

TOWN OF MILFORD
ZONING BOARD OF APPEALS
TOWN HALL
52 MAIN STREET
MILFORD, MASSACHUSETTS 01757

(508) 634-2302

FINDINGS AND DECISION

RE: Application of 88 Corp. for Comprehensive Permit (the "Application")

DATE: July 17, 2018

Premises Affected: Lot 1, Birch Street, a portion of Assessors Map 46, Lot 6A (the Property)

Members participating: Charles C. DiAntonio, Vice Chairman, John Dagnese, Mark Calzolaio, Robert Capuzziello and Timothy Walsh. All members attended all sessions of the public hearing, and deliberated toward a decision, with one member having missed one substantive public hearing session but having undertaken the necessary review and having placed a certificate into the record in accordance with the requirements of G.L. c.39, §23D (the Mullin Statute).

PROCEDURAL HISTORY

1. On or about December 28, 2017, 88 Corp. (the "Applicant"), 31 Whitewood Road, Milford, MA 01757, submitted a project eligibility application to MassHousing (the "Subsidizing Agency") as Project Administrator, pursuant to the New England Fund ("NEF") Program as the subsidy, in order to develop a project on the Property with 162 dwelling units, 25% of which were proposed as affordable rental units priced at no more than 80% of Area Median Income, adjusted for household size (the "Project") as further defined below. The Project, including other improvements and uses described herein and as further defined below, shall be known as Birch Street Place.
2. A Project Eligibility Letter (PEL) was issued for the Project under the NEF Program of the Federal Home Loan Bank of Boston (FHLBB) by MassHousing on March 5, 2018.
3. On April 9, 2018, the Applicant submitted a Comprehensive Permit Application to the Town of Milford Zoning Board of Appeals (the "ZBA or "Board"). The Application included architectural plans for the Project, as well as civil engineering, environmental, drainage, utility and stormwater management, and traffic reports prepared by experts, and was deemed by the Board to be complete.
4. The ZBA opened a duly noticed public hearing on May 10, 2018 in the Upper Town Hall, at the Milford Town Hall, 52 Main Street, Milford, MA.

5. The ZBA continued the public hearing to the following dates: June 7, 2018; June 21, 2018; June 27, 2018, and July 17, 2018.
6. On July 17, 2018, the ZBA closed the public hearing.
7. After the ZBA closed the hearing on July 17, 2018, the ZBA deliberated on the matter and the conditions which it would deem appropriate to attach to any affirmative decision. After further deliberation and discussion, the ZBA voted to approve the Comprehensive Permit, by a vote of 5 to 0, based upon the findings, and subject to all of the conditions, set forth below.
8. The plans of record are specifically identified in Exhibit A ("Plan of Record"). The documents and exhibits set forth as Exhibit B were received during the public hearing and constitute the record for this decision. The list of waivers approved by the Board are attached as Exhibit C.

FINDINGS

1. The Applicant is qualified to make the Application pursuant to 760 CMR 56.04 in that (a) it is or will become a "limited dividend corporation" as that term is used in G.L. c.40B, s. 21 and 760 CMR 56.02; (b) it has a funding commitment from the Subsidizing Agency; and (c) it has "control of the site" as that term is used therein by virtue of a Purchase and Sale Agreement, dated December 1, 2017, between the Applicant and Corner Brook LLC, the current owners of the Property.
2. The Town of Milford has not met the statutory minimum set forth in G.L. c. 40B, s. 20 or 760 CMR 56.03(3), nor is affordable housing located on sites comprising one and one-half percent or more of the total land area zoned for residential, commercial or industrial use. The development of affordable units consistent with the Application will not result in the commencement of construction of such housing on sites comprising more than three tenths of one percent of such land area.
3. The Property is located in the Industrial B (IB) zoning district, as established in the Milford Zoning By-law.
4. The Project was proposed to have four multifamily residential structures which would contain 162 dwelling units. The dwelling units will have the following mix of bedrooms:

One bedroom units:	(64 units)
Two bedroom units	(78 units)
Three bedroom units:	(20 units)

5. The ZBA retained the following peer review consultants to assist in the review of the Application:

Boston Consulting Group (BCG); and,
Consulting Engineers Inc. (CEI).

6. Aspects of the Project were reviewed by the departments and officials of the Town of Milford, including:

Town Planner;
Fire Department;
Police Department;
Conservation Commission;
School Department;
Board of Health;
Highway Surveyor;
Town Engineer;
Sewer Department;
Board of Assessors; and,
Milford Water Company.

7. The ZBA's consulting civil engineer, CEI, and the Town's Engineer reviewed the Applicant's plans and specifications and summarized their findings or reports in several memoranda to the ZBA. CEI concluded that (1) the plan set including wetland and flood impact areas were delineated; (2) the site design and building layout plans were generally acceptable, subject to proposed revisions detailed in their findings or reports; (3) proposed traffic and circulation on the Property were generally acceptable, subject to proposed revisions detailed in the reports; (4) utility connections and service should be verified with appropriate Town authorities, but were generally adequate; (5) grading and drainage revisions were required but were not so extensive as to render the project infeasible; (6) proposed plantings and landscaping were generally adequate; (8) the existing Property is to be serviced by adequate water and sewer; and (9) the Applicant proposes to provide three-hundred twenty-four (324) parking spaces, or an average of two (2) parking spaces per unit, on the Property and this number is adequate. Town Boards and officials, Consultants and Town staff made recommendations to the ZBA for conditions to mitigate impacts of the proposed Project and these are set forth as Conditions below.

8. The ZBA's consulting traffic engineer, BSC, and the Town's Engineer and Planner reviewed the Applicant's Traffic Study and summarized findings in a several memoranda to the ZBA. It was concluded that (1) the Traffic Study contained the information typically provided in such studies and was consistent with engineering guidelines; (2) the Traffic Study proposed an adequate traffic study area; (3) the methodology used in the Traffic Study to assess volume and peak hours was appropriate; (4) speed and sight distance measurements in the study were appropriate for the proposed use; (5) there are no high accident locations in the study area; (6) the methodology of projecting traffic impacts attributable to the Project was appropriate; (7) the study projections for level of service

(LOS) impacts at nearby intersections were appropriate. The consultants and staff made recommendations to the ZBA for conditions to mitigate impacts of the proposed Project and these are set forth in the Conditions, below.

9. Based upon serious concerns about the future of Milford's water supply, the ZBA finds that the appropriate number, under all the circumstances, of units for this project is the 162 units proposed. The Applicant met and worked with the Town Planner, Town Engineer, the Milford Planning Board, the Milford Board of Selectmen and others for better than one (1) year prior to submission of its Application. The Applicant originally proposed to develop 300 units on the Property. Upon negotiations and discussions with the Town officials and Boards referred to above, and with consideration for the density of the proposal, effects on traffic and concerns in terms of present and future water supply, it was ultimately agreed that the Applicant will go forward with a 162 unit development as set forth in its Application with the support of the above referenced bodies.

10. On the basis of the testimony of the Applicant, the ZBA's peer review consultants, Town officials, Town staff, and others, the ZBA finds that the need for the affordable housing produced by the Project outweighs the local concerns identified during the public hearing process, subject to the conditions set forth below.

DECISION

Pursuant to G.L. c.40B, the Zoning Board of Appeals of Milford, after a public hearing and findings of fact, hereby grants a Comprehensive Permit to the Applicant for the construction of the Project, to include one hundred sixty-two (162) dwelling units on the Property, including a clubhouse/pool building (containing a community room, fitness center, a pet wash room, a leasing office, bathrooms, and package delivery room), a maintenance/bike storage building, and three-hundred twenty-four (324) parking spaces including four detached 8-bay parking garages, along with associated infrastructure and improvements as depicted on the Plan of Record and as described in Exhibit A, subject to the following conditions (the "Comprehensive Permit" or "Decision"). The term "Applicant" as set forth herein shall mean the Applicant, its heirs, successors and assigns. The term "Board" or "ZBA" as set forth herein shall mean the Town of Milford Zoning Board of Appeals. Unless otherwise indicated herein, the Board may designate an agent or agents to review and approve matters set forth herein.

CONDITIONS

Any grant of a Comprehensive Permit hereunder shall be dependent upon compliance with all of the following terms and conditions:

A. REGULATORY CONDITIONS.

1. Construction of all facilities and amenities upon the premises shall be undertaken in substantial compliance with the Plan of Record as such may be modified by the

conditions herein, with the specific terms of any conditions stated herein to have precedence over said Plan of Record in the event of any inconsistencies.

2. The total number of dwelling units that may be constructed at the Premises shall be limited to a maximum of one-hundred sixty-two (162) dwelling units, with a maximum of two-hundred eighty (280) bedrooms, as shown on the Plan of Record.
3. As a condition of any approval hereunder, at least 25% of the units shall be and shall remain affordable and shall be marketed to eligible households whose annual income may not exceed 80% of Area Median Income (AMI), adjusted for household size, as determined by the United States Department of Housing and Urban Development (the "Affordable Units"); and, subject to approval by the Massachusetts Department of Housing and Community Development (DHCD), the forty-one (41) Affordable Units and the remaining one hundred twenty-one (121) units shall be eligible to be included in the Town's Subsidized Housing Inventory (SHI), as maintained by the DHCD.
4. The Applicant shall notify the ZBA and the Town Administrator when building permits are issued and cooperate with the preparation of request forms to add the units to the SHI.
5. The Applicant shall notify the ZBA and the Town Administrator when occupancy permits are issued and cooperate with the preparation of request forms to add the units to the SHI permanently.
6. The Affordable Units shall permanently remain affordable, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23.
7. A springing affordable restriction and regulatory agreement, in a form mutually acceptable to the Town and the Applicant, shall be signed with the Town and recorded at the Registry of Deeds as set forth below.
8. The Affordable Units shall be dispersed throughout the Project as designated by the Applicant by agreement with the Subsidizing Agency. The Affordable Units and the market rate units shall be constructed on substantially the same schedule. No building shall contain less than a roughly proportional share of the Affordable Units as further described in Paragraph 10 below. The Affordable Units shall be indistinguishable as viewed from the exterior from the market rate units.
9. The Applicant shall execute a Regulatory Agreement that shall be countersigned by the Subsidizing Agency as may be required under G.L. c.40B and submit annual reports to the Subsidizing Agency in accordance with the Regulatory Agreement.

10. The Affordable Units shall not be segregated from the market rate units. If the Project is intended to be occupied in phases, the Applicant shall provide notice of such intent to the ZBA with a construction/occupancy phasing plan containing an acknowledgement that a roughly proportionate share of the 25% of the units, as described in Paragraph 8 above, in each such phase shall consist of Affordable Units, and that upon completion of construction, 25% of all units shall be Affordable Units.
11. The Applicant shall annually recertify to the Subsidizing Agency, or less frequently as may be required by the Subsidizing Agency, the continuing eligibility of any tenant in an Affordable Unit. If a previously eligible tenant becomes ineligible to occupy an Affordable Unit, the Applicant may charge the tenant a market rate rent; however, the Applicant shall comply with the Subsidizing Agency's requirements for converting another unit to an Affordable Unit. Upon request, the Applicant shall provide the Town with all necessary information to determine whether the required affordability levels are in place.
12. The Applicant shall enter into a Permanent Restriction/Regulatory Agreement with the Town, in a form and substance reasonably acceptable to the Subsidizing Agency, the ZBA and its counsel (the "Town Regulatory Agreement"), which shall be recorded with the Worcester County Registry of Deeds against the Property prior to issuance of any building permit for the Project. ZBA endorsement of said Town Regulatory Agreement shall not be unreasonably withheld, delayed or denied.
13. The Town Regulatory Agreement: (i) shall only become effective if and when the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency; (ii) shall require that the Project shall remain a rental project so long as the Project does not conform to local zoning; (iii) shall require that at least twenty five (25%) percent of the apartment units in the Project shall be rented in perpetuity to low and moderate income households as that term is defined in M.G.L. Chapter 40B, Sections 20-23; (iv) shall restrict or limit the dividend or profit of the Applicant only if and as required under G.L. c.40B and 760 CMR 56.00, et seq., and no independent limitation on dividends or profits is imposed hereunder; and (iv) shall restrict the number of allowed units and bedrooms as set forth in the Comprehensive Permit and if the Comprehensive Permit is modified in the future, then the Applicant shall request a modification of the Town Regulatory Agreement to conform to the Comprehensive Permit as modified.
14. The Town Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the Town and shall require that the Affordable Units shall remain affordable rental units in perpetuity, meaning, specifically, for so long as the Project does not conform to the Town's Zoning Bylaws or for the longest period allowed by law, whichever period is longer.

15. While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency and may take any steps allowed under G.L. c.40B and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.
16. When the Town Regulatory Agreement takes effect, the affordability requirements shall be enforceable by the Town or its designee, to the full extent allowed by M.G.L. Chapter 40B, Sections 20-23.
17. Paragraphs 11 to 16, above, shall not be used or construed or otherwise exercised in conflict with the holdings in ZBA of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to G.L. Chapter 40B, §§20-23, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. Moreover, to the extent there is a conflict between the terms of this Comprehensive Permit and the Regulatory Agreement, the terms of the Regulatory Agreement shall control. At such time as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall provide the Town with a reasonable monitoring fee. Said monitoring fee shall be reasonably consistent with the monitoring fees required by the Subsidizing Agency.
18. (a) To the extent allowed under G.L. c. 40B and the regulations promulgated thereunder and other applicable law, the requirements of the Subsidizing Agency, and provided that such local preference is consistent with the Department of Housing and Community Development's Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines, as amended and all other applicable state and federal requirements, then with respect to at least 70% of the Affordable Units or the maximum allowed by the Subsidizing Agency, the Applicant shall provide preference categories as follows:

Residents of Milford;
Parents and children of Milford residents;
Veterans;
Employees of the Town; and,
Employees in the Town.
- (b) The Town shall be responsible for providing the Applicant with all necessary information and data to support the local preference request as further detailed herein.

- (c) These preferences shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town for compliance with the local preference set forth herein.
 - (d) The foregoing local preferences shall be implemented pursuant to procedures approved by the Subsidizing Agency. The costs associated with the marketing of units in the Project, including the advertising and processing for the Affordable Units shall be borne by the Applicant.
- 19. The Applicant shall submit to the ZBA a report on marketing activity at the Project during the initial lease-up of the Project demonstrating compliance with the local preference requirement pursuant to the plan approved by the Subsidizing Agency as set forth below.
 - 20. The ZBA acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. If the ZBA or its designee does not provide such information within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency or DHCD, then this condition shall be void.
 - 21. The Applicant shall develop a marketing plan for the Affordable Units for review and approval of the Subsidizing Agency, said plan to conform to any and all affirmative action requirements or other requirements as imposed by federal or state regulation and shall conform with the local preference requirement set forth above.
 - 22. If at any time it appears that the Applicant is in violation of the affordable housing restriction with the Town at any time when said restriction is in effect as described above, following a hearing of which the Applicant has been given prior notice, then the ZBA may pursue such enforcement rights as it may have under the affordable housing restriction and/or applicable law.
 - 23. Profits from the Project in excess of those allowed under applicable law and regulations shall be utilized as provided in the regulatory agreement with the Subsidizing Agency and as required and provided for under G.L. c.40B and 760 CMR 56.00.
 - 24. The Applicant shall annually provide the ZBA or its designee with copies of any and all documents and statements provided by the Applicant to the Subsidizing Agency or its designated auditor of the Applicant's costs and revenues for informational purposes upon request by the Town.

25. The Town, by and through the ZBA or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.
26. Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to 760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Commissioner and the ZBA.

B. GENERAL CONDITIONS.

1. The Applicant shall comply with all local by-laws, rules and regulations of the Town of Milford and its boards, officers and commissions, unless expressly waived hereunder or as provided on the Plan of Record referenced herein.
2. Except as specifically waived by this Decision, the Project shall conform to all applicable state and federal laws, codes, regulations, and standards including, but not limited to, the following:
 - (a) International and Massachusetts Building, Plumbing, Fire Protection, Elevator, Access and Electrical Codes;
 - (b) The Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and the associated State Wetlands Protection Regulations (310 CMR 10.00) and approval granted under DEP File No.250-906, as amended (the "Final Wetlands Order");
 - (c) Massachusetts Department of Environmental Protection Wastewater Regulations;
 - (d) EPA and DEP Stormwater requirements and accepted industry best management practices for construction of the drainage infrastructure; and
 - (e) U.S. Army Corps of Engineers, Regulatory Program under Section 404 of the Federal Clean Waters Act.
3. There shall be no exterior construction activity, including fueling of vehicles, on the Premises before 7:00 a.m., or after 7:00 p.m., Monday through Friday and before 8:30 a.m. or after 4:30 p.m. on Saturday. There shall be no construction on the Premises on the following days unless a special approval for such work has been issued by the Milford Police Department: Sundays or the following legal holidays: New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas. The Applicant agrees that the hours of operation shall be enforceable by the Milford Police Department.
4. All utilities within the Premises shall be installed underground except as may otherwise be depicted on the Plan of Record.

5. The interior and exterior of all buildings and structures shall be constructed substantially as represented in the Application, as revised, and on the Plan of Record.
6. No foundation or building permit shall be issued until the Applicant has demonstrated that the Milford Water Company or successor entity can provide sufficient water supply for domestic use and fire suppression.
7. All water and wastewater infrastructure facilities for the Project shall be constructed and fully operational prior to the issuance of the first occupancy permit for the Project; provided, however, that the required water and sewer infrastructure shall not include building service tie-in infrastructure for any building that has not yet been built or for which an occupancy permit has not yet been requested.
8. All lighting for the Project shall be maintained in such a way that lights shall be shielded and directed so as to avoid light trespass exceeding 0.5 foot candles at the property line or unshielded point sources of light visible from public ways or adjacent properties unless otherwise noted on the Plan of Record. A lighting plan shall be submitted to the Building Commissioner for his approval prior to construction of said infrastructure and prior to issuance of any Certificate of Occupancy for a unit, the lights as detailed shall be installed as shown on the plan. The Applicant shall pay a reasonable peer review consultant fee if requested by the Building Commissioner.
9. A final landscaping plan has been presented to, and approved by, the ZBA, and is included within the Plan of Record.
10. Final design plans for the storm water management system shall comply with Massachusetts Department of Environmental Protection regulations, and as noted in the letter, dated June 7, 2018, issued by Comprehensive Environmental Incorporated, the ZBA's Stormwater peer review engineer. A Final Wetlands Order shall confirm satisfaction of this condition.
11. All utility work and any other roadwork, within any public right of way shall be performed and conducted in conformance with the regulations of the Town and MassDOT, if applicable, including requirements for street opening permits and trench permits. Contractors shall be duly licensed as required by the Town of Milford. All such work shall be performed in accordance with current engineering and construction standards.
12. Any internal sidewalk and street trees to be planted adjacent to the sidewalk shall be installed before issuance of the final occupancy permit for the Project, unless seasonal conditions dictate a different seasonal installation or planting timeframe, in which case, the Applicant may post a surety to secure the performance of this condition in accordance with Paragraph C. 8 of this Decision.

13. All structures and site improvements within the Project Property shall remain private in perpetuity, including any and all ways, parking areas, street lighting, drainage, buildings, sewer and water infrastructure and the Applicant shall bear the cost of maintenance, repairs, replacement, snow plowing and trash removal for same in perpetuity.
14. The Applicant shall provide 24/7 monitoring of the Project, either by on-site management or an off-site management entity that is available by phone 24/7. In the event the Applicant engages a management company, the Applicant shall post the name and telephone number of the management company in each building in a prominent place and shall provide the ZBA and Town with a current copy of the management contract upon request.
15. Fire hydrants shall be located as required by the Fire Chief and shall be operational when the first framing of any structure begins. A more detailed, readable utility layout requested by the Fire Chief shall be provided and phased if necessary.
16. The Project's multi-family dwellings shall be sprinklered, including attics and storage spaces. The Applicant shall submit final fire alarm/sprinkler plans to the Fire Chief for review and approval. The Applicant shall install the sprinklers in compliance with M.G.L. c. 148, §26I, which shall require a sprinkler system designated per NFPA code and the Massachusetts State Fire Code.
17. The Applicant shall ensure that all underground water pipes shall have water tight joints.
18. No Certificate of Occupancy for any building or phase shall be issued until the infrastructure or common facilities or common improvements specified in this Decision and set forth on the Plan of Record are constructed and installed so as to adequately serve said building or phase, or adequate security has been provided, reasonably acceptable to the ZBA, and approved as to form by the ZBA's legal counsel, to ensure the completion of such improvements. No such performance guarantee shall be requested until all stormwater drainage facilities and the base course of the pavement have been installed. The choice of performance guarantee shall be governed by the provisions of G.L. c. 41, § 81U (excluding the statutory covenant which shall not apply in this matter) and shall be approved as to form by the ZBA's legal counsel. The ZBA shall notify the Building Commissioner, in writing, of such completion or performance guarantee. The Applicant shall have all statutory choices of performance guarantees available under G.L. c. 41, §81U at all stages of construction up until request for certificate of occupancy. The Applicant acknowledges that a letter of credit is not a suitable form of surety under G.L. c.41, §81U, ¶7.
19. No stormwater pond or other water collection area to be constructed by the Applicant as part of the Project shall hold water for more than 72 hours unless

otherwise provided in a Final Wetlands Order. A Final Wetlands Order shall confirm satisfaction of this condition.

20. Final drawings showing on-site water distribution system and wastewater system shall be submitted to the Highway Surveyor and Town Engineer.
21. Prior to issuance of building permits, the Applicant shall:
 - (a) Provide to the Building Commissioner a final Stormwater Pollution and Prevention Plan to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures such as hay socks, silt fence, sedimentation basins, and all other erosion controls on the plans, and provides detailed construction sequencing and methods to protect the infiltration capacity of each infiltration system, all in conformance with the requirements of the Conservation Commission during the Order of Conditions process.
 - (b) Obtain a National Pollutant Discharge Elimination System General Permit (NPDES) from the United States Environmental Protection Agency, as necessary for construction of the Project at the Premises.
 - (c) Provide procedures that outline the specific operation and maintenance measures for all stormwater/drainage facilities. A Final Wetlands Order shall confirm satisfaction of this condition.
 - (d) Have demonstrated to the satisfaction of the Building Commissioner that the Milford Water Company or successor entity will provide sufficient water supply for domestic use and fire suppression.
22. Prior to issuance of building permits, the Applicant shall conduct, or submit a report if completed, a hydrant flow test to determine available flow and pressure to fight a fire and provide the results of such test to the Milford Water Company and Fire Chief. In the event that there is insufficient water pressure or volume for fire protection, plans shall include on-site improvements such as a fire pump or off-site improvements to the Milford Water Company water distribution system as reasonably required to maintain a residual pressure of 20 psi in the municipal water distribution system. The procedure for flushing, disinfecting and pressure testing of the water mains shall be approved by the Milford Water Company.
23. Upon approval of this Decision, and only if requested, the Applicant shall provide the School Superintendent, ZBA and the Board of Selectmen with an estimate of the number of school aged children who will reside at the Property, so that the Town can plan for the expected additions to the school population.
24. The Applicant shall provide and obtain approval for separate Operations and Maintenance Plans (O & M Plans) and then adhere to them as follows:

- (a) The drainage infrastructure and all related appurtenances, which shall be consistent with the O&M Plans approved by the Conservation Commission;
- (b) The access ways, parking areas, common areas, trash removal, snow removal; and
- (c) Additional Property areas that are identified by the Conservation Commission to require ongoing maintenance.

A Final Wetlands Order shall be evidence that Conditions 24(a) and 24(c) have been satisfactorily addressed.

- 25. Fertilizer, pesticide and herbicide use shall be minimized to the extent consistent with good landscape maintenance practice.
- 26. Road salt use in vehicular parking areas shall be minimized to the extent consistent with good maintenance practice, and as may be modified by a Final Wetlands Order.
- 27. Dumping of landscape debris, including leaves, grass clippings and brush, within 50 feet of any wetland shall be prohibited except as otherwise permitted in a Final Wetlands Order.
- 28. No disturbance or construction work shall be done and no portion of any structure or any pavement shall be placed any closer to any wetland than as depicted on the Plan of Record except as otherwise permitted in a Final Wetlands Order.
- 29. The Project shall not be gated.
- 30. All grading shall be consistent with the Plan of Record as revised and as approved by the ZBA during the public hearing based upon the peer review obtained during the public hearing.
- 31. The Applicant shall provide post-Decision documents and plans required in this Decision to the ZBA which shall forward such documents and plans to its peer review engineers and special counsel, if deemed necessary. The ZBA's peer review engineers and counsel shall provide an estimated cost for a peer review to the ZBA and the Applicant for review of materials for completeness and compliance with this Decision.
- 32. Once the Applicant has provided a completed set of post-Decision documents and plans and the peer review funds are in place, the ZBA shall have 45 days to obtain the necessary peer review comments and to determine whether the final design submittals and plans conform to the conditions set forth in the Comprehensive Permit.

33. If the ZBA votes to determine that deficiencies exist in the post-Decision documents and plans, the ZBA shall notify the Applicant of the deficiencies and the Applicant shall have an opportunity to cure the deficiencies and the Applicant and the ZBA may mutually agree to extend the 45-day period for review to cure the deficiencies.
34. If the deficiencies are not timely cured, then the ZBA may vote to determine that the relevant conditions of the Comprehensive Permit have not been satisfied and the Applicant may avail itself of any avenue of appeal that may exist or may take further action to make additional submissions to the ZBA and its peer review consultant, to try to obtain the approval required by this condition, so long as this Comprehensive Permit has not lapsed and so long as the Applicant pays the reasonable fees of the peer review consultant.
35. Subject to approval of MassDOT or the Milford Highway Department, as appropriate, the Applicant shall patch each trench for any work that occurs in a public way for the Project for the full length and width of the disturbance caused by each trench with a thickness of 2 inches of compacted binder course material (unless the in-situ pavement thickness is greater than 2 inches, in which case, the existing greater in-situ thickness shall be matched) and shall overlay, curb-to-curb, the full width and length of any public way disturbed during construction; and the curb-to-curb overlay shall be a minimum of 1.5 inches of compacted thickness or appropriate roadway thickness and size as required by the regulating authority, MassDOT or the Milford Highway Department. This shall occur after construction of the Project is completed, at the Applicant's sole expense.
36. Residential Buildings shall have elevators and the radio intercom infrastructure requested by public safety officials. This shall include bi-directional amplifiers for police and fire communications, if requested by the Town's public safety officials.
37. Each residential building shall be equipped with elevators that return to the ground floor when a power outage occurs.
38. The Applicant shall provide the ZBA and the Board of Health, before any occupancy permit issues, with an adequate operations plan for the storage and collection of solid waste and recycling, to make sure that odor and nuisance problems are avoided. The hours for trucks to collect or otherwise service the solid waste and recycling containers shall occur only during daylight hours between the hours of 7:00 a.m. and 4:00 p.m.
39. If an irrigation system is installed utilizing Milford Water Company water, it may be done only in full compliance with the specifications of the Milford Water Company and the Town of Milford. Alternate sources of water shall be explored.
40. The toilets shall have a 1.28-gallon maximum flush capacity.

41. The bathroom faucets shall have 1.0 gallon per minute maximum aerators.
42. The showerheads shall have 1.5 gallon per minute maximum flow.
43. All water and sewer construction and materials shall be in accordance with Town of Milford or the Milford Water Company's requirements.

C. CONSTRUCTION AND BONDING.

1. The Applicant shall provide the ZBA and its agents with authority to enter the Premises during construction of the Project (subject to conformance with applicable health and safety requirements, including, but not limited to hard hat, safety glasses, reflective vests and work boot requirements), with reasonable prior notice to ensure safety requirements can be met, and to determine conformance with this Decision.
2. The Applicant shall pay all of the ZBA's and Town's prior and outstanding peer review and legal fees, if any, within 30 days of the issuance of the Comprehensive Permit. The Applicant shall pay for all reasonable post-Decision peer review, post-Decision inspections, and post-Decision legal fees by establishing or continuing the escrow account now established pursuant to G.L. c. 44, s. 53G. No occupancy permit shall issue if any authorized outstanding bill for any fee is 30 days overdue.
3. The Applicant shall abide by orders issued by the Building Commissioner in conformance with applicable law in conjunction with construction of the Project, subject to the Applicant's rights of appeal under applicable law.
4. Work and operations within the buffer zones within 100 feet of wetlands shall be governed by the Conservation Commission unless waived herein and as denoted on the Plan of Record.
5. Prior to construction, physical barriers shall be installed, as needed, to provide tree protection and along the limit of the clearing line. Erosion controls and tree protection measures shall be continuously maintained throughout the course of construction. Adjacent public streets shall be swept as needed to remove sediment and debris. Disturbed areas shall be brought to final finished grade and stabilized permanently against erosion as soon as practicable. Bare ground that cannot be permanently stabilized within 60 days shall be stabilized using annual rye grass following U.S. Natural Resource Conservation Service (NRCS) procedures.
6. With respect to the work to be done by Applicant on private ways within the Property, no certificates of occupancy shall be issued by the Town until the Applicant has substantially completed all Property drainage and utility work appurtenant to any portions of the Project on the Property for which an occupancy permit is to be issued and has installed a binder course of pavement on driveways and parking areas within the Property.

7. Prior to the issuance of the first certificate of occupancy, a satisfactory surety instrument, that shall not expire unless and until it is satisfactorily replaced or released, shall be provided to the Town, in an amount to be determined by the Town Engineer performing the construction inspections sufficient to ensure the completion of the top coat of paving and completion of all trench repair work and all other work require such as loaming and seeding along the roadway edges and the blending in of abutting driveways. The surety shall be held in accordance with the Town's normal procedures and any surety release that occurs shall be made only upon the satisfactory completion of the work in question as voted by majority vote of the ZBA of Appeals after receiving the recommendation of the consulting civil engineer and applicable Town agencies.
8. To the extent that landscaping for the Project is not completed prior to the issuance of the first certificate of occupancy, the Applicant shall provide the ZBA with a satisfactory surety instrument, that shall not expire unless and until it is satisfactorily replaced or released, and shall be in an amount to be determined by the ZBA in consultation with all relevant Town ZBAs and officials and other consultants based upon the Applicant's reasonable estimate of the costs to complete such landscaping work.
9. The work to be secured shall include any landscape screening and fencing along the limit of work boundary not yet completed.
10. In addition, the Applicant shall provide surety sufficient to loam and seed any disturbed areas which are yet to be developed as per the Plan of Record. Such surety shall be held by the Town Treasurer until the Treasurer is notified by the ZBA to release the surety. Requests to reduce the surety may be submitted as the landscaping work progresses and shall include the amount of requested reduction, a list of work outstanding and a cost estimate of the same. The amount of the surety retained shall be based on the cost estimate of the remaining work, and the surety shall be fully released upon the completion of the landscaping work.
11. Prior to the issuance of any building permit, the Plan of Record, finalized as necessary as provided in this Decision, shall be signed and sealed by a Massachusetts Professional Engineer and a Massachusetts Registered Landscape Architect and filed with the ZBA and the Building Commissioner, and shall include, as appropriate, the following:
 - (a) Utilities, including on-site utilities and connections to utilities in adjacent public ways, which shall conform to all requirements of municipal departments or private utility companies having jurisdiction and to all applicable codes;
 - (b) Stormwater Pollution and Prevention Plan (SWPPP) notes that address mitigation of sedimentation and erosion, including details relating to any temporary drainage basins;

- (c) Letter from the Project architect confirming that the Project complies with Architectural Access Board (AAB) Regulations; and
 - (d) Details of any temporary construction signs and permanent signs.
- 12. A surety instrument, that shall not expire until it is satisfactorily replaced or released, in an amount to be determined by the ZBA in consultation with Town ZBAs and officials and other consultants shall be given to the Town by the Applicant prior to starting any activity authorized by this Decision ("Authorized Activity") within a public way, on Town property or in any Town easement to ensure the proper and timely completion of all such work. The surety instrument shall be held by the Town Treasurer until the Treasurer is notified by the ZBA to release the surety.
- 13. Requests to reduce the surety may be submitted as work progresses and shall include the amount of requested reduction, a list of work outstanding and a cost estimate of the same. The surety retained shall be based on the work remaining.
- 14. Prior to starting any Authorized Activity, the Applicant and the general contractor shall hold a preconstruction meeting or conference with the Building Inspector, Conservation Agent, and Highway Superintendent representative to review this approval.
- 15. Prior to starting any Authorized Activity, the Applicant shall provide to the Building Commissioner:
 - (a) the company affiliation, name, address and business telephone number, cell phone number and email address of the construction superintendent who shall have overall responsibility for construction activities on the Property;
 - (b) a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Premises have been paid;
 - (c) certification from the Applicant that all required federal, state and local licenses and permits have been obtained;
 - (d) proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work;
 - (e) proof that street signage is in place to ensure that emergency personnel can locate the Property to provide emergency services to protect and secure the Property and construction personnel; and
 - (f) if activity on the Property ceases for longer than one month, at least 48 hour written notice shall be given.

16. During construction, at the end of each work day, the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured. Upon completion of all work on the Property and prior to As-Built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations, and the ZBA shall be notified in writing of the final disposition of the materials.
17. Blasting, if any, shall be performed in a manner approved by the Fire Department and Building Department, and in accordance with State blasting regulations and requirements as well as Condition No. D.11 below, so as to prevent injury or property damage to the residents of the Town and proper evidence of insurance shall be provided to the Building Commissioner before blasting begins.
18. Within ninety (90) days of completion of the Authorized Activities and prior to the issuance of any certificate of occupancy, the Applicant shall submit to the ZBA two sets of As-Built Plans for all infrastructure improvements and, if applicable, evidence of compliance with this Comprehensive Permit and any other permits required for the construction of the improvements contemplated by this Comprehensive Permit. The As-Built Plans shall be provided both in paper form and as AutoCAD plans, in a version approved by the Town Engineer so as to be compatible with the Town Engineer's software and hardware. The site engineer of record shall provide a written description of any material deviations from the building permit plans.
19. All catch basins and detention basins shall be cleaned at the end of construction. Thereafter, the Applicant and/or Applicant's successor shall be responsible for maintaining the Property's storm-water management system in accordance with generally accepted practice, as the same may, from time to time, change. A Final Wetlands Order containing such requirements shall demonstrate satisfaction with this condition.
20. A plan to implement adequate erosion and sedimentation control measures in compliance with any Order of Conditions for the Project shall be submitted by the Applicant to the Conservation Administrator for approval that such measures comply with the Final Wetlands Order, prior to the start of any Authorized Activity. Said measures shall be maintained throughout the Project and until all disturbed areas have been permanently stabilized with either an adequate vegetative or asphalt cover in accordance with the Plan of Record.
21. Any further soil testing shall be done by a Massachusetts Registered Professional Engineer who is a Licensed Soil Evaluator who shall observe soil conditions in the subsurface stormwater disposal area and shall relocate or modify the design of the facility if impervious soils or bedrock are present within the limits of the excavation.

22. During construction, the location of any and every stormwater disposal area shall be protected to prevent compaction by heavy equipment and to prevent contamination of the area with soils and material that may reduce infiltration rates for the existing soils.
23. The Applicant shall be permanently responsible for the following at the Project:
- (a) all plowing, sanding, and snow removal. Snow shall be piled in designated locations as shown on the Plan of Record or alternate locations acceptable to the Fire Chief. In the event that snow impairs roadways such that the travel area is less than eighteen feet wide, and all designated snow removal locations have been exhausted, at the direction of the Fire Chief, the Applicant shall cause snow to be transported from the Project to an off-Property location for the legal disposal thereof;
 - (b) all Property maintenance and establishing a regular schedule for site maintenance;
 - (c) repairing and maintaining all on-Property roadways, including drainage structures and utilities therein and the infrastructure within the Project;
 - (d) conducting annual inspection, maintenance and cleaning of all elements of the drainage system, including but not limited to catch basins, drain manholes, detention basins, swales and pipelines;
 - (e) maintaining any and all easements shown on the Plans; and
 - (f) Property lighting.
24. Prior to issuance of the first certificate of occupancy, the Applicant shall obtain approval from the U.S. Postmaster of any location to be used for mail boxes and parcel delivery areas.
25. Prior to commencing Authorized Activity, the Applicant's final construction plans shall provide that the construction of the Project shall be performed in accordance with all applicable laws and regulations regarding noise, vibration, dust, sedimentation control and blocking of Town roads, and the Applicant shall install aprons at Property entry points and provide for dust control in the form of sweeping and spraying of water whenever necessary.
26. No stumps or construction debris shall be buried or disposed of at the Property.
27. The Applicant shall use all reasonable means to minimize inconvenience to residents in the general area, during construction.

28. The Applicant shall expend commercially reasonable efforts to develop an on-Property irrigation well in accordance with all applicable laws and regulations and shall diligently pursue approvals for same within 12 months of the commencement of construction and before any occupancy permit issues.
30. This Decision is granted to the Applicant and may not be transferred or assigned to any party without the approval of the Subsidizing Agency and notice to the ZBA, as required by 760 CMR 56.05(12)(b).
31. Any changes to the Project after issuance of the Decision shall be reviewed and approved by the ZBA in accordance with 760 CMR 56.05 (11). The Project shall be constructed substantially in accordance with the Plan of Record. Proposed and reasonable adjustments to the Plan of Record following the issuance of this Decision are allowed. Substantial changes shall be submitted to the Building Commissioner (or other appropriate department head in Milford) who may determine whether the adjustment constitutes a "change". Adjustments may be approved directly by the Building Commissioner with input from appropriate department heads. Any proposed insubstantial or substantial change shall be submitted to the Zoning Board of Appeals for review and authorization in accordance with 760 CMR 56.05(11).
32. Building construction may begin simultaneously with the commencement of construction of the infrastructure, but no occupancy permit shall issue unless and until all of the infrastructure necessary for the occupancy permit shall be substantially permitted and completed and have any necessary temporary or final sign offs.

D. SPECIAL CONDITIONS.

1. Construction of all facilities and amenities upon the Property shall be undertaken in substantial compliance with the Plan of Record as such may be modified by the conditions herein, with specific terms of any conditions stated herein to have precedence over the Plan of Record in the event of any inconsistencies.
2. As reflected in the findings referred to above, this Comprehensive Permit is limited to the construction and use of one hundred sixty-two (162) rental dwelling units on the Property, including a clubhouse/pool building (containing a community room, fitness center, a pet wash room, a leasing office, bathrooms, and package delivery room), a maintenance/bike storage building, and three-hundred twenty-four (324) parking spaces including four detached 8-bay parking garages, along with associated infrastructure and improvements as depicted on the Plan of Record as described in Exhibit A, subject to the conditions in this Decision. The Applicant shall determine the appropriate allocation of Affordable Units within the 4 buildings and obtain approval of such Affordable Unit location Plan from the Subsidizing Agency, and prior to construction, submit a plan to the ZBA for review

indicating the number of units in each building and any change in configuration of such buildings.

3. All sewer system connections and facilities shall be constructed in accordance with the requirements and the rules and regulations of the Milford Board of Sewer Commissioners and any requirements set forth in the letter from Tata & Howard to the Board of Sewer Commissioners dated January 25, 2018.
4. Prior to issuance of final Occupancy permits for the Project, the Applicant shall undertake improvements to the intersection of Birch Street and Beaver Street, including a right turn lane as generally depicted on the aerial photograph with sketch attached hereto as Exhibit "D". The details and specifications of such improvements shall be approved by the Milford Engineering Department prior to issuance of final Occupancy permits for the Project.
5. Any further Notice of Intent (NOI) under the Massachusetts Wetlands Protection Act for the final design shall clearly indicate permanent wetland impacts and shall provide a detailed wetlands mitigation plan including detail and specifications for grading, soils, plantings, construction sequencing, erosion controls and must address all potential temporary impacts to wetlands during the construction phase. A Final Wetlands Order shall confirm satisfaction of this Condition No. D.5, as well as Conditions Nos. D.6 through D.9.
6. The Applicant shall conduct test pits at the new proposed infiltration basin as shown on the Record Plan prior to final design, with notice to the Town Engineer to enable town personnel to witness tests.
7. Mounding analysis shall be undertaken for the open-air infiltration basin along the east side of the access road per the MA Stormwater Handbook.
8. Final plans shall indicate areas designated and appropriate for snow storage.
9. The Applicant shall install a new culvert under the new access drive to mitigate any ponding issues, which culvert is shown on the Plan of Record. The details of stream crossing standards will be part of the further permitting under still applicable, local, state and federal agencies.
10. As shown on the Plan of Record, the dog park shall be moved closer to the rear of the building #2 and shall sit above the elevation of the nearby water elevations. Said dog park shall be maintained by the property management company and will be equipped with disposable bags at the location.
11. Any rock removal and blasting operations to be undertaken on the Property or with regard to the Project shall meet all local, state and federal requirements and Condition C. 17 above, and, in particular, shall meet the requirements of the

Milford Fire Chief in relation to providing the protection and notice required under the requirements noted above, including but not limited to, residents of the abutting condominium complex.

12. Clear site lines, in accordance with applicable standards for Highway safety, shall be established at the driveway entrance.
13. The Applicant shall prepare the necessary traffic signal plans and documents to modify the traffic signal timing at the Route 109 and Birch Street intersection in order to improve the current level of service and reduce queuing on Birch Street. The design modifications shall be submitted to MassDOT, if applicable, and the Milford Engineering Department, for their approval and shall be implemented prior to occupancy of any units at Birch Street Place. Within six (6) months after occupancy certificates have been issued for all Units, the Applicant/Owner shall provide a traffic analysis comparing the previous conditions to full residence conditions, documenting that the design modifications adequately mitigated the increase in traffic due to the housing development. If that report indicates that the conditions at the intersection of Route 109 and Birch Street have degraded, the Applicant shall be required to provide additional signal timing changes to the extent practicable, and shall submit such proposed changes to the MassDOT, if applicable, and the Milford Engineering Department, for their approval, and within 6 months after such approval, such timing changes shall be implemented to the extent practicable using existing equipment.

E. LAPSE.

1. Any Comprehensive Permit granted hereunder shall lapse three years from the date that it takes final effect (i.e., the date that it is filed with the Town Clerk, subject to tolling in the event of any appeal and as provided in 760 CMR 56.05(12)(c)), unless the Comprehensive Permit is duly recorded before the three-year period lapses and unless construction on the Project has commenced within such period, or unless such term is extended in accordance with 760 CMR 56.05(12)(c).

F. WAIVERS.

1. The Applicant shall comply with the State Building Code and the Town of Milford Zoning Bylaw as of the date this Application was filed with the ZBA, and all other local development controls as of the date of this Application, except as expressly waived and provided for herein. Any waiver not expressly granted or not shown on the approved Plan of Record is hereby not granted. Grant of the Comprehensive Permit and the Waivers is expressly conditioned upon compliance with all of the conditions of approval and with continued adherence to the facts and circumstances noted in the Findings of Fact.

2. The Waivers in Exhibit C are granted and are incorporated by reference into this Decision.

G. VALIDITY OF DECISION.

This Decision shall not be valid until recorded with the Registry of Deeds and evidence of such recording is provided to the Building Commissioner and the ZBA. Any modification of this Decision shall be subject to 760 CMR 56.05(11), and within 20 days the Board shall determine and notify the Applicant whether it deems the change substantial or insubstantial, with reference to the factors set forth at 760 CMR 56.07(4), or any successor regulation thereto. Any person aggrieved by this Decision may appeal to a court of competent jurisdiction within 20 days as provided by M.G.L. c. 40A, § 17 or M.G.L. c. 40B, §20 et seq., as applicable.

MILFORD ZONING BOARD OF APPEALS

By: Charles C. DiAntonio
Charles C. DiAntonio, Vice Chairman

On July 17, 2018, the Zoning Board of Appeals unanimously voted to authorize Vice Chairman DiAntonio to execute the Decision on behalf of the ZBA.

Filed with Town Clerk on: July 24, 2018

Sent to Applicant, certified mail, on: July 27, 2018

Notices to interested parties mailed on: July 27, 2018

EXHIBITS

- A Plan of Record
- B. Document List
- C. Waiver List
- D. Birch Street and Beaver Street Improvements Sketch

Exhibit A

Plan of Record

The Plan of Record for the Project includes the following plans and specifications, copies of which are also on file with the ZBA:

(a) set of civil plans, consisting of fourteen (14) sheets, entitled: "Preliminary Site Design Plan for Birch Street Place in Milford, Massachusetts," dated March 29, 2018, as prepared by Allen Engineering, LLC, and signed and stamped by Mark Allen, P.E and Robert Knapick, PLS, as dated and as revised through June 20, 2018, including the following:

- (1) Cover Sheet (Sheet 1 of 14);
- (2) Existing Conditions Plan (Sheet 2 of 14)
- (3) Parking & Layout Plan (Sheet 3 of 14);
- (4) Grading and Drainage Plan (Sheet 4 of 14)
- (5) Utility Plan (Sheet 5 of 14);
- (6) Landscape Plan (Sheet 6 of 14);
- (7) Landscape Plan (Sheet 7 of 14);
- (8) Landscape Detail Plan (Sheet 8 of 14);
- (9) Landscape Detail Plan (Sheet 9 of 14);
- (10) Lighting Plan (Sheet 10 of 14);
- (11) Lighting Detail Plan (Sheet 11 of 14);
- (12) Site Construction Details Plan (Sheet 12 of 14);
- (13) Site Construction Details Plan (Sheet 13 of 14); and,
- (14) Site Construction Details Plan (Sheet 14 of 14) (collectively, the "Civil Plans").

(b) set of architectural plans, consisting of eighteen (18) sheets, entitled "Birch Street Place, Birch Street, Milford, MA," dated April 4, 2018, or as otherwise shown, prepared by HPA Design, Inc. for 88 Corp., including:

- (1) A0.0 Title Sheet
- (2) A#1.1 Bldg #1 (45 Unit) 1st and 2nd Floor Plans;
- (3) A#1.2 Bldg #1 (45 Unit) 3rd Floor and Roof Plans;
- (4) A#1.3 Bldg #1 (45 Unit) Elevations;
- (5) A#2.1 Bldg #2 (33 Unit) 1st and 2nd Floor Plans;
- (6) A#2.2 Bldg #2 (33 Unit) 3rd Floor and Roof Plans;
- (7) A#2.3 Bldg #2 (3 Unit) Elevations;
- (8) A#3.1 Bldg #3 (45 Unit) 1st and 2nd Floor Plans;
- (9) A#3.2 Bldg #3 (45 Unit) 3rd Floor and Roof Plans;
- (10) A#3.3 Bldg #3 (45 Unit) Elevations;
- (11) A#4.0 Bldg #4 (39 Units) Walk-Out Level Plan
- (12) A#4.1 Bldg #4 (39 Unit) 1st and 2nd Floor Plans;
- (13) A#4.2 Bldg #1 (39 Unit) 3rd Floor and Roof Plans;
- (14) A#4.3 Bldg #4 (39 Unit) Elevations;
- (15) A#G.1 8 Bay Garage Plan and Elevation (TYP for 3);

Exhibit A

Plan of Record (Cont'd)

- (16) A#C.1 Clubhouse Elevations
- (17) A#C.2 Clubhouse Elevations; and,
- (18) A#C.3 Clubhouse Plans. (collectively, the "Architectural Plans").

Collectively, the Civil Plans, and the Architectural Plans shall be referred to as the "Plan of Record" or "Site Plans" unless otherwise specifically noted herein.

Exhibit B
Document List

The following documents were received during the public hearing:

1. Comprehensive Permit Application, Birch Street Place, submitted by 88 Corp., dated April 9, 2018;
2. Birch Street Place architectural plans sheets A 0.0 through A#C3, prepared by HPA Design Inc., Architects, dated November 22, 2017;
3. Traffic Impact and Access Study for Birch Street Milford, prepared by Ron Muller & Assoc., dated October 4, 2017;
4. Memo from Thomas J. O'Loughlin, Chief of Police, to Milford Zoning Board of Appeals, dated April 10, 2018;
5. Report of Tata & Howard to Rudolph V. Lioce, III, Chairman of Milford Sewer Commissioners, dated January 25, 2018;
6. Memo from Tata & Howard to David Condrey, Manager Milford Water Company, dated January 22, 2018;
7. Memo from Milford Board of Health Chairman to Milford Zoning Board of Appeals, dated April 24, 2018;
8. Review from Milford Water Company, to Gerald M. Moody, Town Counsel, dated May 1, 2018, Regarding;
9. Memo from Larry Dunkin, Town Planner, to David Consigli, Chairman of Milford Zoning Board of Appeals, dated May 10, 2018;
10. Memo from Michael Dean, P.E., Town Engineer, to David Consigli, dated May 10, 2018;
11. Memo from BSC Group to David Consigli, Chairman of Milford Zoning Board of Appeals, dated May 30, 2018;
12. Memo from Fire Chief William Touhey to Gerald Moody, Town Counsel, dated June 6, 2018;
13. Memo from CEI to David Consigli, Chairman of Milford Zoning Board of Appeals, dated June 7, 2018;

Exhibit B
Document List (Cont'd)

14. Memo from Ron Muller & Associates to David Consigli, Chairman of Milford Zoning Board of Appeals, dated June 7, 2018;
15. Plan of Record - Preliminary site design plan for "Birch Street Place" in Milford, Massachusetts, dated March 29, 2018 (Revised June 20, 2018), for the Applicant, 88 Corp., consisting of 14 sheets;
16. Letter from Allen Engineering & Associates to Zoning Board of Appeals, dated June 27, 2018; RE: Response to CEI Letter dated June 7, 2018; and,
17. Sketch plan entitled "Preliminary Intersection Improvement Plan in Milford, Massachusetts," dated June 20, 2018, prepared by Allen Engineering & Associates, Inc.

Exhibit C
List of Approved Waivers

The Board of Appeals authorizes the following waivers from the requirements of the Milford Zoning Bylaw and other local by-laws, rules, and regulations listed in this Exhibit C if and only if the Comprehensive Permit for the Project containing the Conditions identified in the attached Comprehensive Permit Application is finally issued and only to the extent necessary and sufficient to construct, occupy, and maintain the Project in accordance with the Comprehensive Permit, the Conditions, and Plan of Record listed in the Comprehensive Permit Decision, and provided that the Project is in fact constructed in accordance with the Comprehensive Permit, the Conditions, and the Plan of Record. To the extent that the Plan of Record approved by the Board shows the need for additional waivers not expressly set forth in the list of approved waivers granted as a part of the Comprehensive Permit Decision, such waivers shall also be deemed granted. Once the Project has been fully constructed and certificates of occupancy have been issued, these Waivers, the Comprehensive Permit and the Conditions shall not authorize any further waiver of the Milford Zoning Bylaws or other local bylaws, rules, or regulations, subject to the regulations concerning modifications of comprehensive permits found at 760 CMR 56.05(11).

A. GENERAL BY-LAWS OF THE TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (GENERAL BYLAW)			
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>
ARTICLE 8	Planning Board	Planning Board	Enumerated duties of the Planning Board
ARTICLE 33	Wetlands Administrative Bylaw	Application, fee, permit, and other requirements for work authorized within wetland resource jurisdictional areas.	<p>Waived, as the Zoning Board of Appeals is the comprehensive permit granting authority, including for endorsement of approval not required (ANR) plan, to be governed by the Plan of Record and Comprehensive Permit Decision.</p> <p>Waived. All work to be governed by the Massachusetts Wetlands Protection Act (MGL c. 131, s. 40) and accompanying regulations at 310 CMR 10.000 et seq..</p> <p>Except as permitted by the Conservation Commission, or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter specified resource areas or land within 100 feet of said resource areas, or within 100 feet of any land subject to flooding or inundation by ground water, or surface water.</p>

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section 1.4, Subsection 1.4.1	Building Permit	Compliance with Zoning Bylaw	No building permit shall be issued until such construction, alteration or use, as proposed, shall comply in all respects with the provisions of this By-Law, or with a decision rendered or special permit granted by the Board of Appeals or other designated special permit granting authority.	Waived. To be governed by the Comprehensive Permit Decision issued by the Zoning Board of Appeals, and to allow proposed Project in conformity with all use, dimensional, parking and other requirements of the Zoning By-law except as modified by the approved Waivers described in this Comprehensive Permit Decision.

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section 1.4.2	Permit Procedure	Building Permits	Allows Building Commissioner to request other information to be accompanied by Building Permit Application as the Building Commissioner may require to ensure compliance with this By-Law.	Waived. To be governed by the Comprehensive Permit Decision issued by the Zoning Board of Appeals, and to allow the Building Inspector to request such information required in order to issue a Building Permit for the proposed Project in conformity with Zoning By-law except as modified by the approved Waivers described in this Comprehensive Permit Decision

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL

TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)

<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section 1.5	Certificate of Zoning Compliance	Certificate of Zoning Compliance, Procedures for issuance of Certificate.	No premises and no building or structure, erected, constructed, enlarged or altered, or in any way changed as to use, under a permit or otherwise, shall be occupied or used unless a Certificate of Zoning Compliance for such occupancy or use is issued by the Building Commissioner. Such certificate shall not be issued until the premises, building or structure, and the proposed use and accessory uses comply in all respects with this By-Law, and with any applicable decision of the Board of Appeals or other designated special permit granting authority including site plans approved by the Planning Board under Section 1.15 of this bylaw.	Waived. To be governed by the Comprehensive Permit Decision, and to allow proposed Project to be constructed and operated in conformity with all use, dimensional, parking and other requirements of the Zoning Bylaw except as modified by the approved Waivers described in this Comprehensive Permit Decision. The Zoning Board of Appeals shall act as the comprehensive permit granting authority.

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section 1.6, Subsections 1.6.2 & 1.6.3	Violations	Violations of Zoning Bylaw.; notice; withholding of permit; stop order; permit revocation; prosecution of violations.	If any violation of the Zoning Bylaw or any decision of the Board of Appeals or other special permit granting authority is found by the Building Commissioner, the violator shall be duly notified of the nature of the violation and shall be subject to any and all actions specified in Section 1.6 that may be deemed appropriate by the Commissioner to correct that violation.	Waived. To be governed by the Comprehensive Permit Decision, and to allow proposed Project in conformity with all requirements of the Zoning By-law except as modified by the approved Waivers described in this Comprehensive Permit Decision. Enforcement of violations of Zoning Bylaw except as waived by Comprehensive Permit Decision.

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section 1.15	Site Plan Review	Requirements for Site Plan Review	Planning Board authorized to review certain uses and structures, as indicated in Section 2.3, below, and in other provisions of the Zoning Bylaw, which have been deemed to have a significant impact on the health, safety, convenience and general welfare of the citizens of the Town of Milford. In exercising its authority under this section, the Planning Board shall not withhold its approval of any proposed use or structure unless it shall determine that such use or structure does not comply with the requirements of this By-Law.	Waived. To be governed by Comprehensive Permit Decision. The Zoning Board of Appeals shall act as the comprehensive permit granting authority and the Applicant also seeks a waiver to allow the Zoning Board of Appeals to endorse plans, including approval not required plans.
Section 2.2, Subsection 2.2.1	Use Regulations	Table of Principal Uses	No buildings or structure shall be erected or used and no premises shall be used except as set forth in the "Use Regulation Schedule".	Waived. Allow proposed residential rental and associated uses as described below.

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)

<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section 2.3	Use Regulation Schedule	Table of Principal Uses; Accessory Uses	Within the Highway Industrial (IB) Zoning District, single family, two-family and Multi-Family Dwellings are prohibited within the IB Zoning District.	Waived to permit the use of the Property for no less than a total of 162 garden-style residential rental apartment units on the Property, including a clubhouse/pool building (containing a community room, fitness center, a pet wash room, a leasing office, bathrooms, and package delivery room), a maintenance/bike storage building, and three-hundred twenty-four (324) parking spaces including four detached 8-bay parking garages, along with associated infrastructure and improvements as depicted on the Plan of Record attached as Exhibit A. Also allow the use of one temporary construction and/or marketing trailer as Applicant's project office until all units are leased.

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section 2.3 (fn#3), and Section 3.7	Use Regulation Schedule	Earth Removal	<p>Within the Highway Industrial (IB) Zoning District, earth removal is allowed as an accessory use within the IB Zoning District by Zoning Board of Appeals Special Permit.</p> <p>The removal of sod, peat, loam, humus, clay, sand or gravel forming a part of the real estate of the town, except when necessarily incidental to and in conjunction with the construction or demolition of a structure or other activity for which a permit has been issued within the past six months, or except when necessarily incidental to and in conjunction with the installation of municipal services in accordance with a plan approved by the Planning Board, or for grading or improving the premises of which such structure is a part, or on which such installation and maintenance work is performed, shall not be permitted except in accordance with the conditions and procedures described in Section 3.7.</p>	<p>Waived. Allow earth removal as conditioned within Comprehensive Permit Decision.</p>

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL

TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)

<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section 2.3 (fn#26), and Section 3.9, Subsection 3.9.7	Use Regulation Schedule	Signs As Accessory Uses; Permitted Signs	Various requirements for signs within IB Districts. One wall sign on each side of a building per use per lot provided that the aggregate of all wall signs does not exceed 20% of the wall area upon which they are displayed. One free-standing sign per street frontage provided that that the aggregate of all free-standing signs does not exceed one square foot per foot of lot frontage on the street towards which they are oriented. Free-standing signs shall not exceed 30' in height. The total area of all signs, either wall mounted or free-standing, shall aggregate not more than four square feet per foot of lot frontage on the street towards which they are oriented. Sections 3.9.7.9 through 3.9.7.12.	Waived to allow conforming signs, plus: (a) one temporary non-illuminated construction sign of no more than sixty-four (64) square feet in size from the commencement until completion of construction; (b) one temporary on-site sign pertaining to the advertisement of the lease of a dwelling unit not-to-exceed six square feet and no portion of which is greater than five feet above ground level with such temporary sign shall be removed within one week following the date of the signing of the lease; and, (c) One permanent on-site sign pertaining to the Project, where such sign is to be approved in accordance with Paragraph 11(d).

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL

TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)

<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section 2.3 (fn#26), Section 3.9, Subsection 3.9.9 through 3.9.11	Use Regulation Schedule	Signs As Accessory Uses; Permitted Signs	<p>A building permit is required for the placement, construction, erection, or modification of any sign except within the RA, RB, RC, and RD zoning districts. The permit application shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each sign, to the extent that such details are not contained on a Common Signage Plan then in effect for the premises. A single application and permit may include multiple signs on the same premises.</p> <p>3.9.10 Site Plan Required: Site plan approval by the Planning Board shall be required for all free-standing signs prior to the issuance of a building permit, except for temporary signs as provided for in Section 3.9.12 herein.</p> <p>3.9.11 Common Signage Plan: On lots containing existing multiple uses and/or buildings where a change to the signage is proposed, a common signage plan shall be submitted to the Building Commissioner to provide coordination among the various interests in providing signage on such lots. Such common signage plans may be approved by the Building Commissioner prior to the issuance of applicable permits.</p>	Waived as noted above, and as described in Paragraph 11(d) of the Comprehensive Permit Decision.

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section 2.4, Subsection 2.4.1	Intensity of use Regulations	All Buildings; Compliance	All buildings hereinafter erected in any district shall be located on a lot such that all the minimum requirements set forth in the following table are conformed with, except where specifically exempted by this By-Law or by the General Laws.	Waived. To be governed by Comprehensive Permit Decision.
Section 2.4, Subsection 2.4.2	Intensity of use Regulations	Lot Size	No existing lot shall be changed in size or shape except through a public taking so as to result in violation of the requirements set forth below.	Waived. To be governed by Comprehensive Permit Decision.

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section 2.4, Subsection 2.4.8	Setbacks	Setbacks from Wetlands	Notwithstanding any other set-back requirement or other provision of the By-Law, there shall be minimum set-back requirement for any structure from a freshwater wetland, pond, stream or detention area as set forth below for various zoning districts. Freshwater wetland, pond and stream, and their limits, shall be defined and determined in accordance with M.G.L. c.131, Section 40 and the regulations adopted thereunder. A detention area is defined as an area, either man-made or natural, which has been designated to detain or retain rainfall runoff. The limits of a detention area shall be the high mark which occurs during a 100 year storm event. This elevation shall be determined by a Registered Engineer using acceptable methods of calculation. All Residential Districts: 25 feet All Commercial Districts: 15 feet All Industrial Districts: 15 feet	Waived. Setbacks as depicted on the Plan of Record.

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section 2.5	Intensity of use	Dimensional Requirements	<p>The following are the required dimensional provisions for a building located within the IB Zoning District:</p> <p>--Min Lot Size (s.f.) = 80,000 --Min. Lot Width (l.f.) = 250 --Min. Lot Frontage (l.f.) = 230 --Min Yard Setback (in feet) Front = 50 Side = 25 Rear = 30 --Max. Building Coverage (%)= 35 --Max. F.A.R.= 0.50 --Min. Open Space (%)= 20 --Max Building Height – lesser of either: Stories = 5.0 Feet = 60</p>	<p>912,988 s.f. 224.5 l.f. [waiver] 234.25 l.f. 818.9 Feet 71.9 Feet 460.4 Feet 8.5% 0.23 72.4% 4.0 58 Feet</p>
Section 3.2, Subsection 3.2.2	Accessory Use	Accessory Use Restrictions	Customary accessory uses are permitted except as specifically restricted in Article II or elsewhere. Uses shall not be considered "accessory" if they occupy more than 30% of the floor area or more than 50% of the land area on any lot.	Waived. To be governed by Comprehensive Permit Decision.

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)				
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section 3.2, Subsection 3.2.5	Accessory Use	Accessory Use Restrictions - Trailers	No trailer or other vehicle may be utilized for commercial purposes (other than active transportation) or as a base for conduct of retail sales from any fixed location(s) within any district.	Waived. Allow the use of one temporary construction and/or marketing trailer as Applicant's project office until all units are leased.
Section 3.4, Subsection 3.4.2(a)	Section 3.4.2(a) requires parking spaces to have certain dimensions.	Section 3.4.2(a) requires parking spaces to have certain dimensions.	Section 3.4.2(a) requires parking spaces to have certain dimensions.	Waived to allow the parking space dimensions, including any compact parking spaces, as shown on the Plan of Record.
Section 3.4, Subsection 3.4.4 (a)	Parking	Entrances and Exits.	Provides that not more than one entrance and one exit shall be permitted onto a street from any parking area per 200 feet of frontage or fraction thereof in a commercial district and per 300 feet of frontage or fraction thereof in other districts. Each entrance and exit shall not be more than thirty feet in width.	Waived to allow the number of entrances and exits as shown on the Plan of Record.
Section 3.4, Subsection 3.4.4(b) and (d)	Parking Requirements	Screening, Landscaping and Lighting Standards Associated with Parking	Screening, Landscaping and Lighting Standards Associated with Parking	Waived. To be governed by the screening, landscaping and lighting as shown on the Plan of Record.

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL

TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)

<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section 3.16	Individual Lot Drainage	Specifications for Grading Plan	Individual lots shall be prepared and graded in such a manner that development of one lot shall not cause detrimental drainage onto another lot or onto streets, either during construction or upon completion. Therefore, the grading plan required by Section 1.4.2(a) herein shall provide certain requirements described in Subsection 3.16.	Waived. Grading plan requirements will be satisfied either as a part of the conditions contained within the Comprehensive Permit Decision, or as part of a wetlands filing and approval by the Milford Conservation Commission pursuant to 310 CMR 10.00. Drainage and stormwater management facilities will be designed in accordance with MassDEP Stormwater Management Policy and related technical guidance, as required under the State Wetlands Regulations, 310 CMR 10.00.
Article VII, Sections 7.1 through 7.5	Water Resource Protection District	Restrictions within Water Resource Protection District as defined as land depicted on a map entitled "Town of Milford Water Resource Protection District" and Section 7.4.2.	Allowed and prohibited uses, as well as uses permitted by special permit within the subdistricts, WR1 and WR2.	Waived, if applicable. To be governed by Comprehensive Permit Decision.

B. ZONING BY-LAW, TOWN OF MILFORD, MASSACHUSETTS, WITH AMENDMENTS THROUGH THE SPECIAL

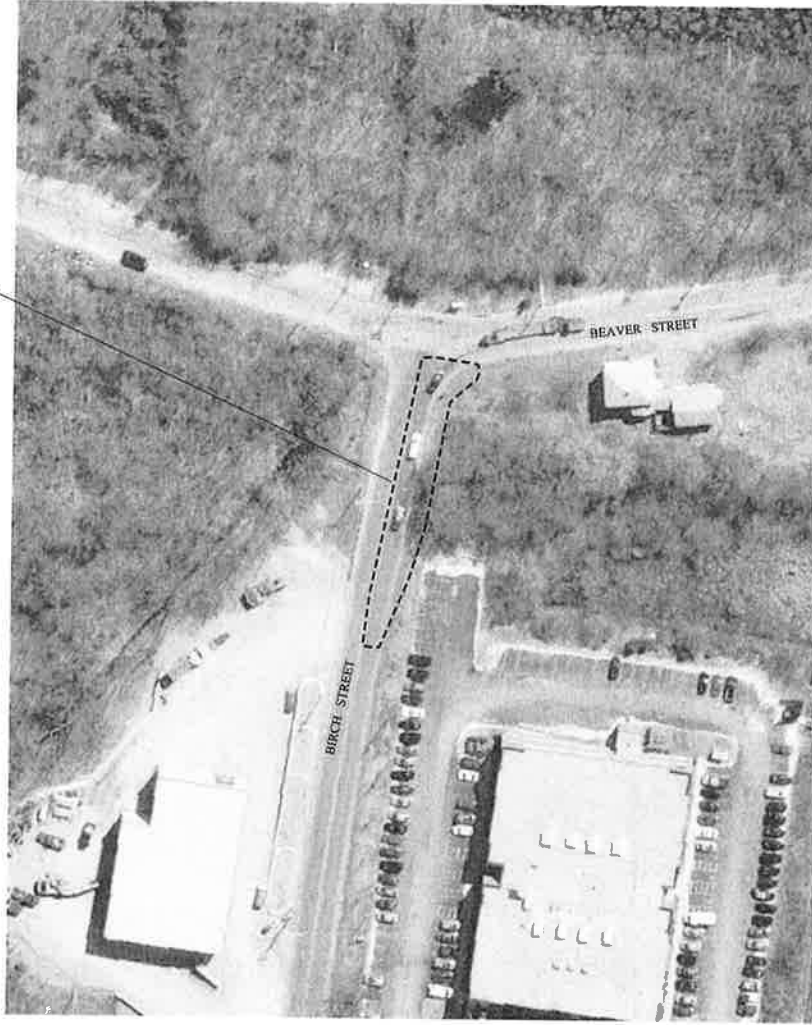
TOWN MEETING HELD ON OCTOBER 30, 2017, AS AMENDED (ZONING BYLAW)

<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section 9.0, Subsections 9.1.1, 9.1.2 and 9.2.3.	Administration and Procedures	Permits and Enforcement; Penalties	Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed in principal use unless in compliance with then-applicable zoning and after all necessary permits have been received under federal, state, or local law. The Building Inspector shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this By-Law and of permits and variances issued thereunder, including notification of noncompliance and request for legal action through the Selectmen to Town Counsel. The penalty for violation of any provision of this By-Law, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals shall be three hundred dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.	Waived. To be governed by the Comprehensive Permit Decision, and to allow proposed Project in conformity with all use, dimensional, parking and other requirements of the Zoning By-law except as modified by the approved Waivers described in this Comprehensive Permit Decision. Also allow Building Inspector to enforce Zoning By-law, except as waived as provided in the Comprehensive permit Decision. Waived to exempt Project from penalties for violation of those provisions of the Zoning By-Law which have been waived pursuant to the Comprehensive Permit Decision.

C. TOWN OF MILFORD, MASSACHUSETTS RULES AND REGULATIONS RELATING TO THE SUBDIVISION OF LAND (APRIL 2015), AS AMENDED (SUBDIVISION REGULATIONS)				
<u>REGULATION</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Subdivision Regulations	Requirements for ANR Plans	Endorsement Requirements for ANR Plans	ANR Plan Endorsed by Planning Board	Waived. The Zoning Board of Appeals, under the authority of Sections 20 through 23 of MGL c. 40B, or the Planning Board, shall be authorized to endorse the ANR Plan notwithstanding any waivers granted under the terms of the Comprehensive Permit Decision.

Exhibit D
Birch Street and Beaver Street Improvements Sketch

Area of Birch Street To Be
Widened For A Right Turn
Only Lane



LEGEND

- EXISTING CENTERLINE
- PROPOSED CENTERLINE
- EXIST. SPOT GRADE
- PROPOSED SPOT GRADE
- PROPOSED SURFACE
- PROPOSED WATER FLOW
- ORANGE MARKER
- UTILITY POLE
- UTILITY LINE
- OVERHEAD WIRE
- PROPOSED CONTROL
- ELECTRIC TELEPHONE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- DOE OF RETAIN
- PROPOSED FENCE
- PROPOSED FENCE
- ROW OF FOREST
- DELINOLE
- ROW PIPE/ROW PM
- ASBESTOS PARCEL
- DEED BOUNDARY
- BOLLARD
- EXISTING TREE LINE
- DOE OF RETAIN

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Land Development Consultants
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PRELIMINARY INTERSECTION IMPROVEMENT PLAN
Milford, Massachusetts

SCALE 1" = 40 FEET

DATE June 20, 2018

REVISIONS

#	DATE	DESCRIPTION	BY

JOB NO. 0510 **SHEET** 1 OF 1