

Fairfield/200 Deer Street/Comp Permit conditions

From: John Shipe (johnshipe@shipeconsulting.com)

To: moody_gerald@yahoo.com

Cc: rhewitt@ffres.com

Date: Wednesday, October 14, 2020, 02:44 PM EDT

Gerry,

Following up on our call last week, I went thru all the Comp Permit conditions and prepared the attached Status Summary.

Please skim thru this and let me know what questions you have or what other information you would like.

We understand the ZBA would like us to attend a future meeting and as such, we respectfully request to be on the next available agenda.

Thanks!

John J. Shipe, P.E.

978-857-8877

From: John Shipe [mailto:johnshipe@shipeconsulting.com]

Sent: Wednesday, October 14, 2020 1:59 PM

To: Matt Marcotte <mmarcotte@townofmilford.com>

Cc: Robb Hewitt <rhewitt@ffres.com>; Sean T. Regan <sregan@ffres.com>; moody_gerald@yahoo.com; John Shipe, P.E. <johnshipe@shipeconsulting.com>

Subject: Fairfield/200 Deer Street/Comp Permit conditions 10 and 13

Matt,

In Accordance with the Comprehensive Permit:

- Condition C.10: "Prior to the issuance of any building permit, the site and engineering plans, 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 Commission, and shall include the following:"

Subparagraphs a, b, and d were incorporated into the design plans submitted to the ZBA and with the building permit applications. THE FINAL AND MOST CURRENT PLANS ARE THOSE DATED 5/15/20 PREVIOUSLY SUBMITTED TO THE ZBA, APPROVED IN THE 2ND AMENDMENT DATED 7/26/20 AND THE SAME PLANS PROVIDED WITH THE BUILDING PERMIT APPLICATION.

Condition C.10(c) "Letter from the Project architect confirming that the Project complies with

Architectural Access Board (AAB) Regulations" PLEASE SEE THE ATTACHED LETTER FROM CNK DATED 10/8/20 AS REQUIRED.

- Condition C.13: "Prior to starting any work on the Project Site, the Applicant shall provide to the Building Commissioner:

(a) Site Contacts. PLEASE SEE ATTACHED LIST OF CONTACTS DATED 10/2/20.

(b) Municipal Lien Certificate indicating we all paid up. PLEASE SEE ATTACHED MLC DATED 9/9/20.

(c) Certification that all permits have been obtained. PLEASE SEE ATTACHED LETTER FROM SMMA DATED 10/8/20.

(d) Proof that we have called Dig Safe. WE WILL PROVIDE.

(e) Proof that street signage is in place. SCOTT CRISAFULLI HAS PROVIDED US ALL THE DETAILS NEEDED FOR THE SIGN AND WE WILL INSTALL IT IN 7-10 DAYS.

- Lastly, there are a few conditions that require confirmation that Milford Water Company will service the site. You had previously asked me for these and I sent them to you on September 8.

Please let me know if you have any questions or comments.

John J. Shipe, P.E.

978-857-8877



2020 10 14 Comp Permit Compliance Summary.pdf
262.9kB

Comprehensive Permit: Compliance Status

Zoning Board of Appeals

Filed: 12/18/17, Issued 9/14/18, Amendment No. 1 on 7/26/19 and Amendment No. 2 on 8/29/20

This document is up to date as of 10/14/20 except as noted below.

Number	Section	Condition	Comment	Status	Action By
Procedural History					
1		On or about December 18, 2017, The Gutierrez Company (the "Applicant"), 200 Summit Drive, Burlington, MA 01803, submitted a project eligibility application to the MassHousing (the "Subsidizing Agency") in order to develop a project with 272 dwelling units, 25% of which were proposed as affordable rental units priced at no more than 80% of area median household income (the "Project"). The Project shall be known as The Residences at Stone Ridge.	Permit History	History	No Action.
2		A Project Eligibility Letter (PEL) was issued for the Project by MassHousing on March 5, 2018. It is of significance that this PEL made note of the concerns expressed as to demands on the hydraulic system and additionally recommended under its Determinations as follows:	Permit History	History	No Action.
		The Applicant should be prepared to provide detailed information relative to the proposed water and sewer supply for the project, and potential impacts upon existing capacity.	Permit History	History	No Action.
3		On March 19, 2018, the Applicant submitted a Comprehensive Permit application to the 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.	Permit History	History	No Action.
4		The ZBA commenced a duly noticed public hearing on April 18, 2018.	Permit History	History	No Action.
5		With appropriate extensions agreed to by the Applicant and filed with the Town Clerk, the ZBA continued the public hearing to the following dates: May 16, 2018; June 6, 2018; June 20, 2018; June 27, 2018; July 17, 2018; August 23, 2018; and September 12, 2018.	Permit History	History	No Action.

Number	Section	Condition	Comment	Status	Action By
6		The Applicant and Town staff held a working session on June 18, 2018 and September 5, 2018.	Permit History	History	No Action.
7		On September 12, 2018, the ZBA closed the public hearing and further deliberated on the matter and the conditions which it would deem appropriate to attach to any affirmative decision. After further deliberation and discussion, the Board voted to approve the Comprehensive Permit by a unanimous vote based upon the findings, and subject to all of the conditions, set forth below.	Permit History	History	No Action.
8		The documents and exhibits set forth as Exhibit A were received during the public hearing and constitute the record for this decision. The Plans of Record are specifically identified in Exhibit A.	Permit History	History	No Action.
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 organization" 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 deeds recorded at the Worcester Registry of Deeds at Books 40682, Page 313-320; 42514, Pages 281-284, and 45402, Pages 18-20.	Applicant has control of the site	Finding	No Action.
2		The Town of Milford has not met the statutory minimum set forth in G.L. c. 408, 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.	—	Finding	No Action.
3		The Property is located in the Business Park (BP) zoning district, as established in the Milford Zoning By-law.	—	Finding	No Action.
4		The Project was proposed to have three multifamily residential structures which would contain 272 dwelling units. The dwelling units will have the following mix of bedrooms:	Unit total is superceded.	Finding	No Action.
		0% Studios, 53% One Beds, 37% 2 beds and 10% 3 beds.	Unit mix / % (Project matches this unit mix)	Finding	Build Per Plan.

Number	Section	Condition	Comment	Status	Action By
5		The ZBA retained the following consultants to assist in the review of the Application: BSC Group, Inc. ("BSC") Comprehensive Environmental Inc. ("CEI")	Consultants assisting in the application	Finding	No Action.
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 Milford Water Company	These departments reviewed the project.	Finding	No Action.
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 a several memorandums to the ZBA. CEI concluded that:	Statement of Approval	Finding	No Action.
		(1) the plan set including wetland and flood impact areas were delineated;	-	Finding	No Action.
		(2) the site design and building layout plans were generally acceptable, subject to proposed revisions detailed in their findings or reports;	-	Finding	No Action.
		(3) proposed traffic and circulation on the Property were generally acceptable, subject to proposed revisions detailed in the reports;	-	Finding	No Action.
		(4) utility connections and service should be verified with appropriate Town authorities, but were generally adequate;	-	Finding	No Action.
		(5) grading and drainage revisions were required but were not so extensive as to render the project infeasible;	-	Finding	No Action.
		(6) proposed plantings and landscaping were generally adequate;	-	*Note there was no 7	No Action.
		(8) the existing site is to be serviced by adequate water and sewer; and	-	Finding	No Action.
		(9) the Applicant proposes to provide 2 parking spaces per unit on the Property and this number is adequate.	-	Finding	No Action.
		Boards 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.	See "Conditions"	Finding	No Action.

Number	Section	Condition	Comment	Status	Action By
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:	Traffic Study Approved	Finding	No Action.
		(1) the Traffic Study contained the information typically provided in such studies and was consistent with engineering guidelines;	-	Finding	No Action.
		(2) the Traffic Study proposed an adequate traffic study area;	-	Finding	No Action.
		(3) the methodology used in the Traffic Study to assess volume and peak hours was appropriate;	-	Finding	No Action.
		(4) speed and sight distance measurements in the study were appropriate for the proposed use;	-	Finding	No Action.
		(5) there are no high accident locations in the study area;	-	Finding	No Action.
		(6) the methodology of projecting traffic impacts attributable to the Project was appropriate;	-	Finding	No Action.
		(7) the study projections for level of service (LOS) impacts at nearby intersections were appropriate.	-	Finding	No Action.
		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.	-	Finding	No Action.
9		The ZBA had the testimony of Milford Water Company (MWC) Manager David Condrey and the Applicant regarding the availability of water for the project. In addition to his testimony, Mr. Condrey produced a letter dated January 23, 2018 together with a report from the consulting engineers for the MWC, Tata & Howard, dated January 22, 2018 each of which was carefully considered and evaluated by the ZBA. Mr. Condrey presented testimony to further elucidate the concerns expressed in the above letters and made himself available for questions in relation to their content and the availability of water supply for the project. The MWC by Special Act of the Legislature, St. 1881, c.77, has the exclusive franchise for providing public water supply in the Town of Milford. The MWC is not an agency or organization subject to control of the Town of Milford.	See the APPROVED Application for Water Service dated August 17, 2020 from the MWC	Approved	No Action.
		Private on-site wells were at that time deemed not an option for the Project. In his letter of March 21, 2018, referring to reports from Tata & Howard, the MWC manager stated as follows:	-	Finding	No Action.

Number	Section	Condition	Comment	Status	Action By
		The report clearly shows that based on our current pumping capacities Milford Water Company would not be able to support the additional demands that would be placed on the system by the project without significant capital investments at our Godfrey Brook wellfield and possibly other sources if all three were to be constructed. For Milford Water Company water supply is a priority but the process involved will be very costly and time consuming.	-	Finding	No Action.
		The MWC manager concluded his letter of January 23, 2018 as follows:		Finding	No Action.
		In summary the Godfrey Brook wellfield has the ability to support its original permitted volume based on a report from GZA (a copy of the report can be provided upon request) but will take a significant capital investment and some time to complete. It is important to note even with the additional capacity added to the system the demand placed on it by this project will impact future needs of the community as we move forward.	-	Finding	No Action.
		The MWC also provided a letter dated June 11, 2018 regarding anticipated available water flows after upgrades to its Dilla Street wells. The Applicant is working with the MWC to increase the capacity of the Dilla Street wells. The Applicant is also exploring the feasibility of installing a private drinking water well on the Project Site or the Property, such private drinking water well to potentially service the needs of the Project. The ZBA is concerned not only with the lack of current capacity of the MWC to supply and support the project, but also with the significant adverse effects upon the public health and welfare which could be caused by the demands of the Project, even if and when the MWC may be able to undertake system improvements that might facilitate additional water supply. Under all of these circumstances the ZBA must weigh these serious concerns against the regional need for affordable housing.	-	Finding	No Action.
		The ZBA is also cognizant of (2) other recently approved projects under General Laws Chapter 40B seeking to establish significantly sized multi-unit apartment buildings each of which projects will have similar need for public water supply. In addition, these other projects, like the site here at issue, are on sites currently zoned and available commercial and/or industrial development, which development typically would have lighter water system demands. Each of those projects was significantly reduced as to the number of dwelling units, based upon considerations including impacts upon the Milford water supply.	-	Finding	No Action.

Number	Section	Condition	Comment	Status	Action By
		The ZBA was also concerned with the public safety considerations raised by the single access/egress roadway serving the Project site and the dwelling units and the significant length of said roadway. The single access/egress roadway is a previously approved subdivision roadway. Very significant to the number of units sought to be permitted, there is no second means of access or egress, not even for emergency vehicles, due to constraints of previously approved Conservation Restriction Areas.	-	Finding	No Action.
		All of the above factors caused the ZBA to consider whether or not denial of the Project application would be the appropriate course of action. Ultimately, the ZBA determined that the Project could be approved, but with the conditions below limiting the number of units and requiring approval of water supply availability prior to any construction.	See Conditions below. The project was approved based on meeting these conditions.	Finding	No Action.
10		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 242 units.	ZBA approved based on a reduced number of units.	Finding	No Action.
11		On the basis of the testimony of the Applicant, the ZBA's technical 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.	Project Approved.	Finding	No Action.
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 (the "Comprehensive Permit") to the Applicant for the construction of 242 dwelling units on the Property, with associated accessory structures, infrastructure and improvements, subject to the following conditions. The term "Applicant" as set forth herein shall mean the Applicant, its heirs, successors and assigns. The terms "ZBA" or "Board" as set forth herein shall mean the Zoning Board of Appeals. Unless otherwise indicated herein, the Board may designate an agent or agents to review and approve matters set forth herein.	Permit Granted subject to Conditions.	Approval.	No Action.
Conditions					
		Any grant of a comprehensive permit hereunder shall be dependent upon compliance with all of the following terms and conditions:	The comprehensive permit is subject to the following:	Approval.	—

Number	Section	Condition	Comment	Status	Action By
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.	Build per approved plans.	We are complying with this condition.	Proceed, Implement Condition as required
	2	The total number of dwelling units that may be constructed at the Project shall be limited to a maximum of 242 dwelling units, with a maximum of 383 bedrooms, to be shown on the Plans of Record.	Total number of dwelling units shall be 242, maximum of 383 BR	We are complying with this condition.	Proceed, Implement Condition as required
	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 DHCD, the Affordable Units and the remaining units shall be eligible to be included in the Town's Subsidized Housing Inventory (SHI), as maintained by DHCD.	25% of the units are required to be affordable.	We will comply with this condition.	Proceed, Implement Condition as required
	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.	—	We will comply with this condition.	We will notify when building permits are issued.
	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.	We will notify when C of Os are issued.	We will comply with this condition.	Proceed, Implement Condition as required
	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, as allowed by this Decision, 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. 408, §§ 20-23.	The affordable units shall remain affordable	We will comply with this condition.	Proceed, Implement Condition as required
	7	A springing affordable restriction and regulatory agreement shall be signed with the Town and recorded at the Registry of Deeds as set forth below.	See below.	We will comply with this condition.	See Below Condition 12.

Number	Section	Condition	Comment	Status	Action By
	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. The Affordable Units shall be indistinguishable as viewed from the exterior from the market rate units.	The affordable units shall be scattered throughout the project	We will comply with this condition.	Proceed, Implement Condition as required
	9	The Applicant shall execute a Regulatory Agreement that shall be countersigned by the Subsidizing Agency as required under G.L. c.40B and submit annual reports to the Subsidizing Agency in accordance with the Regulatory Agreement.	This is the NEF Regulatory Agreement.	Executed by the ZBA on 10/8/20.	Complete
	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 25% of the units in each such phase shall consist of affordable units.	Inform ZBA of intent to occupy in phases.	We will comply with this condition.	Proceed, Implement Condition as required
	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.	The applicant shall annually recertify with the subsidizing agency	We will comply with this condition.	Proceed, Implement Condition as required
	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.	This is the "Springing Regulatory Agreement (applicable NEF Agreement were to end)	Executed by the ZBA on 10/8/20.	Complete
	13	The Town Regulatory Agreement:	The Town Reg. Agreement:	See above. We will comply.	Proceed, Implement Condition as required
		(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;	This shall become effective if one of these takes place	-	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
		(ii) shall require that the Project shall remain a rental project so long as the Project does not conform to local zoning, as allowed by this Decision;	shall remain a rental project	-	Proceed, Implement Condition as required
		(iii) shall require that at least twenty five (25%) percent of the apartments 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;	25% shall be saved for low income housing	-	Proceed, Implement Condition as required
		(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	Restrict or limit the divide	-	Proceed, Implement Condition as required
		(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 to increase the number of units or bedrooms, then the Applicant shall request a modification of the Town Regulatory Agreement to conform to the Permit as modified.	restrict the number or bedrooms and/or units	-	Proceed, Implement Condition as required
	14	The Town Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Project Site 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, as allowed by this Decision, or for the longest period allowed by law, whichever period is longer.	This agreement will document the definition of affordable	See above. We will comply.	Proceed, Implement Condition as required
	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.	Abide by affordability requirements	We will comply with this condition.	Proceed, Implement Condition as required
	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.	Affordability requirements shall remain in effect	We will comply with this condition.	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	17	Paragraphs 12 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 408, §§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. 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.	Only if town becomes responsible for affordability requirements	We will comply with this condition.	Proceed, Implement Condition as required
	18 (a)	To the extent allowed under G.L. c. 40B and the regulations promulgated thereunder and other applicable law, and only if approved by the Subsidizing Agency, with respect to at least 70% of the affordable units, the Applicant shall provide a preference category for Milford residents as follows: <ul style="list-style-type: none"> • Residents of Milford • Parents and children of Milford residents • Veterans • Employees of the Town • Employees in the Town 	These affordable units shall be given to these groups of people first	We will comply with this condition.	Proceed, Implement Condition as required
	(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.	the town shall supply applicant with info	-	Proceed, Implement Condition as required
	(c)	If approved by the Subsidizing Agency, this preference 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.	Preferences shall be implemented by the applicant	-	Proceed, Implement Condition as required
	(d)	The foregoing local preference 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.	The marketing costs should be paid for by the applicant	-	Proceed, Implement Condition as required
	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.	The applicant must submit a marketing activity report to the ZBA	We will comply with this condition.	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	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 the conditions regarding local preference in this Decision shall be void.	ZBA should provide info within 60 days of this approval	May be required to provide to MH.	We will work with the ZBA on this condition.
	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.	Applicant shall develop marketing plan	We will comply with this condition.	Proceed, Implement Condition as required
	22	If at any time it appears that the Applicant is in violation of the Town Regulatory Agreement at any time when said Town Regulatory Agreement 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 Town Regulatory Agreement and/or applicable law.	The applicant shall remain in good standing with the agreement	We will comply with this condition.	We do not anticipate that this will be needed.
	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 CMR56.00.	Profits from the project in excess shall be utilized per agreements	We will comply with this condition.	Proceed, Implement Condition as required
	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.	The applicant shall provide the ZBA with costs and revenues for info purposes	We will comply with this condition.	Proceed, Implement Condition as required
	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.	The ZBA will have jurisdiction over T&C	-	Proceed, Implement Condition as required
	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.	Applicant shall apply for a final approval	We will comply with this condition.	MH Approval is anticipated any day as of 10/14/20.
B. General Conditions					

Number	Section	Condition	Comment	Status	Action By
	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 Plans of Record referenced herein, as may be modified.	Applicant shall comply with local by-laws ect. Unless waived	We will comply with this condition.	Proceed, Implement Condition as required
	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:	Unless specifically waived by this decision, the project is subject to:	We will comply with this condition.	Proceed, Implement Condition as required
	(a)	International and Massachusetts Building, Plumbing, Fire Protection, Elevator, Access and Electrical Codes;	Mass Building Codes	-	Proceed, Implement Condition as required
	(b)	The Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and the associated Regulations 310 CMR 10.00 and approvals granted under DEP File No.: 223-964 and DEP File No.: 223-987, as may be amended or replaced;	Wetlands Protection Act	-	Proceed, Implement Condition as required
	(c)	Massachusetts Department of Environmental Protection Regulations;	MassDEP	-	Proceed, Implement Condition as required
	(d)	EPA and DEP Stormwater requirements and accepted industry best management practices for construction of the drainage infrastructure; and	EPA and DEP	-	Proceed, Implement Condition as required
	(e)	U.S. Army Corps of Engineers, Regulatory Program under Section 404 of the Clean Waters Act.	US Army Corps	-	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	3	There shall be no exterior construction activity, including fueling of vehicles, on the Premises before 6:00a.m., or after 7:00p.m., Monday through Friday and before 7:30a.m. or after 4:30p.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.	Hours are limited to 6am to 7pm during weekdays and 7:30am to 4:30pm on Saturdays	We will comply with this condition.	Proceed, Implement Condition as required
	4	All utilities within the Project shall be installed underground.	Utilities shall be underground	We are complying with this condition.	Proceed, Implement Condition as required
	5	The interior and exterior of all buildings and structures shall be constructed substantially as represented in the Application, as revised, and on the Plans of Record, as may be modified.	Build per approved plans.	We are complying with this condition.	Proceed, Implement Condition as required
	6	No foundation or building permit shall be issued until the Applicant has demonstrated that the Milford Water Company or successor entity or on-site private wells will provide sufficient water supply for domestic use and fire suppression.	See MWC APPROVED Application for Water Service dated August 17, 2020.	Approved.	No Action.
	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.	—	We will comply with this condition.	Proceed, Implement Condition as required
	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 Applicant shall pay a reasonable peer review consultant fee if requested by the Building Commissioner.	Lighting plan, showing compliance, submitted as part of Building permit application plans.	We are complying with this condition.	Build Per Plan.
	9	A final landscaping plan shall be presented to the Building Commissioner and Town Engineer for their review and approval prior to installation. Said review shall not require a new public hearing or amendment to this Decision and shall not be unreasonably withheld, conditioned or delayed if the final landscaping is consistent with the landscaping shown on the Plans of Record.	Provided with Building Permit application.	We are complying with this condition.	Build Per Plan.

Number	Section	Condition	Comment	Status	Action By
	10	Final design plans for the storm water management system shall comply with Department of Environmental Protection regulations and any Order of Condition issued by the Conservation Commission for the Project Site.	Final Design comply with DEP and OOC	We are complying with this condition.	Build Per Plan.
	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.	-	We are complying with this condition.	Proceed, Implement Condition as required
	12	Any internal sidewalk and street trees to be planted adjacent to the Project Site's internal sidewalk shall be installed before issuance of the final occupancy permit for the Project, or may be subject to the surety requirements in Construction and Bonding Condition 8 below.	Sidewalks and street trees shall be planted prior to CO	We will comply with this condition.	Proceed, Implement Condition as required
	13	As described further in Construction and Bonding Condition 23, all structures and site improvements within the Project Site 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.	The site shall remain private	We will comply with this condition.	No Action.
	14	The Applicant shall provide 24/7 monitoring of the Project, either by onsite 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 Administrator with a current copy of the management contract upon request.	The project will require 24/7 monitoring	We will comply with this condition.	Proceed, Implement Condition as required
	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 shall be provided if requested by the Fire Chief, and phased if necessary.	Approved	We will comply with this condition.	Proceed, Implement Condition as required
	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 Project shall install the sprinklers in compliance with M.G.L. c. 148, §261, which shall require a sprinkler system designated per NFPA code 13.	Comply with NFPA 13. (Separate Permitting Process)	We will comply with this condition.	Proceed, Implement Condition as required
	17	The Applicant shall ensure that all underground water pipes shall have water tight joints.	Underground water pipes to be tight	We are complying with this condition.	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	18	No Certificate of Occupancy for any building or phase shall be issued until the Project infrastructure set forth on the Plans 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 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.	No C.O. will be given if any part of this permit is not met (unless otherwise specified)	We will request as/if needed.	Proceed, Implement Condition as required
	19	Other than as depicted on the Plans of Record or as approved in an Order of Conditions, 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, to prevent the breeding of mosquitos. Subject to necessary approvals, the Applicant shall implement any necessary mosquito control measures to protect residents of the Project and nearby residents in the event that water collects for longer than 72 hours.	Mosquito control measures	Complied and will comply.	Proceed, Implement Condition as required
	20	Final drawings showing on-site water distribution system and wastewater system shall be submitted to the Highway Surveyor and Town Engineer.	Utility plans distributed to town, engineering, highway department, building department via building permit plans submittal as well as via email 6/23/20.	Complied.	Proceed, Implement Condition as required
	21	Prior to issuance of Building Permits, the Applicant shall:	Prior to Building Permit:		Proceed, Implement Condition as required
	(a)	<u>Provide to the Building Commissioner a final Stormwater Pollution and Prevention Plan ("SWPPP")</u> to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures such as straw wattles, 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.	SWPPP was provided to the Bldg inspector and Town Engineer/Con Comm agent via email on 9/21/20	Complied.	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	(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 Project Site.	NPDES Permit MAR1002ST	Complete.	Proceed, Implement Condition as required.
	(c)	Provide to the Town Engineer procedures that outline the specific operation and maintenance measures for all stormwater/drainage facilities, including any temporary facilities that shall be employed to minimize or eliminate the threat of transmission of mosquito borne diseases to the residents of the Project and nearby residents. These procedures may be described in an Order of Conditions issued for the Project.	O&M Plan provided to Building Commissioner and Town engineer via email on 9/28/20 from Will Park of SMMA.	Complete.	Proceed, Implement Condition as required.
	(d)	Have demonstrated that the Milford Water Company or successor entity or on-site private wells will provide sufficient water supply for domestic use and fire suppression.	See MWC APPROVED Application for Water Service dated August 17, 2020.	Approved.	Proceed, Implement Condition as required.
	22	Prior to issuance of a Building Permit, 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 (if connecting to the Milford Water Company for the Project's water supply) 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 required to maintain a residual pressure of 20 psi to the Project. If connecting to the Milford Water Company for the Project's water supply, the procedure for flushing, disinfecting and pressure testing of the water mains shall be approved by the Milford Water Company.	Fire suppression system calculations based on recent hydrant flow test were provided to the Milford Fire Department on 7/31/20 and distributed to the MWC and the Town and reviewed by Tata and Howard and approved by the Fire Department via email dated September 4, 2020.	Approved and we will comply.	Proceed, Implement Condition as required.
	23	Upon issuance of a building permit for the Project, and only if requested, the Applicant shall provide the School Superintendent, ZBA and 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, provided that such estimate shall not require the Applicant to engage a consultant.	If asked, the applicant shall provide the town with the estimated number of school children	We will comply upon request.	Proceed, Implement Condition as required.

Number	Section	Condition	Comment	Status	Action By
	24	The Applicant shall provide and obtain approval from the Conservation Commission for an Operations and Maintenance Plan covering the following:	Project has approval from the Con Comm and will comply with their conditions and a copy of the O&M plan has been provided to the Con Comm agent.	Approved.	No Further Action
	(I)	The Project's drainage infrastructure and all related appurtenances;	Drainage	-	No Further Action
	(II)	The Project's access ways, parking areas, common areas, trash removal, snow removal; and	Trash & Snow Removal	-	Proceed, Implement Condition as required.
	(III)	Additional site areas of the Project that are identified by the Conservation Commission (if any) to require ongoing maintenance.	Any parts of the project that require ongoing maintenance	-	Proceed, Implement Condition as required.
	25	Fertilizer, pesticide and herbicide use shall be minimized to the extent consistent with good landscape maintenance practice.	Good Landscaping practices	We will comply with this condition.	Proceed, Implement Condition as required.
	26	Road salt shall not be used for vehicular parking areas.	Road Salt shall not be used	We will comply with this condition.	Proceed, Implement Condition as required.
	27	Dumping of landscape debris, including leaves, grass clippings and brush, within 50 feet of any wetland shall be prohibited.	dumping landscaping debris within 50' of wetland	We will comply with this condition.	Proceed, Implement Condition as required.

Number	Section	Condition	Comment	Status	Action By
	28	Unless approved by the Conservation Commission, 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, and any future proposal to alter this condition shall require advance approval by the ZBA of a modification to the plans, except as expressly and clearly shown on the Plans of Record.	We have approval from the wetland authority, the Milford Con Comm.	We will comply with this condition.	Proceed, Implement Condition as required.
	29	The Project shall not be gated.	No gates	We will comply with this condition.	No Action, Build per plan.
	30	All grading shall be consistent with the Plans of Record.	Build per plan.	We will comply with this condition.	No Action, Build per plan.
	31	Prior to filing for a building permit for the Project, the Applicant shall update the Plans of Record pursuant to the process as provided herein to reflect 242 units and 2 parking spaces per unit, and the ZBA shall grant such waivers necessary for the updated Plans of Record required by this Decision. Such plan updates shall not constitute a substantial change to the Plans of Record, as described in 760 CMR 56.05(11)(a) and shall not require a public hearing, except as provided below. The submission and review of the updated Plans of Record shall proceed as follows.	See ZBA Amendment No 1 dated July 26, 2019, recorded at b 60916 p 220 --- Also see Amendment No 2 dated Aug 29, 2020 recorded at b 63276 p 192	Plans of Record were filed.	No Action.
	(a)	The Applicant shall provide documents and plans to update the Plans of Record in this Decision to the ZBA, which shall forward such documents and plans to its peer review engineers and special counsel, if deemed necessary. Notwithstanding anything herein to the contrary, the Applicant shall not be required to perform any new or provide updates of any prior impact reviews, as the ZBA notes the approved number of units is less than the number included in the Application. 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.	---	Approved	No Action.
	(b)	Once the Applicant has all of the new documents and plans and the peer review funds are in place, if necessary, 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. The ZBA's review of the new documents and plans shall be limited to an assessment of whether the new plans comply with the conditions set forth in this Comprehensive Permit. If the ZBA determines that the new plans comply, then it shall grant any additional necessary waivers and the new plans shall be Plans of Record.	---	Approved	No Action.

Number	Section	Condition	Comment	Status	Action By
	(c)	If the ZBA determines that the new plans do not comply with the conditions set forth in this Comprehensive Permit, then the ZBA shall notify the Applicant of the deficiencies and the Applicant shall have an opportunity (but not an obligation) to cure the perceived deficiencies and the Applicant and the ZBA may mutually agree to extend the 45-day period for review to cure the deficiencies. . If the Applicant elects to cure any perceived deficiencies by submitting additional or replacement documents or plans, then the ZBA shall timely determine whether the additional or replacement documents or plans comply with the conditions set forth in this Comprehensive Permit, and if it so determines then the ZBA shall grant any additional necessary waivers and the new plans shall be Plans of Record. Should the ZBA determine that any set of additional or replacement documents or plans still do not comply with the conditions set forth in this Comprehensive Permit, then the Applicant may, in its discretion, elect to submit further documents or plans and continue the process of ZBA review, and the parties may elect to extend the 45-day period further, for as many times as they choose.	—	Approved	No Action.
	(d)	At any time during the process described above (if the Applicant and ZBA reach an impasse concerning proposed plans or otherwise), (a) the Applicant may elect to notify the ZBA that it desires to substitute its proposed new set of Plans of Record (showing 242 units and 2 parking spaces per unit) for the current Plans of Record in accordance with 760 CMR 56.05(11)(a) and the procedures and appeal rights set forth in 760 CMR 56.05(11) shall apply; or (b) the Applicant may avail itself of any avenue of appeal that may exist.	—	Approved	No Action.
	32	Once the Plans of Record have been updated to reflect the final unit count, the Applicant shall prepare an Approval Not Required (ANR) Plan for endorsement by the ZBA to create a separate lot to constitute the Project Site and the ZBA shall endorse the same.	ANR Provided, see ZBA Declaration dated July 18, 2019, recorded at B 60916 P 220	Approved	No Action.
	33	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. Completing such work shall not delay issuance of a certificate of occupancy if the Applicant is required to delay such work until an appropriate construction season.	The work within the right of way should meet MassDOT's requirements	We have no work in the public right of way.	Build per plan.
	34	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.	Program complies.	We will comply with this condition.	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	35	Each residential building shall be equipped with elevators that return to the ground floor when a power outage occurs.	Program complies.	We will comply with this condition.	Build per plan.
	36	The Applicant shall provide the ZBA and the Board of Health, <u>before any occupancy permit issues</u> , 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 4:00p.m.	Prior to C of O provide town with plan for storage and removal of trash and recycling	We will comply with this condition.	Proceed, Implement Condition as required
	37	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 and alternate sources of water will be explored.	We will not use MWC water for irrigation.	N/A	No Action
	38	The toilets shall have a 1.28-gallon maximum flush capacity.	Toilets < 1.28-gallons	Design complies	Build per plan.
	39	The bathroom faucets shall have 1.0 gallon per minute maximum aerators.	Faucets < 1.0 Gallon aerators	Design complies	Build per plan.
	40	The showerheads shall have 1.5 gallon per minute maximum flow.	Shower Heads < 1.5 gal/min	Design complies	Build per plan.
	41	All water and sewer construction and materials shall be as noted in the Plans of Record, or as otherwise required in accordance with the Town of Milford or the Milford Water Company's requirements, as applicable.	-	Design complies	Proceed, Implement Condition as required
C. Construction and Bonding					

Number	Section	Condition	Comment	Status	Action By
	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 or without prior notice to determine conformance with this Decision.	Allow access.	We will comply with this condition.	Proceed, Implement Condition as required
	2	The Applicant shall pay all of the actual, reasonable ZBA's and Town's prior and outstanding peer review and legal fees, if any, within 30 days of the issuance of the Decision after all applicable appeal periods have lapsed. The Applicant shall pay for all actual reasonable post-permit peer review, post-permit inspections, and post-permit legal fees by establishing or continuing the escrow account now established pursuant to G.L. c. 44, s. 53G. No occupancy permit shall be issued if any authorized outstanding bill for any fee is 30 days overdue.	Applicant shall pay peer review fees	We are not aware of any outstanding balances.	No Action
	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.	Obey laws.	We will comply with this condition.	Proceed, Implement Condition as required
	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 Plans of Record.	Comply with other permit(s).	We will comply with this condition.	Proceed, Implement Condition as required
	5	Prior to construction, physical barriers shall be installed 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.	Applicable erosion control measures incorporated into the SWPPP Plans.	We will comply with this condition.	Proceed, Implement Condition as required
	6	With respect to the work to be done by Applicant on private ways within the Project Site, no certificates of occupancy shall be issued by the Town until the Applicant has substantially completed all site drainage and utility work appurtenant to any portions of the site for which an occupancy permit is to be issued and has installed a binder course of pavement on driveways and parking areas within the Project Site.	Prior to C of O.	We will comply with this condition.	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	7	If applicable, 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 Board's consulting civil 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 confirmed by the Town Engineer.	Toward the end of the project if we seek a C of O prior to the landscaping being complete, the town might ask for a bond.	We will comply with this condition.	Monitor and request if needed.
	8	To the extent that the final landscaping for the Project is not completed prior to the issuance of the first certificate of occupancy, the Applicant shall provide the ZBA 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 Board's consulting civil engineer performing the construction inspections based upon the Applicant's reasonable estimate of the costs to complete such landscaping work. 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 confirmed by the Town Engineer. The work to be secured shall include any landscape screening and fencing along the limit of work boundary.	Surety Bond for Landscaping	We will comply with this condition.	Monitor and request if needed.
	9	In addition, the Applicant shall provide surety sufficient to loam and seed any disturbed areas which are yet to be developed as per the plans. Such surety shall be in an amount to be determined by the Board's consulting civil engineer performing the construction inspections based upon the Applicant's reasonable estimate of the costs to complete such loam and seeding work. 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 confirmed by the Town Engineer. 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.	Surety Bond for Landscaping	We will comply with this condition.	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	10	Prior to the issuance of any building permit, the site and engineering plans, 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 Commission, and shall include the following:	<p>These plans were provided to the board and approved by the board:</p> <p>See ZBA Amendment No 1 dated July 26, 2019, recorded at b 60916 p 220</p> <p>---</p> <p>See Amendment No 2 dated Aug 29, 2020 recorded at b 63276 p 192</p> <p>The plans were dated 5/15/20 and are the same plans submitted with the Building Permit Application.</p>	Complete.	No Action
	(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;	Included.	Complete	No Action
	(b)	Stormwater Pollution and Prevention Plan (SWPPP) notes that address mitigation of sedimentation and erosion, including details relating to any temporary drainage basins;	Included.	Complete	Build per Plan.
	(c)	Letter from the Project architect confirming that the Project complies with Architectural Access Board (AAB) Regulations, as required; and	Letter re ADA compliance provided to Matt Marcotte and copy to Gerry Moody on 10/14/20.	Complete	Proceed, Implement Condition as required
	(d)	Details of any temporary construction signs.	N/A	—	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	11	A surety instrument, that shall not expire until it is satisfactorily replaced or released, in an amount to be determined by the Board's consulting civil engineer performing the construction inspections based upon the Applicant's reasonable estimate of the costs to complete the Authorized Activity(described below) shall be given prior to starting any activity authorized by this approval ("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 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 confirmed by the Town Engineer. 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.	We don't have any work on town property.	—	No Action.
	12	Prior to starting any work on the Project Site, the Applicant and the general contractor shall hold a preconstruction meeting with the Building Commissioner, Conservation Agent, and Highway Superintendent representative, as necessary, to review this Decision.	This meeting was held on September 29, 2020.	Complete.	No Action.
	13	Prior to starting any work on the Project Site, the Applicant shall provide to the Building Commissioner:	Prior to start of work the applicant should provide BI:	See below:	—
	(a)	the company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on site;	Contacts for job site managers	Provided to Matt Marcotte and copy to Gerry Moody on 10/14/20.	No Action
	(b)	a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Project Site have been paid;	A lien certificate that shows that no \$ is due on property	Provided to Matt Marcotte and copy to Gerry Moody on 10/14/20.	No Action
	(c)	certification from the Applicant that all required federal, state and local licenses and permits have been obtained;	Certification that all permits have been obtained	Provided to Matt Marcotte and copy to Gerry Moody on 10/14/20.	No Action
	(d)	proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work;	Proof of Dig Safe	We will provide.	Part of #13 above

Number	Section	Condition	Comment	Status	Action By
	(e)	proof that street signage is in place to ensure that emergency personnel can locate the site to provide emergency services to protect and secure the site and construction personnel; and	Street Signage in place	Sign to be installed soon.	Part of #13 above
	(f)	at least 48 hour written notice. If activity on site ceases for longer than one month, 48 hour written notice prior to restarting work.	If const. stops for over a month, notice must be given to restart	We will comply with this condition.	Part of #13 above
	14	During construction, at the end of each workday, 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 site 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.	Look at erosion control at the end of each day.	We will comply with this condition.	Proceed, Implement Condition as required
	15	Blasting, if any shall be performed in a manner approved by the Fire Department and Building Department 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.	Required by law.	We will comply with this condition.	Proceed, Implement Condition as required
	16	Within ninety (90) days of completion of the work on the Project Site and prior to the issuance of the final certificate of occupancy, the Applicant shall submit to the ZBA two sets of As-Built Plans (the "As-Built Plans") for all infrastructure improvements and, if applicable, evidence of compliance with this Decision and any other permits required for the construction of the improvements contemplated by this Decision. 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 Plans of Record.	Within 90 days of completion the applicant must submit as-built drawings	We will comply with this condition.	Proceed, Implement Condition as required
	17	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 site's storm-water management system in accordance with generally accepted practice, as the same may, from time to time, change.	All catch basins will be cleaned at the end of construction	We will comply with this condition.	Proceed, Implement Condition as required
	18	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 Order of Conditions, 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 Plans of Record.	Comply with O of C as well as NPDES Permit.	Plans provided, discussed at the Pre Con Meeting.	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	20	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 management area and shall relocate or modify the design of the facility if impervious soils or bedrock are present within the limits of the excavation.	No further testing is warranted.	—	No Action.
	21	During construction, the location of any and every stormwater management 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.	Stormwater management areas shall be protected by heavy equipment	We will comply with this condition.	Implement as required.
	23	The Applicant shall be permanently responsible for the following at the Project:	See below:	—	Proceed, Implement Condition as required
	(a)	all plowing, sanding, and snow removal. Snow shall be piled in designated locations as shown on the Plans 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-site location for the legal disposal thereof;	Snow removal	We will comply with this condition.	Proceed, Implement Condition as required
	(b)	all site maintenance and establishing a regular schedule for site maintenance;	Regular schedule for maintenance	We will comply with this condition.	Proceed, Implement Condition as required
	(c)	repairing and maintaining all Project Site roadways, including drainage structures and utilities therein and the infrastructure within the Project;	Repairing and maintaining	We will comply with this condition.	Proceed, Implement Condition as required
	(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;	Conducting annual inspections for stormwater	We will comply with this condition.	Proceed, Implement Condition as required
	(e)	maintaining all any and all easements shown on the Plans of Record; and	Maintain easements	We will comply with this condition.	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	(f)	site lighting.	Site Lighting	We will comply with this condition.	Proceed, Implement Condition as required
	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.	The Assessor's Office (Jenn Sclar) confirmed the Site Address and unit numbering. Mr. Matt Bedrosian of the Milford PO approved the location and access parameters via email dated Jan 9, 2020.	We will comply with this condition.	Monitor and request if needed.
	25	Prior to commencing work on the Project Site, 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 entry points and provide for dust control in the form of sweeping and spraying of water whenever necessary.	Final plans show these requirements.	We will comply with this condition.	Proceed, Implement Condition as required
	26	No stumps or construction debris shall be buried or disposed of at the Project Site.	We won't bury stumps or debris.	We will comply with this condition.	Proceed, Implement Condition as required
	27	The Applicant shall use all reasonable means to minimize inconvenience to residents in the general area, during construction.	do not inconvenience locals	We will comply with this condition.	Proceed, Implement Condition as required
	28	The Applicant shall expend commercially reasonable efforts to develop an on-site irrigation well in accordance with all applicable laws and regulations and shall diligently pursue approvals for same before irrigation is provided to on-site landscaping.	Applicant shall look into installing a well for irrigation	We will comply with this condition.	Proceed, Implement Condition as required
	29	The Comprehensive Permit granted hereunder 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). After substantial completion of the Project, this Comprehensive Permit runs with the land as provided by 760 CMR 56.05(12)(b).	Comp permit runs with the land		Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	33	Any changes or revisions to the Plan of Record 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 Plans of Record, as may be modified pursuant to the process outlined in 760 CMR 65.05(11). Proposed and reasonable adjustments to the Plans of Record following the issuance of this Comprehensive Permit are allowed. Plans of Record revisions shall be submitted to the Building Commissioner (or other appropriate department head in Milford) who may determine whether the revisions constitutes a "change" per 760 CMR 56.05 (11). Revisions of a minor nature may be approved directly by the Building Commissioner with input from appropriate department heads. If the Building Commissioner is uncertain whether such revisions are minor, or if it constitutes a substantial or insubstantial change, he may direct the Applicant to submit the proposed revision to the ZBA for review and authorization in accordance with applicable regulatory provisions.	Process for making changes.	We will continue to comply with this condition if any further changes are proposed.	Proceed, Implement Condition as required
	31	Building construction may begin simultaneously with the commencement of construction of the infrastructure, but no occupancy permit shall be issued 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. Certificates of occupancy may be issued in phases, by floor, or in such other manner as may be approved by the Building Commissioner in consultation with the Applicant.	C of O is allowed to be issued in phases as long as it is discussed with the Building Commissioner.	We will comply with this condition.	Proceed, Implement Condition as required
D. Special Conditions					

Number	Section	Condition	Comment	Status	Action By
	1	As reflected in the findings referred to above, this Comprehensive Permit, notwithstanding the application or any other documents or plans submitted, is limited to 242 units including but not limited to associated accessory structures, infrastructure and improvements such as a clubhouse/amenity space, management and leasing office, parking garage structures, mail room and maintenance building, all as shown on the Plans of Record. The applicant shall determine the appropriate allocation within the 3 buildings 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.	<p>These plans were provided to the board and approved by the board:</p> <p>See ZBA Amendment No 1 dated July 26, 2019, recorded at b 60916 p 220</p> <p>---</p> <p>See Amendment No 2 dated Aug 29, 2020 recorded at b 63276 p 192</p> <p>The plans were dated 5/15/20 and are the same plans submitted with the Building Permit Application.</p>	—	No Action.
	2	Prior to connecting to the existing sewer lines serving the Project Site, the Applicant shall install at its own expense, a 10 foot inside diameter wet well with a connection to the existing wet well as shown on the plan referenced at Number 31 on Exhibit A and in compliance with Exhibit C hereto. The tank shall be located in the area shown on the plan referenced at Number 32 on Exhibit A. In addition, the Applicant shall replace the existing two, 5 horsepower 250-gallon per minute pumps in the existing wet well, with two 7.5 horsepower 350-gallon per minute pumps, one pump to be placed in each wet well. The ZBA acknowledges the sewer flow from the Project is within the approved sewer flow in existing MassDEP Sewer Connection Permit Number X223659.	Sewer improvements as shown on the plans.	Will comply.	Proceed, Implement Condition as required
	3	Parking shall be provided within the project at a ratio of 2.0 spaces per dwelling unit.	As shown on plans.	We will comply with this condition.	Build per Plan.
	4	An appropriate crossing shall be established where Deer Street and the Milford Upper Charles Trail intersect to enhance pedestrian safety and bicycle safety at the trail crossing. The ZBA acknowledges that the two recently installed Rectangular Rapid Flashing Beacons satisfy this Condition.	Already Built	Complete.	No Action

Number	Section	Condition	Comment	Status	Action By
	5	The Applicant shall submit a Notice of Project Change to the MEPA office for review of design changes associated with the currently proposed residential development.	Done. See MEPA Certificate dated 5/24/19.	Complete.	No Action.
	6	The Applicant shall establish a suitable bicycle lane, which may consist of signage, within the existing right of way limits on Deer Street from the Upper Charles Trail to the Project Site suitable, and properly marked, for bicycle traffic on Deer Street. In no event shall the Applicant be required to modify portions of the existing sidewalk not owned or controlled by the Applicant, or modify the existing bridge crossing in order to maintain the MassDOT required guardrails and to minimize additional disturbance within wetland resource areas or buffer zones subject to an existing Order of Conditions.	Deer street to have a bike lane	We will comply with this condition.	Proceed, Implement Condition as required
	7	The project shall comply with the current municipal By-Laws and regulations in effect as the date of this Decision unless otherwise waived.	The project shall comply with these conditions	We will comply with this condition.	Proceed, Implement Condition as required
	8	The Applicant and the ZBA acknowledge that the project requires approval under the State Wetlands Protection Act pursuant to a separate process with the Milford Conservation Commission.	We have the required approval from the Con Comm.	Complete.	No Action.
	9	The Applicant shall designate an area for emergency refuge of residents as described in the memo and plan attached as Exhibit D.	See plans.	We will comply with this condition.	Build per Plan
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. If the Milford Water Company has not been able to perform work necessary to provide public water for the Project or if work to implement a private on-site well has not been completed prior to the expiration of such three (3) year period, the ZBA agrees to vote to extend such lapse date for a further three (3) year time period.	Expiration date.	We will comply with this condition.	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
	2	In addition, once commenced, construction in accordance with this Comprehensive Permit shall be completed within five years of commencement of construction or approval of any further construction of any unit not already begun shall lapse.	The construction for this project shall be completed by 9/14/23	We will comply with this condition.	Proceed, Implement Condition as required
	3	The Applicant may apply to the ZBA for reasonable extensions of these deadlines for good cause, but must do so before any lapse occurs.	Extensions may be made with reasonable cause	We will comply with this condition.	Proceed, Implement Condition as required
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.	The applicant shall comply with the state building code.	We will comply with this condition.	Proceed, Implement Condition as required
	2	The Waivers in Exhibit B were granted.	The waivers were granted	Noted.	Proceed, Implement Condition as required
G. Validity of Permit					
		This permit shall not be valid until recorded with the Registry of Deeds and evidence of such recording is provided to the Building Inspector and the ZBA. Any modification of this permit shall be subject to 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 ct seq., as applicable.	Permit was recorded at B 50588 P 35. The amendment was recorded at B 63276 P192.	Complete.	Proceed, Implement Condition as required

Number	Section	Condition	Comment	Status	Action By
END OF SECTION					