

March 27, 2020

Zoning Board of Appeals
23 Linden Street
Berlin, MA 01503

Re: The Capes of Berlin, 58 South Street

Dear Members of the Board:

On Behalf of the Capes of Berlin, LLC. Ducharme and Dillis Civil Design Group (CDG) respectfully submits this letter to provide additional information requested during the Public Hearing on March 11, 2020. Details of this information are below:

1. We have contacted the Massachusetts Department of Environmental Protection (DEP) to confirm that the configuration of the wells depicted on the plans subject to the modification request do not constitute a Public Water System (PWS). DEP has confirmed that the wells will not constitute a PWS. Attachment 1 of this letter contains the email confirmation from DEP along with the request submitted to their office.
2. As requested by the Board, we have extended the previously proposed access and utility easement to allow for a minimum of a 20-foot wide area around the perimeter of the parcel. Attachment 2 of this letter includes the revised easement plan. The revised easement area has been highlighted in yellow on this plan.

Our client will be providing draft homeowners association documents under separate cover. We trust this meets your needs at this time. Should you require additional information please let me know.

Very Truly Yours,

DUCHARME & DILLIS

Civil Design Group, Inc.



Seth Donohoe
Project Manager

cc: The Capes of Berlin LLC
Paul Haverty, Esq. - Blatman, Bobrowski & Haverty LLC

Enclosures

Attachment 1 – Confirmation from DEP that wells will not constitute a Public Water System with copy of March 23, 2020 letter sent to DEP

Seth Donohoe

From: Connors, Susan (DEP) <susan.connors@state.ma.us>
Sent: Tuesday, March 24, 2020 8:36 AM
To: Seth Donohoe
Cc: Bostwick, Robert (DEP)
Subject: Re: Capes of Berlin

Hi Seth,

MassDEP reviewed the proposal and site plans and determined that as described, the project would not constitute a Public Water System. The individual wells would be classified as private water supplies under the jurisdiction of the local Board of Health.

Thank you,
Susan
Susan Connors
MassDEP, Central Regional Office
Drinking Water and Water Management Programs
8 New Bond, Worcester MA 01606
phone: 508.767.2701 fax: 508.849.4035
susan.connors@mass.gov

From: Seth Donohoe <sdonohoe@ddcdg.com>
Sent: Monday, March 23, 2020 4:20 PM
To: Connors, Susan (DEP)
Cc: Bostwick, Robert (DEP)
Subject: RE: Capes of Berlin

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Susan,
Thank you for the quick reply. Each well is located on the lot owned by the homeowner. The dotted hatched area represents an access and utility easement which is intended to provide future access to some of the wells from Wilson Road without destroying screening vegetation near abutters properties. Please let me know if you have any other questions or I will be happy to speak via phone if that is easier.
Thank you,

Seth Donohoe
Project Manager
sdonohoe@ddcdg.com
978-779-6091 x304
www.DucharmeDillis.com

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From: Connors, Susan (DEP) <susan.connors@state.ma.us>
Sent: Monday, March 23, 2020 4:05 PM
To: Seth Donohoe <sdonohoe@ddcdg.com>
Cc: Bostwick, Robert (DEP) <robert.bostwick@state.ma.us>
Subject: Re: Capes of Berlin

Hi Seth,

I have a couple of questions. Why does the request state "or control" of the well? Are some of the wells proposed on land not owned by a homeowner? What are the dotted areas of the lots on page 3 of the pdf?

Thank you,
Susan
Susan Connors
MassDEP, Central Regional Office
Drinking Water and Water Management Programs
8 New Bond, Worcester MA 01606
phone: 508.767.2701 fax: 508.849.4035
susan.connors@mass.gov

From: Seth Donohoe <sdonohoe@ddcdg.com>
Sent: Monday, March 23, 2020 3:11 PM
To: Connors, Susan (DEP)
Cc: Bostwick, Robert (DEP)
Subject: RE: Capes of Berlin
Attachment: 5341-LTR to DEP 032320

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Susan,

The applicant has had us revise the project to consist of 12 privately owned lots with each containing a single family home and private well. Each well will only serve the dwelling located on the same lot as the well and the previously proposed condominium association has been eliminated as each lot owner will be responsible for the well and sewage disposal system on their lot. During discussions with the Town I was asked to confirm that DEP will not consider the

individual well on each lot a PWS. Please find attached a letter with plans and details regarding the revised layout. Please let me know if you need any additional information regarding this request.

Thank you,

Seth Donohoe

Project Manager

sdonohoe@ddcdg.com

978-779-6091 x304

www.DucharmeDillis.com



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March 23, 2020

Mr. Robert Bostwick, Section Chief
Mass DEP, Central Regional Office
Drinking Water and Water Management Programs
8 New Bond Street
Worcester, MA 01606

Re: The Capes of Berlin

Dear Mr. Bostwick:

On behalf of the Capes of Berlin, LLC we are contacting your Department regarding revisions to the Capes of Berlin project located at the site shown on Berlin Assessor map 10, parcels 19, 19-1 & 19-2. The Department previously reviewed the project under a Public Water Supply Applicability Request. At the time of the review the project consisted of three (3) wells with each well serving four (4) dwellings. Each well was to be controlled by a condominium association. On June 25, 2019 the Department issued a determination that the three (3) proposed wells at the Capes of Berlin will not be exempt from Public Water Supply requirements.

As a result of this determination the project has been modified to allow each dwelling to be situated on a privately owned lot with each lot containing a private well and private sewage disposal system. Each well will have a single service connection which will serve a dwelling with a maximum of three (3) bedrooms. The individual lots will be conveyed allowing for each owner to possess the ownership or control of the well located on their lot and eliminating the need for a condominium association. Enclosed with this letter is a revised plan depicting the lot, dwelling and well layout.

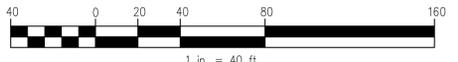
We seek the Department's confirmation that a privately owned well, located on a privately owned lot, with a single service connection serving a dwelling with a maximum of three (3) bedrooms does not constitute a Public Water Supply.

Very Truly Yours,
DUCHARME & DILLIS
Civil Design Group, Inc.



Seth Donohoe
Project Manager

cc: The Capes of Berlin LLC
Paul Haverty, Esq. - Blatman, Bobrowski & Haverty LLC



RESERVED FOR REGISTRY USE

PROFESSIONAL ENGINEER



PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
 BERLIN ZONING BOARD OF APPEALS IN PLACE OF THE PLANNING BOARD
 PER MGL CHAPTER 40B SUBSECTION 22 TO 23.

_____)
 _____)
 _____)
 _____)
 _____)
 _____)

BEING A MAJORITY OF THE BERLIN ZONING BOARD OF APPEALS

DATE ENDORSED: _____

NO.	DATE	DESCRIPTION	BY
1.	6/6/17	REVISIONS PER ZBA COMMENTS	SD
2.	7/6/17	REVISIONS PER ZBA COMMENTS	SD
3.	10/2/17	REVISIONS PER ZBA COMMENTS	SD
4.	8/8/19	REVISED LOT LAYOUT	SD
5.	9/16/19	ACCESS & UTILITY EASEMENTS	SD
6.	2/27/20	PROPOSED EASEMENTS DEPICTED ON INDIVIDUAL SHEET	SD

OWNER: RHODES CONSTRUCTION, INC.
 5 RHODES DRIVE, PO BOX 257
 BERLIN, MASSACHUSETTS

APPLICANT: THE CAPES OF BERLIN, LLC
 5 RHODES DRIVE, PO BOX 257
 BERLIN, MASSACHUSETTS

BOOK/PAGE: D.B. 5587, PG. 332 MAP/PARCEL: MAP 10 BLOCK 9

THE CAPES OF BERLIN
 COMPREHENSIVE PERMIT PLAN
 BERLIN, MASSACHUSETTS
 LOT LAYOUT PLAN

PREPARED BY:
DUCHARME & DILLIS
 Civil Design Group, Inc.
 CIVIL ENGINEERS • LAND SURVEYORS • WETLAND CONSULTANTS
 1092 MAIN STREET, P.O. BOX 428 PHONE: (978) 779-6091 FAX: (978) 779-0260
 BOLTON, MASSACHUSETTS 01740 www.DucharmeandDillis.com

DESIGN BY: GSR	DRAWN BY: SBD	CHECKED BY: SRD	SHEET NO. C2.01
DATE: 8/8/19	JOB NUMBER: 5341	DRAWING NO. 5341-LAYOUT	



PROFESSIONAL LAND SURVEYOR PROFESSIONAL ENGINEER

NOTES/REFERENCES:

- UTILITY NOTES:**
1. CONTRACTOR TO COORDINATE WITH APPROPRIATE UTILITY COMPANY AND CONFORM TO REQUIRED CONSTRUCTION SPECIFICATIONS AS REQUIRED BY THE UTILITY.
 2. UTILITY CONDUIT TO BE SIZED AS REQUIRED BY THE UTILITY COMPANY.
 3. REFER TO SUBSURFACE SEWAGE DISPOSAL SYSTEM PLANS FOR SYSTEM ELEVATIONS AND DETAILS.
 4. REFER TO SHEET C3.03 FOR INFILTRATION AREA DETAILS.
 5. WELLS SHALL BE ON INDIVIDUAL ELECTRIC METERS.
- LIGHTING NOTES:**
1. PERMANENT BUILDING MOUNTED LIGHTING TO BE LIMITED TO BE MINIMUM REQUIRED BY STATE BUILDING CODE. TYPICAL EXTERIOR LIGHTING TO INCLUDE FIXTURE AT GARAGE, FRONT DOOR, AND BACK DOOR.
 2. EACH UNIT TO HAVE A LIGHT POST AT DRIVEWAY CONNECTED TO INDIVIDUAL UNIT ELECTRICAL METER.
 3. ALL FIXTURES TO UTILIZE LOW ENERGY BULBS.
- SOLID WASTE NOTES:**
1. SOLID WASTE TO BE COLLECTED BY A PRIVATE WASTE DISPOSAL SERVICE.
 2. TRASH & RECYCLING BINS ARE TO BE STORED WITHIN THE GARAGES OF EACH UNIT.

**ISSUED FOR APPROVAL
NOT FOR CONSTRUCTION**

NO.	DATE	DESCRIPTION	BY
1.	6/6/17	REVISIONS PER ZBA COMMENTS	SD
2.	7/6/17	REVISIONS PER ZBA COMMENTS	SD
3.	10/2/17	REVISIONS PER ZBA COMMENTS	SD
4.	8/8/19	INDIVIDUAL SEPTIC SYSTEM & WELLS	SD
5.	9/16/19	ACCESS & UTILITY EASEMENTS	SD

OWNER: RHODES CONSTRUCTION, INC.
5 RHODES DRIVE, PO BOX 257
BERLIN, MASSACHUSETTS

APPLICANT: THE CAPES OF BERLIN, LLC
5 RHODES DRIVE, PO BOX 257
BERLIN, MASSACHUSETTS

BOOK/PAGE: D.B. 5587, PG. 332 MAP/PARCEL: MAP 10 BLOCK 9

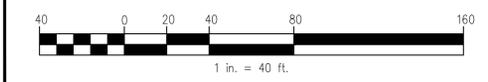
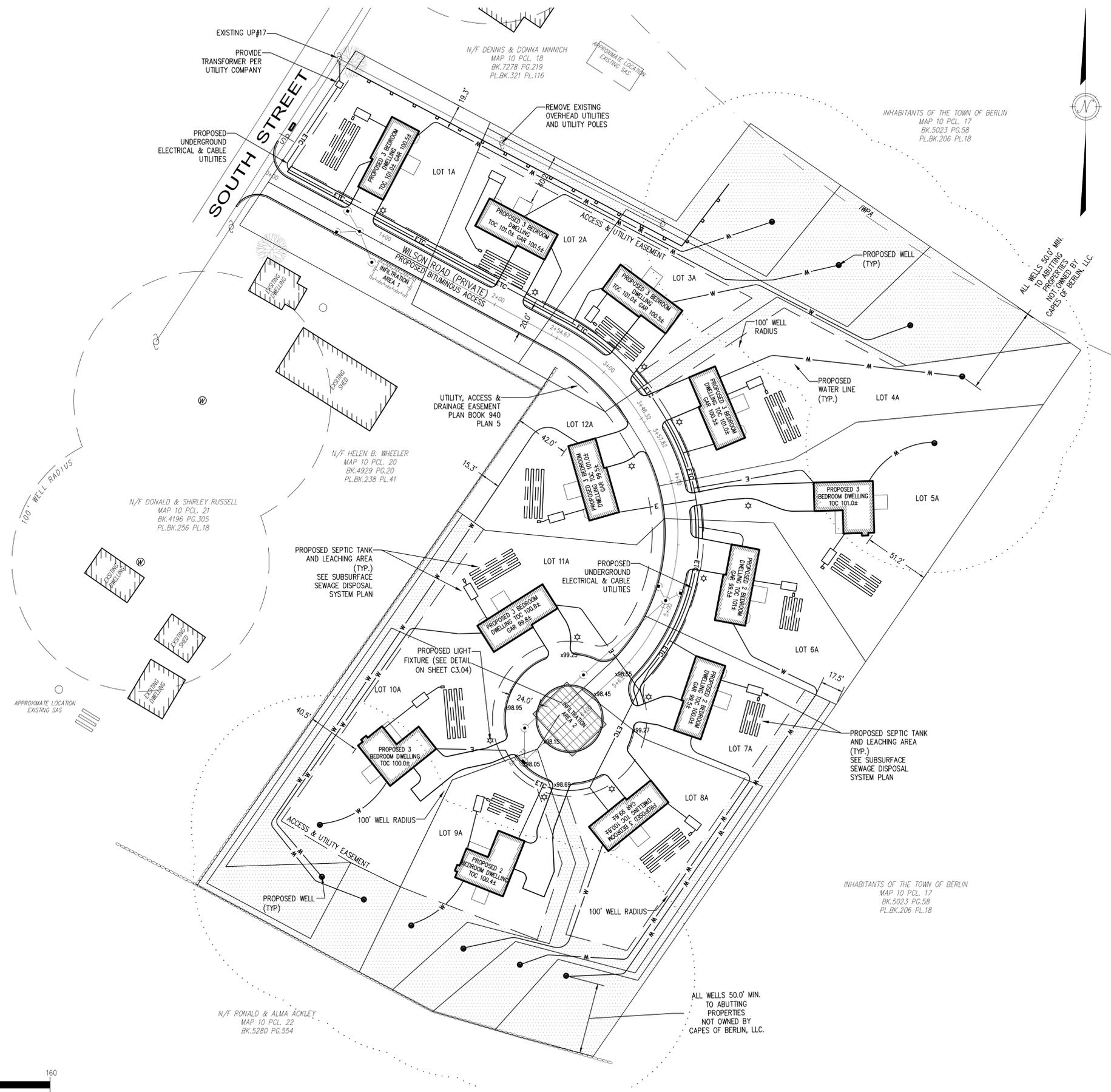
**THE CAPES OF BERLIN
COMPREHENSIVE PERMIT PLAN
BERLIN, MASSACHUSETTS
UTILITIES PLAN**

PREPARED BY:

DUCHARME & DILLIS
Civil Design Group, Inc.
CIVIL ENGINEERS • LAND SURVEYORS • WETLAND CONSULTANTS

1092 MAIN STREET, P.O. BOX 428 PHONE: (978) 779-6091 FAX: (978) 779-0260
BOLTON, MASSACHUSETTS 01740 www.DucharmeandDillis.com

DESIGN BY: GSR	DRAWN BY: SBD	CHECKED BY: GSR	SHEET NO. C4.01
DATE: 4/21/17	JOB NUMBER: 5341	DRAWING NO. 5341-UTILITIES	



Attachment 2 – Revised Easement Plan

PROFESSIONAL ENGINEER

PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS

GENERAL NOTES:

- 1. PLAN HAS BEEN PREPARED TO DEPICT THE PROPOSED LOCATIONS OF ACCESS AND UTILITY EASEMENTS AT THE CAPES OF BERLIN.
- 2. REFER TO WORCESTER REGISTRY OF DEEDS PLAN BOOK 940 PLAN 5 FOR EXISTING ACCESS, GRADING & UTILITY EASEMENT.
- 3. REFER TO SHEET C2.01 FOR LOT BOUNDARY DETAILS.

NO.	DATE	DESCRIPTION	BY
1.	3/27/20	INCREASE ACCESS & UTILITY EASEMENT PER BOARD REQUEST	SD

OWNER: RHODES CONSTRUCTION, INC. 5 RHODES DRIVE, PO BOX 257 BERLIN, MASSACHUSETTS

APPLICANT: THE CAPES OF BERLIN, LLC 5 RHODES DRIVE, PO BOX 257 BERLIN, MASSACHUSETTS

BOOK/PAGE: D.B. 5587, PG. 332 MAP/PARCEL: MAP 10 BLOCK 9

THE CAPES OF BERLIN COMPREHENSIVE PERMIT PLAN BERLIN, MASSACHUSETTS EASEMENT PLAN

PREPARED BY:

DUCHARME & DILLIS
Civil Design Group, Inc.
CIVIL ENGINEERS • LAND SURVEYORS • WETLAND CONSULTANTS

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DESIGN BY: GSR	DRAWN BY: SBD	CHECKED BY: SRD	SHEET NO. C2.02
DATE: 2/27/20	JOB NUMBER: 5341	DRAWING NO. 5341-LAYOUT	

