



RICHARD C. HOWARD  
MAYOR

City of Malden  
Massachusetts

OFFICE OF THE MAYOR  
200 PLEASANT STREET  
MALDEN, MASSACHUSETTS 02148

TELEPHONE (781) 397-7000  
FAX (781) 397-7073  
www.cityofmalden.org

April 14, 2010

Mr. Timothy Glynn, Chairman  
Malden Planning Board  
200 Pleasant Street  
Malden, MA 02148

RE: High Rock

Dear Mr. Glynn:

As you are aware, by decision dated February 17, 2009, Judge Charles Trombly of the Land Court has reversed the Planning Board's decision to deny the subdivision plan submitted by D & L Realty Trust on October 31, 2003. Judge Trombly further ordered the Planning Board to endorse the definitive subdivision plan.

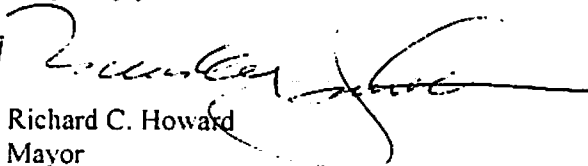
The petitioner has been in contact with the planning staff over the past 12 months to resolve outstanding issues and questions relative to the endorsement of the plan. The planning staff has recommended a list of conditions be imposed on the plan prior to its endorsement. The petitioner disputes that the Land Court Decision authorizes the Planning Board to impose any conditions.

After meeting with the principal planner and the Director of Planning, Engineering and Waterworks I discussed the proposed conditions with the owners of the property. After much deliberation we have agreed that if attached list of conditions are imposed on the plan they will not return to the Land Court seeking the Judge's endorsement of the plan without any conditions.

I believe this is the best result we can expect from this matter which has been heard by the Court in three separate cases and urge the Planning Board to endorse the plan with the conditions enclosed herewith.

If you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,



Richard C. Howard  
Mayor

enclosure

(pbhighrock:mt:msoffice.winword:engineering-planning)

## High Rock Conditions

1. The developer will use best efforts to complete the installation of roadways and utilities within two years of date of Planning Board's endorsement of the plan.
2. As built plans of street layout, roadway and all utilities shall be submitted within 90 days of completed installation of roadways and utilities.
3. No excavation or construction vehicles may be parked at any time on the surrounding streets.
4. All excavation and heavy construction traffic shall access the site via the following routes: from Lebanon Street northbound or southbound, via Marshall Avenue to William Street to the site or from Williams Street to Nichols Road, to Rockingham Avenue to the site or from Salem Street northbound or southbound, via Lebanon Street as set forth above. Heavy trucking and excavation vehicles are specifically excluded from traveling on Elwell Street and Beachview and Olive Avenues.
5. All streets affected by utility installation (trench cuts) will be resurfaced and/or repaired as per sheet number 11 of the definitive plan to the satisfaction of the director of the Department of Public Works, in accordance with the customary practice for utility repairs.
6. Maintain existing/improved paved driveway (off Rockingham Rd) to provide vehicular access to manholes along sewer line from Williams St Ext to Rockingham Rd.
7. Install vertical granite curbing (Type VA-4) on all portions of all roadways within the subdivision.
8. All sidewalks shall be cement concrete.
9. Provide evidence of coverage under EPA National Pollutant Discharge Elimination System (NPDES) Program.
10. Prior to any acceptance of roadways and related infrastructure as public ways, the applicant shall provide the City with the access easement necessary for maintenance of stormwater and drainage systems, including those located on private property.
11. In addition to the installation of the fire suppression system as shown on the Definitive Subdivision Plan, install a residential fire sprinkler in each dwelling unit.