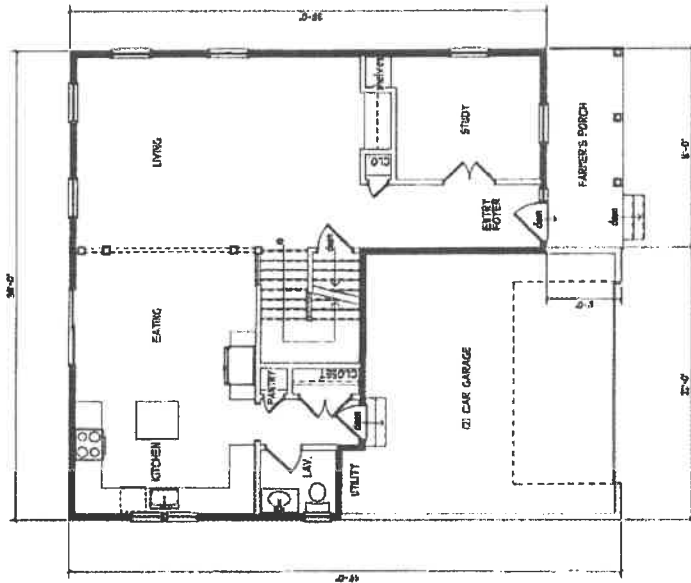
THE VILLAGES AT CROCKET LANE
TREMONT - 2,300 SF. RESIDENT, SA
CROCKET LANE
DEVELOPER: THE VILLAGES AT CROCKET LANE, LLC
CROCKET LANE, 100 CROCKET LANE, CROCKET LANE, AL 36007
3D ARCHITECTURAL RENDERINGS

ronald hennelbert, aka architect
100 CROCKET LANE, TREMONT, AL 36007 205-835-5411



RONALD HENRI ALBERT, AIA
 ARCHITECT
 1000 WEST 10TH STREET
 SUITE 100
 DENVER, CO 80202
 PHONE: 303-733-1111
 FAX: 303-733-1112
 E-MAIL: rha@rhaaia.com

RONALD HENRI ALBERT, AIA
 ARCHITECT
 1000 WEST 10TH STREET
 SUITE 100
 DENVER, CO 80202
 PHONE: 303-733-1111
 FAX: 303-733-1112
 E-MAIL: rha@rhaaia.com

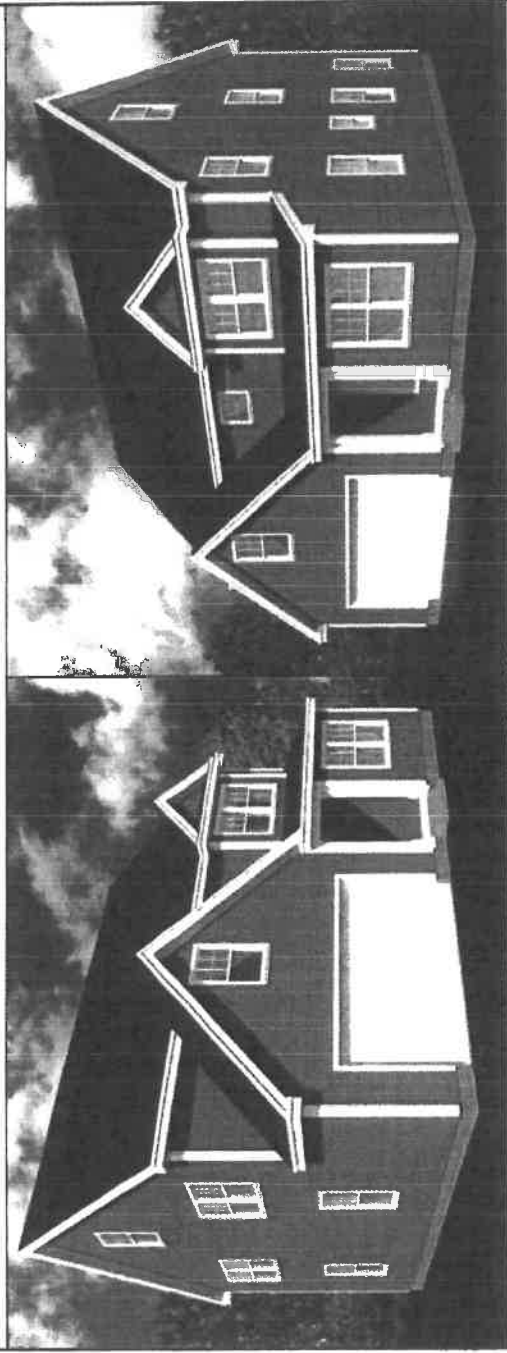


1/4" = 1'-0"
 1/8" = 1'-0"
 1/16" = 1'-0"

A-3

THE VILLAGES AT CRICKET LANE
 FREDERICK - 208 SF.
 DEVELOPER: THE VILLAGES AT CRICKET LANE, LLC
 1000 CRICKET LANE, FREDERICK, MD 21701
 PROPOSED FIRST & SECOND FLOOR PLANS

RONALD H. ALBERT, AIA ARCHITECT
 100 JAMES STREET, BALTIMORE, MD 21201
 410-526-5411



FRONT-LEFT 3D ARCHITECTURAL VIEW
1/6 1/24/16

FRONT-RIGHT 3D ARCHITECTURAL VIEW
1/6 1/24/16

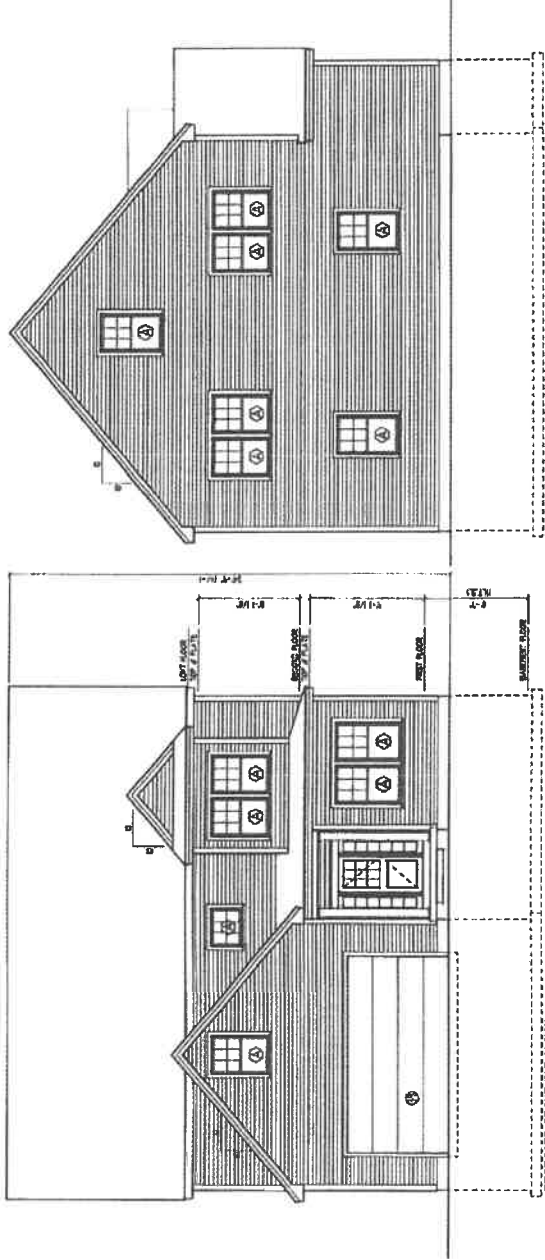
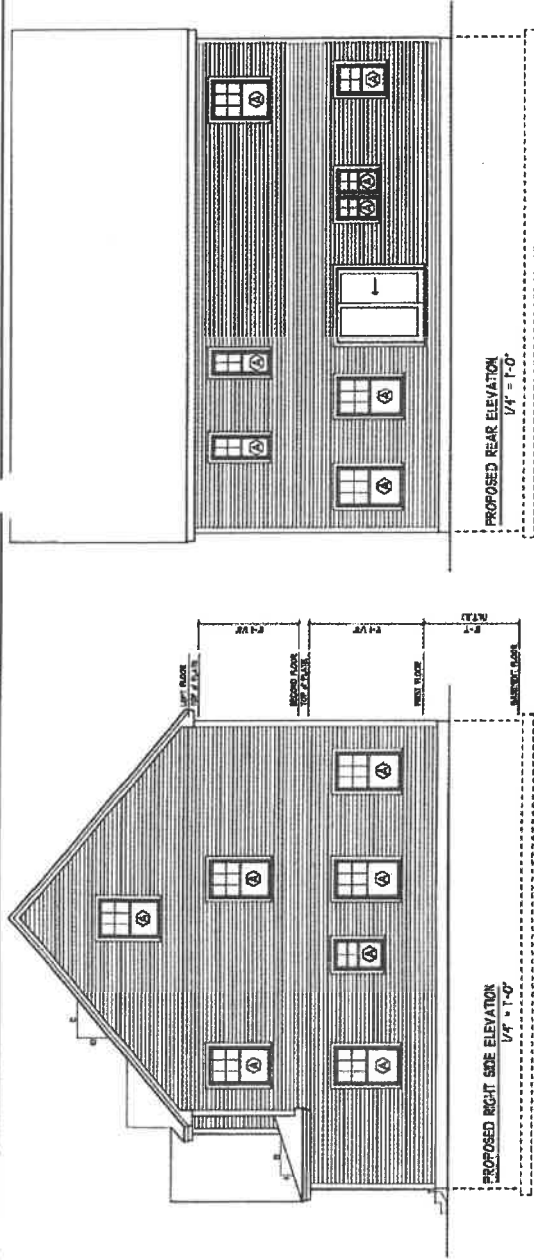


NO SCALE
DATE: 1/24/16
BY: [Signature]

A-1

THE VILLAGES AT CRICKET LANE
11000 CRICKET LANE
DUBLIN, VA 22029
DEVELOPER:
CRICKET LANE DEVELOPMENT, LLC
CRICKET LANE DEVELOPMENT, LLC
30 ARCHITECTURAL RENDERINGS

© Ronald Hemi Albert, aka architect
11000 CRICKET LANE, DUBLIN, VA 22029 978-828-5411



PROPOSED LEFT SIDE ELEVATION
1/4" = 1'-0"

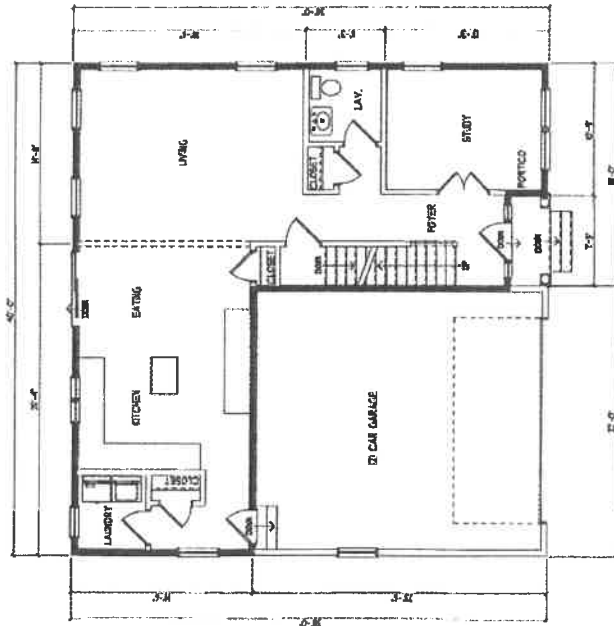
PROPOSED REAR ELEVATION
1/4" = 1'-0"



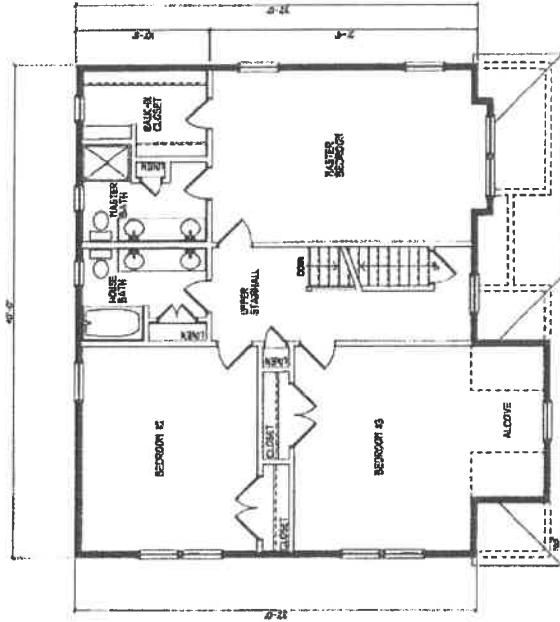
A-2

THE VILLAGES AT CRICKET LAKE
1000 CRICKET LAKE DRIVE
PO BOX 1000
CRICKET LAKE, MA 01930
DEVELOPER
CRICKET LAKE DEVELOPMENT, LLC
1000 CRICKET LAKE DRIVE
PO BOX 1000
CRICKET LAKE, MA 01930
PROPOSED EXTERIOR ELEVATIONS

RONALD BERND ALBERT, AIA
ARCHITECT
1000 CRICKET LAKE DRIVE
PO BOX 1000
CRICKET LAKE, MA 01930
978-682-2411



PROPOSED FIRST FLOOR PLAN
 1372 S.F. 1/4" = 1'-0"



PROPOSED SECOND FLOOR PLAN
 1372 S.F. 1/4" = 1'-0"



1372 S.F. 1372 S.F.
 1372 S.F. 1372 S.F.
 1372 S.F. 1372 S.F.

R-3

THE VILLAGES AT CROCKET LANE
 ST. BEAUCHAMPT - 1348 S.F.
 CROCKET LANE, ST. BEAUCHAMPT, VA
 DEVELOPER: THE VILLAGES AT CROCKET LANE, LLC
 1372 S.F. 1372 S.F.
 1372 S.F. 1372 S.F.

PROPOSED FIRST 1 SECOND FLOOR PLANS

© Ronald Henri Albert, s.a. architect
 100 Island Road, Norwalk, CT 06852 978-828-5411

EXHIBIT D

WAIVERS

CHAPTER 97 ZONING BYLAWS

97-3 (1) Use – only one principal structure is allowed per lot;

97-9 (A) Special Regulations - site plan review not required for comprehensive permit;

97-6 (B) Dimensional Regulations (lot frontage) - lot will be accessible via easement over private land and does not maintain frontage on public way

NON-ZONING ORDINANCE CHAPTER 117 – Town of Newbury Subdivision of Land

Chapter	Category	Required	Proposed	
117-5	Use – Only one principal structure per lot	1	24	
117-20E	Property Line Radius at Intersection	30'	0	
117-21	Cul de sac Max. Length	500'	845'	
117-21	Width of R.O.W.	53'	40'	
117-21	Street Grades	2% min./10% max.	<2%	
117-24	Open space/recreational area	discretionary	N	
117-33A	Drain Pipe Material	Concrete	HDPE	
117-34	Bicycle paths	encouraged	N	
117-35	Monuments	At Intersections and points of curvature in the roadway R.O.W.	None	
117-59	Nitrogen and/or Phosphorous Loading Calculations	Y	N	

OTHER WAIVERS REQUESTED

CHAPTER 87 Stormwater Management and Illicit Discharge and Erosion Control