

**TOWN OF MILFORD
ZONING BOARD OF APPEALS
TOWN HALL
52 MAIN STREET
MILFORD, MASSACHUSETTS 01757
(508) 634-2302**

MILFORD
TOWN CLERK'S OFFICE
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MILFORD, MASS

FINDINGS AND DECISION

RE: Application of The Gutierrez Company for Comprehensive Permit (the "Application")

DATE: September 14, 2018

Premises Affected: 200-300 Deer Street, Assessors Maps 14, 15, 19, 20, Parcels 2A, 3, 4 (the subject "Property"). The Project Site to which this Decision is applicable is a portion of the Property to be created via endorsement of an Approval Not Required Plan as described herein.

Members participating: David R. Consigli (Chair), Charles C. DiAntonio, John Dagnese, Mark Calzolaio and Timothy Walsh. All members attended all sessions of the public hearing or complied with the Mullin Statute.

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.

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:

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.

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.

4. The ZBA commenced a duly noticed public hearing on April 18, 2018.
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.
6. The Applicant and Town staff held a working session on June 18, 2018 and September 5, 2018.
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.
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.

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.
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 Business Park (BP) zoning district, as established in the Milford Zoning By-law.
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:

Studios	(0%)
One bedroom units:	(53%)
Two bedroom units	(37%)
Three bedroom units:	(10%)

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

BSC Group, Inc. ("BSC")
 Comprehensive Environmental 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
 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 a 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 site is to be serviced by adequate water and sewer; and (9) the Applicant proposes to provide 2 parking spaces per unit on the Property and this number is adequate. 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.

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. 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.

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:

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.

The MWC manager concluded his letter of January 23, 2018 as follows:

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.

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.

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 for 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.

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.

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.

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.

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.

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.

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 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.
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 sized, 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.
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, 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. 40B, §§ 20-23.
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.
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.

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.
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.
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.
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, as allowed by this Decision; (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; (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 (v) 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.
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.

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 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 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. 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, 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:
 - Residents of Milford
 - Parents and children of Milford residents
 - Veterans
 - Employees of the Town
 - 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) 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.

- (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.
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 the conditions regarding local preference in this Decision 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 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.
 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 Plans of Record referenced herein, as may be modified.
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 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;
 - (c) Massachusetts Department of Environmental Protection 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 Clean Waters Act.
3. There shall be no exterior construction activity, including fueling of vehicles, on the Premises before 6:00 a.m., or after 7:00 p.m., Monday through Friday and before 7:30 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 Project shall be installed underground.
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.

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.
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 Applicant shall pay a reasonable peer review consultant fee if requested by the Building Commissioner.
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.
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.
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 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.
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.

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 Administrator 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 shall be provided if requested by the Fire Chief, 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 Project shall install the sprinklers in compliance with M.G.L. c. 148, §26I, which shall require a sprinkler system designated per NFPA code 13.
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 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.
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.

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 ("SWPP") 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.
 - (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.
 - (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.
 - (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.
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.
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.

24. The Applicant shall provide and obtain approval from the Conservation Commission for an Operations and Maintenance Plan covering the following:
 - (1) The Project's drainage infrastructure and all related appurtenances;
 - (2) The Project's access ways, parking areas, common areas, trash removal, snow removal; and
 - (3) Additional site areas of the Project that are identified by the Conservation Commission (if any) to require ongoing maintenance.
25. Fertilizer, pesticide and herbicide use shall be minimized to the extent consistent with good landscape maintenance practice.
26. Road salt shall not be used for vehicular parking areas.
27. Dumping of landscape debris, including leaves, grass clippings and brush, within 50 feet of any wetland shall be prohibited.
28. Unless approved by the Conservation Commission, no disturbance or construction work shall be done and no portion of any or 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.
29. The Project shall not be gated.
30. All grading shall be consistent with the Plans of Record.
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.
 - (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.

- (b) Once the Applicant has 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.
 - (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.
 - (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.
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.
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.

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.
35. Each residential building shall be equipped with elevators that return to the ground floor when a power outage occurs.
36. 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.
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.
38. The toilets shall have a 1.28-gallon maximum flush capacity.
39. The bathroom faucets shall have 1.0 gallon per minute maximum aerators.
40. The showerheads shall have 1.5 gallon per minute maximum flow.
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.

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 or without prior notice to determine conformance with this Decision.

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.
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 Plans of Record.
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.
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.
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.

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.
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.
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:
 - (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, as required; and
 - (d) Details of any temporary construction signs.
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.

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.
13. Prior to starting any work on the Project Site, the Applicant shall provide to the Building Commissioner:
 - (a) the company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on site;
 - (b) a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Project Site 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 site to provide emergency services to protect and secure the site and construction personnel; and
 - (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.
14. 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 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.

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.
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.
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.
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.
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.
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.
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 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;
 - (b) all site maintenance and establishing a regular schedule for site maintenance;
 - (c) repairing and maintaining all Project Site 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 all any and all easements shown on the Plans of Record; and
 - (f) site 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 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.
 26. No stumps or construction debris shall be buried or disposed of at the Project Site.
 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-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.
 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).

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.
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.

D. SPECIAL CONDITIONS.

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.
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.

3. Parking shall be provided within the project at a ratio of 2.0 spaces per dwelling unit.
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 .
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.
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.
7. The project shall comply with the current municipal By-Laws and regulations in effect as the date of this Decision unless otherwise waived.
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.
9. The Applicant shall designate an area for emergency refuge of residents as described in the memo and plan attached as Exhibit D.

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.

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.
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.

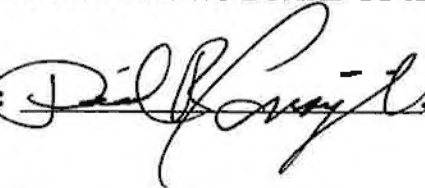
F. WAIVERS.

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 B were granted.

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 et seq., as applicable.

MILFORD ZONING BOARD OF APPEALS

By:  Chairman

On September 12, 2018, the Zoning ZBA of Appeals voted to authorize Chairman Consigli to execute the decision on behalf of the ZBA.

Filed with Town Clerk on: Sept. 14, 2018

Sent to Applicant, certified mail, on: September 14, 2018

Notices to interested parties mailed on: September 14, 2018

EXHIBITS

- A Document List
- B. Waiver List
- C. Section Through Existing Pump Station and Proposed Wet Wells
- D. Memo and Plan of Emergency Refuge area

Exhibit A
Document List

The following documents were received during the public hearing¹:

1. Comprehensive Permit Application, for The Residences at Stone Ridge submitted by the Gutierrez Company; March 19, 2018.
2. Technical Memorandum from TEC, the Engineering Corp., to Israel Lopez, Manager/Director of Development at The Gutierrez Company dated March 12, 2018.
3. Technical report from SMMA for The Residences at Stone Ridge; dated March 9, 2018.
4. Rendering of Current proposed Site Plan for The Residences at Stone Ridge by SMMA dated March 2, 2018.
5. January 22, 2018- Memo from Tata & Howard to David L. Condrey, Manager of Milford Water Company; RE: The Residences at Stone Ridge Water Service Review.
6. January 23, 2018 Milford Water Company letter from David Condrey to Gerald Moody.
7. February 7, 2018, Memo from Milford Public Schools to Richard A. Villani, Town Administrator.
8. February 8, 2018, letter from Tata & Howard to Rudolph V. Lioce III, Chairman, Board of Sewer Commissioners; RE: Sewer Review.
9. Conceptual Building Elevations by Sheskey Architects, sheets: A2-1 and B2-1 dated March 8, 2018, C2-1 and A0-0 dated February 20, 2018.
10. Conceptual Building Plans by Sheskey Architects, sheets: A1-1 dated March 8, 2018, B1-1, C1-1, and A3-1 dated February 20, 2018.
11. March 9, 2018, Residences at Stone Ridge – Civil Plans by SMMA – Cover Sheet through C-504 (11 Sheets including cover).
12. March 9, 2018 Technical Report, The Residences at Stone Ridge by SMMA

¹ The plans at Numbers 4, 9, 10, and 11 above constitute the Plans of Record.

13. March 12, 2018, Traffic Impact Report by The Engineering Corp (TEC)
14. March 21, 2018, Letter from David L. Condrey Manager of the Milford Water Company to Gerald M. Moody; RE: Application for Comprehensive Permit of The Gutierrez Company.
15. April 4, 2018, Memo from Thomas J. O'Loughlin, Chief of Police to Milford Zoning Board of Appeals; Re: The Residences at Stone Ridge.
16. April 17, 2018, Memo from Larry Dunkin to Milford Planning Board; Re: "The Residences at Stone Ridge."
17. April 18, 2018, email from William Touhey, Fire Chief to Gerry Moody and others.
18. April 18, 2018, The Residences at Stone Ridge presentation to Milford ZBA.
19. April 18, 2018, Memo from Joseph A. Calagione, Chairman of Milford Planning Board.
20. April 18, 2018, Letter from Reno Deluzio, Chairman of the Milford Upper Charles Trail Committee.
21. April 18, 2018, Memo from Town Engineer Michael Dean.
22. May 1, 2018, BSC Group to David R. Consigli - Transportation Peer Review.
23. May 9, 2016, TEC response to BSC Group traffic comments.
24. May 14, 2018, BSC Group to David R. Consigli – Transportation Peer Review #2.
25. May 16, 2018, Residences at Stone Ridge – Presentation to Milford ZBA.
26. May 21, 2018 SMMA to David Consigli – Response to Sewer Review
27. May 24, 2018 CEI to David R. Consigli – Environmental Peer Review
28. June 11, 2018 Milford Water Company letter from David Condrey to Gerald Moody regarding Dilla Street wells.
29. June 14, 2018, Letter from Lucas Environmental to David R.. Consigli – Response to CEI peer review.

30. July 9, 2018, Letter from Steven J. Landry P.E. of Tata & Howard to Richard M. Cenedella, Chairman of the Board of Sewer Commissioners.
31. Section Through Existing Pump Station and Proposed Wet Well, prepared by SMMA, dated September 5, 2018
32. Supplemental Wet Well Conceptual Site Plan, prepared by SMMA, dated August 29, 2018
33. Memorandum from SMMA to William Touhey, Fire Chief dated September 7, 2018.
34. Email correspondence from Mark Nelson, Milford Fire Department, to William Park dated September 8, 2018.

Development: The Residences at Stone Ridge

200-300 Deer Street, Milford, Massachusetts

EXHIBIT B
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 B 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 Plans 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 Plans of Record. 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; any proposed further modification of the Project or any unit within the Project thereafter must conform to the Milford Zoning Bylaw and other local bylaws, rules, and regulations, subject to the regulations concerning modifications of comprehensive permits found at 760 CMR 56.05(11).

Residence at Stone Ridge

Requested Waiver List

Milford Zoning Bylaw		
Section Number/Title	Requirement	Proposed/Waiver Requested
Section 1.4.2 Permit Procedure	The Zoning By-Law requires all applications to be submitted to the Building Commissioner.	The Zoning Board of Appeals shall act as the comprehensive permit granting authority.
Section 1.5 Certificate of Zoning Compliance	Section 1.5 requires an applicant to obtain a zoning certificate from the Building Commissioner.	The Zoning Board of Appeals shall act as the comprehensive permit granting authority.
Section 1.15 Site Plan Review	Section 1.15 requires new construction to obtain site plan approval.	The Zoning Board of Appeals shall act as the comprehensive permit granting authority and the applicant seeks a waiver from the site plan approval requirement. Note, the applicant will provide detailed plans for any retaining walls, as provided in Section 1.15.2.1(b), with the building permit application.
Section 1.15.2.1(h) Planning Board Signature Block	Section 1.15.2.1(h) requires a signature block for endorsement by the Planning Board.	The Zoning Board of Appeals shall act as the comprehensive permit granting authority and the applicant seeks a waiver to allow it to endorse plans, including approval not required plans.
Section 2.2.1; Section 2.3 Use Regulation Schedule	The Sections prohibit multifamily use and accessory off-street parking for dwelling units	The applicant seeks a waiver to allow multifamily use with accessory parking and other accessory uses such as a management/leasing office

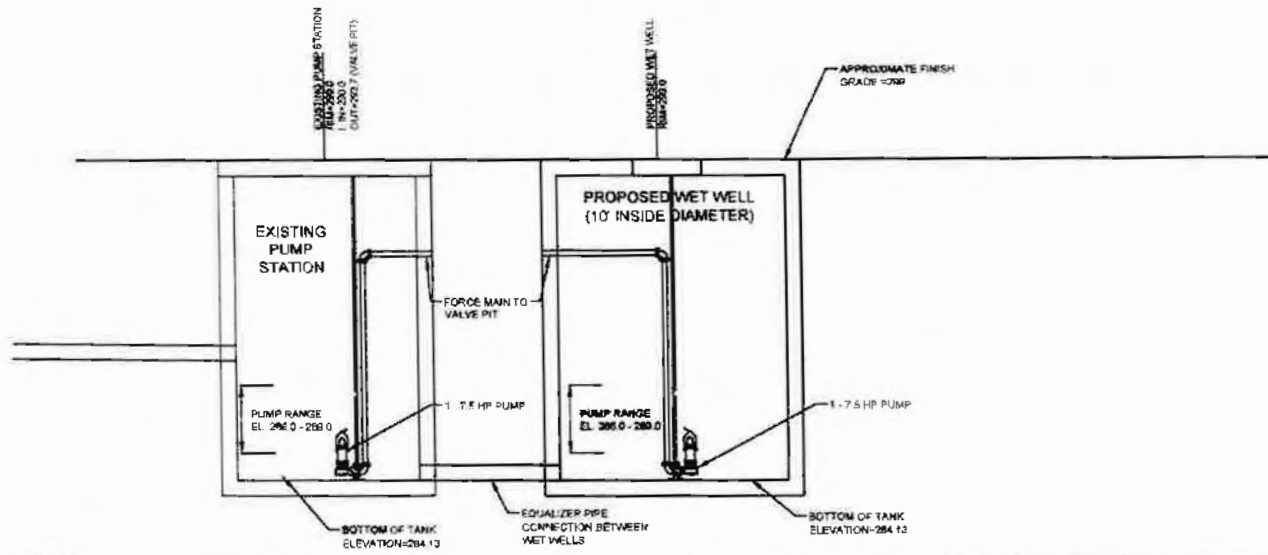
	in the Business Park zoning district.	and amenity area(s) as shown on the Plans.
Section 2.4.4.2 Number of Principal Buildings Per Lot	Section 2.4.4.2 allows any number of principal buildings in a single lot in a Business Park District contingent that each building meet all requirements for the district.	The proposed project consists of three buildings. The applicant requests a waiver from this requirement.
Section 2.4.8 Wetland, Pond, Stream or Detention Area Setback	Section 2.4.8 requires a setback for any structure from wetlands, ponds, streams or detention areas.	The proposed project will fill an existing wetland and replicate it elsewhere on the larger site as allowed by Order of Conditions Mass DEP# 223-987 as such order has been amended and extended. The applicant requests a waiver from this setback requirement, as the existing wetland on the lot will be eliminated per such Order of Conditions.
Section 3.4 Parking Requirements	Section 3.4 requires parking to be on the same lot as the activity or use it services.	The applicant may use parking spaces on the future lot to the north, which is also owned by the applicant, for shared parking and seeks a waiver from this requirement.
Section 3.4.1(a) Off Street Parking Requirements	Section 3.4.1(a) requires two parking spaces per dwelling unit.	The applicant requests a waiver from the minimum parking spaces required by the Zoning By-Law to have the number of spaces shown on the Plans.
Section 3.4.2(a) Parking space dimensions	Section 3.4.2(a) requires parking spaces to have certain dimensions.	The applicant requests a waiver to allow the parking space dimensions, including compact parking spaces, as shown on the Plans.

Section 3.4.4(a) Number of parking area entrances/exits	Section 3.4.4(a) only allows one entrance and one exit from any parking area per 200 feet of frontage in a commercial district.	The applicant requests a waiver to have the number of entrances and exits as shown on the Plans.
Section 3.4.4(d) Parking Landscaping Requirements	Section 3.4.4(d) has landscaping, landscape buffer and lighting requirements.	The applicant requests a waiver to have the landscaping and lighting shown on the Plans.
Section 3.7 Earth Removal Regulations	Section 3.7 prohibits and regulates the removal of earth.	The applicant requests a waiver to allow the removal of earth incidental to construction of the proposed project. The Zoning Board of Appeals shall act as the comprehensive permit granting authority.
Section 3.9 Sign Regulations	Section 3.9 prohibits and regulates signs.	The applicant seeks a waiver to allow the signs shown on the Plans.
Section 3.16 Individual Lot Drainage	Section 3.16 regulates grading and drainage.	The applicant seeks a waiver to allow the grading and drainage shown on the Plans as the Zoning Board of Appeals is the comprehensive permit granting authority. The proposed project will meet the requirements of the DEP Stormwater Handbook.
Milford General By-Laws		
Article 8 Planning Board	Article 8 creates a Planning Board and enumerates its duties	The applicant seeks a waiver from this Article, as the Zoning Board of Appeals is the comprehensive permit granting authority, including for endorsement

		of approval not required (ANR) plans.
Milford Wetland Administration By-Law		
Article 33, Wetland Administration By-Law	Article 33 establishes the Milford Conservation Commission and enumerates its duties	The applicant seeks a waiver from this Article, as the Zoning Board of Appeals is the comprehensive permit granting authority with the authority to issue all local permits and approvals. The applicant will seek to amend the previous Order of Conditions from the Milford Conservation Commission DEP # 223-987 under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and 310 CMR 10.00 et seq.
Milford Subdivision Rules and Regulations		
Articles I through X, Milford Subdivision Rules and Regulations	The Purpose of the Subdivision bylaw is to provide rules and regulations for the planning of a subdivision.	The proposed project is part of an approved subdivision and the Project parcel will have frontage on the way approved on such subdivision plan. As such, the Subdivision Rules and Regulations are not applicable to the proposed project. However, to the degree that certain rules and regulations are applicable, including but not limited to Article IX, the applicant requests a waiver to allow the Plans as submitted, as the Zoning Board of

		<p>Appeals is the comprehensive permit granting authority. In addition, to the extent the proposed project affects the definitive subdivision plan approved for the project site, or waivers granted therefore, the applicant requests a waiver to allow the Plans as submitted, as the Zoning Board of Appeals is the comprehensive permit granting authority. This waiver request includes a waiver to allow the Zoning Board of Appeals to endorse an Approval Not Required (ANR) plan for the project site.</p>
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***Note, the applicant will update this list of waivers as necessary during the hearing and approval process.**



NOTES.

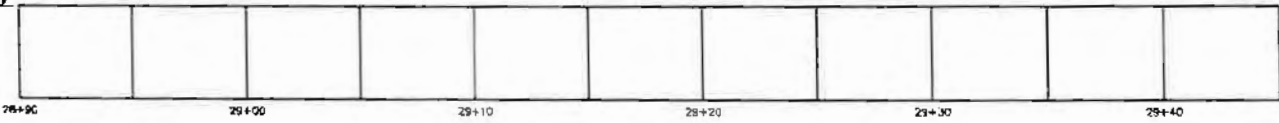
1. EXISTING PUMP STATION TO REMAIN. TWO EXISTING 5HP PUMPS TO BE REMOVED AND REPLACED WITH ONE 7.5HP PUMP. RAILS, FLOATS, CONTROLS, ETC. TO REMAIN.
2. NEW 10 FOOT INSIDE DIAMETER WET WELL TO BE INSTALLED WITH ONE 7.5HP PUMP. PUMP TO BE CONNECTED TO EXISTING CONTROL PANEL. NEW RAIL SYSTEM TO BE INSTALLED. PUMP DISCHARGE TO BE CONNECTED TO EXISTING VALVE PIT. EXISTING VALVES TO REMAIN.
3. PUMPS ARE TO FUNCTION AS A DUPLEX SYSTEM ALTERNATING LAGLEAD.
4. ADDITIONAL LOW AND HIGH WATER ALARM FLOATS TO BE INSTALLED IN NEW WET WELL.

EMERGENCY STORAGE VOLUME
 EXISTING PUMP STATION VOLUME ABOVE PUMP RANGE = 3,382 GAL.
 PROPOSED WET WELL VOLUME ABOVE PUMP RANGE = 5,285 GAL.
 TOTAL STORAGE = 8,666 GAL.

CURRENTLY PROPOSED-SHORT TERM MAX. DAILY FLOW = 45,264 GAL.
 1 HOUR REQUIRED STORAGE = 1,887 GAL.
 STORAGE TIME PROVIDED = 8,666 GAL / 1,887 GAL = 4.6 HOURS

CURRENTLY PROPOSED-LONG TERM MAX. DAILY FLOW IF ADDITIONAL 385,000 SF OF OFFICE SPACE IS CONSTRUCTED = 74,159 GAL.
 1 HOUR REQUIRED STORAGE = 3,090 GAL.
 STORAGE TIME PROVIDED = 8,666 GAL / 3,090 GAL = 2.8 HOURS

DATUM SLAY
 179



SMMA

STONERIDGE & BARRY CONSULTING
 1000 Cambridge Street
 Cambridge, Massachusetts 02142
 PH: 617.552.7800 FAX: 617.552.7800

STONE RIDGE

DATE: 08/05/10
 ISSUE: 1"
 SCALE: 1"=1'
 REF.:
 DR BY: PSG
 CK BY: CHK
 JOB NO.: 17065.00

EXHIBIT C

SECTION THROUGH EXISTING
 PUMP STATION
 AND PROPOSED WET WELL



Memorandum

To: Mr. William Touhey, Jr. - Fire Chief
From: William Park, PE
Project: Residences at Stone Ridge
Re: Emergency Designation Area
Distribution: Mr. Mark Nelson - Deputy Fire Chief, Israel Lopez - The Gutierrez Company, (MF)

Date: 9/7/2018
Project No.: 17095.00

Emergency Designation Area

The Gutierrez Company and SMMA met with the Milford Fire Chief and Deputy Chief on August 30, 2018 to discuss the Town's desire to have an area designated for emergencies incorporated into the Residences at Stone Ridge site design. The attached conceptual plan shows an area near the site entrance that appears suitable for this purpose. Such area would be available prior to the development of the future office phase on the remainder of the site. Upon the construction of the future office development, such area may be relocated or modified to accommodate such future development.

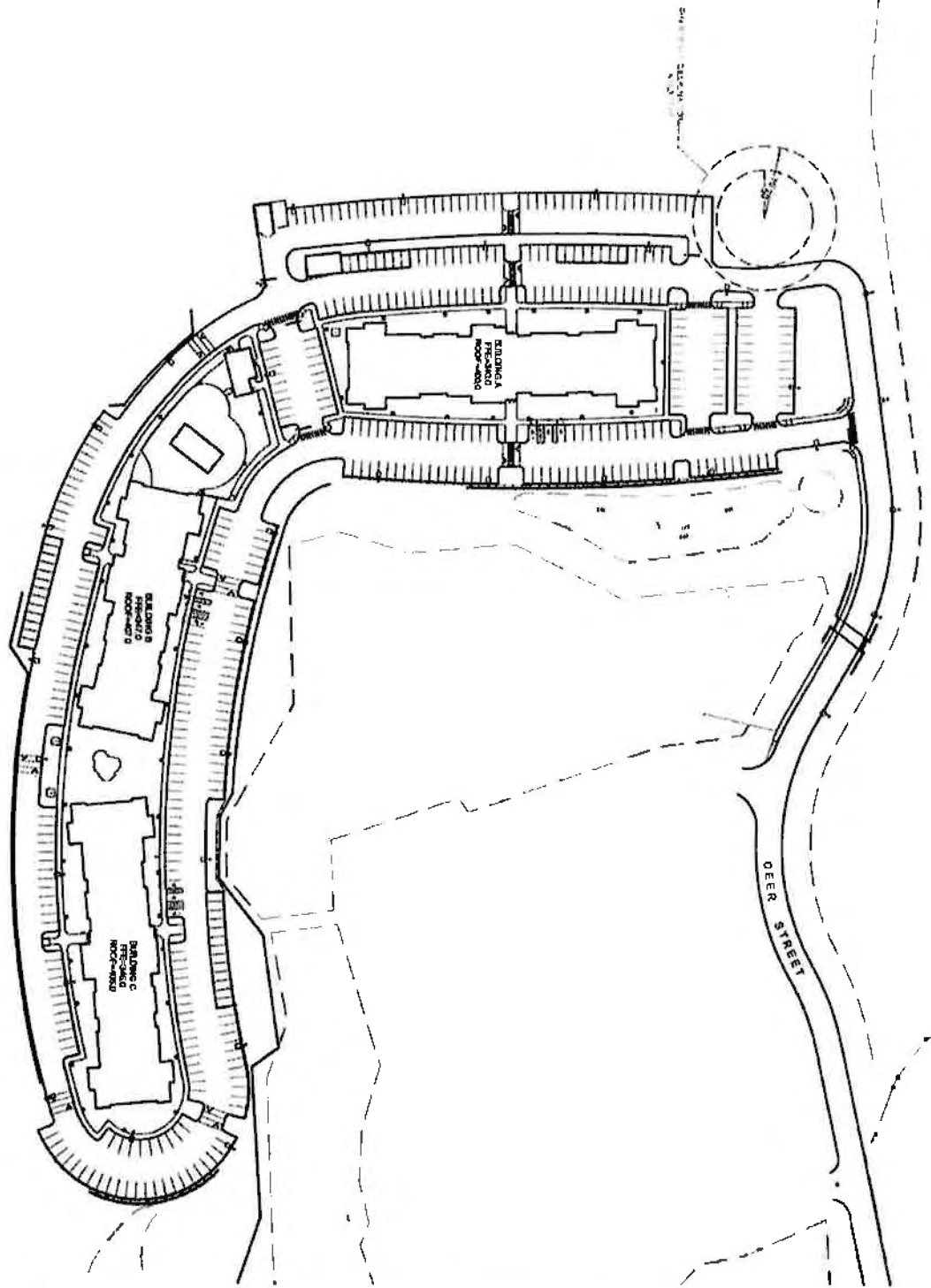
The 100 ft diameter zone will be clear of permanent objects greater than approximately 6 ft in height including buildings, light poles, trees, shrubs, site furnishings, and graded slopes. Lawn/meadow is acceptable and landscaping shrubs along the access drive at the outer boundary of the 100 ft radius, provided they do not exceed 6 ft, will also be acceptable. Landscaping the interior of the clear zone with shrubs, groundcover, etc. is not desirable for helicopter landing or to triage patients. The outer 50 ft of the 150 ft diameter zone - outside the 100 ft diameter zone - will include parking and circulation areas that may include movable objects (i.e. vehicles).

Emergency Vehicle Access

At the meeting, The Gutierrez Company also indicated to the Fire Department, that due to a condition that was being imposed by the ZBA to reduce the unit count of the project, by 30 units (to 242 units), the height of some of the buildings would be reduced by eliminating the fifth floor or a portion of the fifth floor depending on the building. It was also explained that the footprints and locations of the buildings would not change and that the prior analysis showing fire truck access and ladder reach would not change and only be improved given the reduction in building height. The Gutierrez Company expressed a desire to maintain the height of the two buildings along I-495 at five stories in order to maximize the project's visibility onto I-495 which has a positive impact on the marketability of the project. The Fire Department reiterated its view - expressed in an email dated April 18, 2018 - that it had sufficient reach to access the buildings and therefore, did not object to this proposal.

1000 Massachusetts Avenue
Cambridge, MA 02138
617.547.5400

www.smma.com



EMERGENCY

EMERGENCY DESIGNATION
AREA

DATE: 04/04/2018
 ISSUE:
 SCALE: 1"=100'
 REF:
 DR BY: WWP
 CK BY: JAH

Residences at Stone Ridge

Deer Street
 Milford, MA

JOB NO: 17085

SMMA

SMMA CONSULTANTS, INC.
 1000 STATE STREET, SUITE 200
 MILFORD, MASSACHUSETTS 01948
 TEL: 508-478-1100
 FAX: 508-478-1101
 WWW.SMMA-MA.COM

Exhibit "D-2"