

SUPPLEMENTAL COVENANT

Rangeway Extension

Town of Lexington, Massachusetts

PLANNING BOARD

WHEREAS, Doris L Duff, the “Grantor”, is the owner of land for which an application was filed with the Lexington Planning Board (“Board”) for approval of a certain Definitive Subdivision Plan entitled “Rangeway Extension in Lexington, Massachusetts” Prepared For Suzanne Raymond Scale 1’=100” Date December 3, 2018, 2012 revised July 22, 2019 and October 3, 2109 by Keenan Survey 8 Winchester Place Winchester, Ma 01890 and Frederick W. Russell ,PE, 154 Aldrich Road , Wilmington, Ma. 01887(the “Plan”) (recorded herewith).

WHEREAS, the Plan is for the property on Rangeway , referred to as Lot 37 on Lexington’s Assessor’s Map 87 (the “Property”) and consisting of an extension of Rangeway (the “Rangeway Extension”) all as shown on the Plan.

WHEREAS, the Board has issued a decision entitled “Certificate of Action” dated and recorded herewith approving the Plan subject to the terms and conditions set forth therein (the “Decision”).

WHEREAS, the Grantor and the Board desire to implement the repair and maintenance terms of the Decision through this Supplemental Covenant required by the Development Regulations, Section 175-6.3 E.

NOW, THEREFORE, WITNESSETH that in consideration of the Board’s approving the Plan and issuing the Decision, and in consideration of One Dollar paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the Town of Lexington [the “Town”] as follows:

1. This Covenant shall run with the land and shall be binding upon the executor, administrator, devisees, heirs, successors and assigns of the undersigned as owners thereof; provided, however, that no person or entity holding the interests of the Grantor hereunder shall have any obligations hereunder for matters arising after such party has conveyed all of its rights, title and interest in the Property to another person or entity.

2. This Covenant shall take effect upon the endorsement of the Plan and shall be recorded with the Plan and Decision at the Middlesex South District Registry of Deeds; and appropriate marginal reference shall be placed on the Plan making reference to this Supplemental Covenant.

3. The Grantor shall be responsible for the repair and maintenance of the Rangeway Extension, landscaping, and utilities including the related drainage facilities, as shown on the Plan. Maintenance shall consist of plowing and clearing snow from the Rangeway Extension and from the Easement Area designated in the turnaround Easement granted to the Town which

is incorporated by reference and recorded herewith; maintaining drainage structures, and removing silt or other debris from the catch basins on an annual basis and whenever clogged. In the event the Grantor fails to perform the obligations of repair and maintenance hereunder, the Town shall have the right to perform such obligations at the expense of the Grantor.

4. The obligations of the Grantor to perform repair and maintenance under Paragraph 3 of this Covenant, as more particularly set forth in attached Stormwater Management Operation and Maintenance Plan dated February 3, 2019, shall begin upon the release of the Statutory Covenant (recorded herewith) pursuant to paragraph 6 thereof and shall terminate upon assumption by the Town of responsibility for the repair and maintenance work described under Paragraph 3 above. The Town shall assume such responsibility for repair and maintenance if (a) Rangeway Extension becomes a public road or a private way which provides for the rights of the public to pass.

5. Notice of the assumption by the Town of responsibility for the maintenance work under the sentence immediately above, when duly acknowledged and recorded at the Registry, shall be deemed effective for purposes of evidencing the termination of the Grantor's obligations to perform repair and maintenance under this Covenant.

[No further text on this page]

Executed as a sealed instrument this _____ day of _____, 2019.

Doris L. Duff, Trustee of the Doris L. Duff
Nominee Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss.

On this _____ day of _____, 2019, before me, the undersigned notary public, personally appeared Doris L. Duff, Trustee as aforesaid who proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily and for its stated purpose as Trustee of the Doris L. Duff Nominee Trust..

Notary Public:

Notary Name Printed:

My Commission Expires:

*Frederick W. Russell, PE
154 Aldrich Road
Wilmington, MA 01887
978-604-6590*

**Stormwater Operation &
Maintenance Plan**

Rangeway Extension

**In
Lexington, MA**

February 3, 2019

**Project Name: Rangeway Extension
Lexington, MA**

**Owner Name: Doris L. Duff
15 Ponds View Lane
Laconia, NH 03246-4065**

Party Responsible for Maintenance until transfer: Doris L. Duff
15 Ponds View Lane
Laconia, NH 03246-4065

General Information:

The following on-site maintenance program for the stormwater management system is proposed in order to keep the stormwater management systems functioning properly. Operation and maintenance of these systems will be the responsibility of the developer, and his contractor initially, and the proposed homeowners association upon transfer of ownership. The responsibilities outlined in this Operation and Maintenance Plan shall be made part of the Lexington Conservation Commission's Order of Conditions and will "run" with the property as ownership is transferred.

Planned Erosion and Sedimentation Control Measures during construction Activities

Dewatering

Dewatering may be required during roadway construction and utility installation. Should the need for dewatering arise, groundwater will be pumped directly into a temporary settling basin or frac tank dewatering box, which will act as a sediment trap during construction. All temporary settling basins or tanks will be located within close proximity of daily work activities. Prior to discharge, all groundwater will be treated by means of the settling basin through a series of stone check dams or acceptable substitute. Discharges from sediment basins will be free of visible floating, suspended and settleable solids that would impair the functions of a wetland or degrade the chemical composition of the wetland resource area receiving ground or surface water flows and will be to the combined system.

Storm Drain Inlet Protection

A temporary storm inlet protection filter will be placed around all catch basin units. The purpose of the filter is to prevent the inflow of sediments into the closed drainage system. The filter shall remain in place until a permanent vegetative cover is established and the transport of sediment is no longer visibly apparent. The filter shall be inspected and maintained on a weekly basis.

The performance of the catch basins and water quality units shall be checked weekly and after every major storm event during construction.

Surface Stabilization

The surface of all disturbed areas shall be stabilized during and after construction. Temporary measures shall be taken during construction to prevent erosion and siltation. No construction sediment shall be allowed to enter the infiltration system. All disturbed slopes will be stabilized with a permanent vegetative cover. Some or all of the following measures will be utilized on this project as conditions may warrant.

- a. Temporary Seeding
- b. Temporary Mulching
- c. Permanent Seeding
- d. Placement of Sod
- e. Hydroseeding
- f. Placement of Hay
- g. Placement of Jute Netting

Subsurface Infiltration Systems

Erosion controls (such as haybales or silt fencing) and temporary swales should be installed around the perimeter of the excavation to collect and/or divert runoff containing fines and sediments from entering the systems. The existing subgrade under the system bed areas shall not be compacted or subject to excessive construction equipment traffic. Once the site is stabilized and final grade over the systems is established, ensure that proper signs and/or barricades around the systems are installed to avoid compaction or vehicular traffic over the system. During construction, the Proposed Subsurface Infiltration Systems should be inspected weekly and after every major storm event. Pooled water inside the system (as visible from the observation wells) after several days often indicates that the bottom of the system is clogged. If the systems are found to be clogged, flushing and vacuuming of the systems will be required.

Long-Term Inspection and Maintenance Measures After Construction

Erosion Control

Eroded sediments can adversely affect the performance of the stormwater management system. Eroding or barren areas should be immediately re-vegetated.

Debris and Litter Removal

Trash may collect in the BMP's, potentially causing clogging of the facilities. All debris and litter shall be removed when necessary, and after each storm event. Sediment and debris collected from vacuuming sweeping should be disposed at a permitted waste disposal facility. Avoid disposing of this material on site, where it could be washed into the infiltration systems or rain garden.

Subsurface Infiltration Systems

The subsurface infiltration systems should be inspected after the first several rainfall events or few months after construction, after all major storms (>2-year), and on regular biannual scheduled dates. Pooled water inside the system (as visible from the observation wells) after several days often indicates that the bottom of the system is clogged. If the systems are found to be clogged, flushing and vacuuming of the systems will be required.

Deep Sump Catch Basins

The catch basins shall be inspected two (2) times per year, and if necessary, any maintenance shall be performed so that it functions as designed. The catch basins shall be cleaned twice per year, and when sediment in the bottom of the sump reaches within 12 inches below the bottom of the outlet. Inlet and outlet pipes should be checked for clogging. At a minimum, inspection of the catch basin shall be performed during the last week of April and the first week of October each year.

Stormceptor® Unit

The manufacturer recommends quarterly inspections during the first year of installation to accurately establish a maintenance schedule. At a minimum the manufacturer recommends annual maintenance be performed or when the sediment volume in the unit reaches 15 percent of the Stormceptor® total storage. In the event of any hazardous spill, it is recommended that maintenance be performed immediately. Maintenance should be performed by a licensed liquid waste hauler.

Oil is removed through the 6" inspection/oil port and sediment is removed through the 24" diameter outlet riser pipe. Alternatively, oil could be removed from the 24" opening if water is removed from the lower chamber, lowering the oil level below the drop pipe. For the STC 900 maintenance is performed through the 12" inlet drop pipe. The inlet drop pipe has a tapered insert connected to a handle. After removing the handle, remove oil and sediment from the 12-inch diameter inlet drop pipe.

Snow disposal and plowing

Snow shall be plowed and stored on gravel, grass, or other permeable surface to allow filtration to occur; such locations shall be selected so that all melted snow will flow into the formal drainage system. Once snow melts all sand salt and debris shall be extracted from surface and properly disposed of. Avoid disposing snow on top of storm drain catch basins.

The amount of road salt applied should be regulated to prevent over salting and increasing runoff concentrations. Alternative materials, such as sand or gravel, should be used in especially sensitive areas.

Roadway sweeping schedule

Pavement sweeping shall be conducted at a frequency of not less than once per year. Removal of any accumulated sand, grit, and debris from roadway after the snow melts shall be complete shortly after snow melts for the season.