

DRAFT Conditions for Site Plan Approval

700, 750, & 800 Massachusetts Avenue

January 1, 2018

General Conditions

1. Approval is based upon the following Plans and Documents:
 - a. (List of finalized Plans and documents to be inserted here)

~~2.~~ The Applicant/Owner shall notify the Town Planner in writing within 48 hours after a curb cut/road access permit application has been filed with the Massachusetts Department of Transportation (MassDOT) to access Route 111/Massachusetts Avenue.

3. The Applicant/Owner shall notify the Town Planner in writing within 48 hours after a Massachusetts Environmental Policy Act (MEPA) filing has been made with the Executive Office of Energy and Environmental Affairs (EEA). No site work ~~may~~ shall commence until the Secretary has issued a Certificate for the MEPA process.

4. Site work and construction at the subject property shall only occur Monday through Friday between the hours of 8:00 AM and 5:00 PM. No site work or construction is permitted on weekends or holidays.

5. All traffic traveling to and from the subject properties during the construction process, construction vehicles or otherwise, shall only be from Route 111/Massachusetts Avenue. ~~If access is absolutely necessary through Stow Road or Priest Lane, the Building Inspector must be notified at least 48 hours (2 business days) in advance and approve of the usage of the alternate access. Alternate access shall only be permitted for a specified amount of time as determined by the Building Inspector.~~

6. No earth work operation shall be conducted, maintained, and/or left in a condition so as to alter the natural drainage flow beyond the property.

7. All catch basins and detention basins shall be cleaned at the end of construction. Evidence of cleaning shall be provided to the Town Planner in writing.

~~8.~~ On-site construction trailers shall comply with Section 7602 of the 2012 Zoning Bylaw.

~~9.~~ The Applicant/Owner shall obtain an Earth Removal Permit from the Planning Board if necessary under the Earth Removal Bylaw.

~~4.~~ Phasing shall require a ~~All infrastructure, access roadways, and accessways~~ emergency access roadways, including the Emergency Vehicle Access Control System, shall be completed/installed within three (3) years of the initiation of construction after the commencement of any site work. Extension of this timeframe may be granted by mutual agreement between the Planning Board and the Applicant/Owner.

~~5-10.~~

~~6-11.~~ The emergency access roadways leading to Stow Road and Priest Lane shall only be used by emergency services vehicles (Police/Fire/EMT), Department of Public Works vehicles, and other vehicles necessary to maintain these roadways (ex. plow vehicles). These emergency access roadways ~~are~~ shall not be used by ~~for~~ usage by of condominium residents, their guests, or the public. Language indicating this shall be included in the Master Deed for the development.

~~7-12.~~ The Applicant/Owner shall adhere to the following Board of Health conditions:

- a. The site ~~must shall~~ be in compliance with the Boxborough Board of Health's Stormwater Bylaws.
- b. No odor, dust, or noise shall be generated from the site that would cause "a condition of air pollution," as defined by 310 CMR 7.00, Air Pollution Control regulations."
- c. Any hazardous materials/wastes ~~must shall~~ be handled in accordance with all Local, State, and Federal laws.
- d. Wood waste (stumps/slash) generated from the development project ~~must shall~~ be handled in accordance with the Massachusetts Department of Environmental Protection's (MassDEP) Wood Waste Policy and Site Assignment regulations, and shall not be disposed of on-site.
- ~~e. Any blasting done on site shall be with non-perchlorate based blasting materials.~~
- ~~f.e. No installation of a~~ Any irrigation well is allowed unless it can be proven there will be no shall not have a detrimental effect on water quantity in to adjacent drinking water wells, due to the installation of the irrigation well. Evidence to prove this shall be submitted to the Board of Health and approved/verified as required.

~~8-13.~~ If installed, an irrigation system shall contain the appropriate backflow preventers and rain sensors for water conservation. The Applicant/Owner shall provide the irrigation system plan, including backflow devices, to the Town Planner and Board of Health for the project file. Testing to ensure the backflow preventers and rain sensors are functioning appropriately shall be conducted annually with the results submitted to the Town Planner and Board of Health.

~~9-14.~~ There shall be no exterior trash and/or recycling storage anywhere within the project. Trash and/or recycling shall be removed regularly (at least once every two weeks) and shall only be placed outside during days when pickup is occurring and shall be the responsibility of the ~~C~~ condominium/H ~~h~~ omeowners A ~~a~~ ssociation. Language indicating this shall be included in the Master Deed for the development.

~~10-15.~~ On-street parking within the project is not ~~be~~ permitted on the sides of the roadways or emergency access roadways. The specifics of this shall be laid out in the condominium/homeowners association documents. Following construction, appropriate signage restricting parking shall be provided if deemed necessary by the Zoning Enforcement Officer or public safety officials. Language indicating this shall be included in the Master Deed for the development.

~~11-16.~~ After the issuance of the Certificate of Occupancy for the clubhouse building, if the Police Chief or Fire Chief determines ~~If~~ there is insufficient parking near the clubhouse to accommodate the needs of residents, employees, and visitors, the Applicant/Owner or condominium/homeowners association shall provide up to an additional 14 parking spaces in the area shown on the Site Plan for Enclave at Boxborough, 700 – 800 Massachusetts Avenue, Boxborough, Massachusetts (Sheets 2, 5, 10, and 11) dated December 22, 2016 and revised through August 30, 2017, prepared by Stamski and McNary, Inc. with Planning Department date stamps of September 5, 2017.

~~12-17.~~ All utilities for the project shall be located underground. Utilities may traverse Route 111/Massachusetts Avenue overhead, but once this crossing has been achieved the utilities shall immediately be located underground.

~~13-18.~~ All utilities for the project, with the exception of electricity from the Littleton Electric Light Department (LELD), shall come from Route 111/Massachusetts Avenue. LELED shall be permitted to run their utilities from Stow Road using the existing conduit through the Sheriff's Meadow easement.

~~14-19.~~ To the extent possible, all exterior lighting ~~must-shall~~ be confined to the subject property, cast light downward at least 15 degrees below horizontal, and ~~must-shall~~ not intrude, interfere, or spill onto neighboring properties. All outdoor lighting shall comply with Section 6204 of the 2012 Zoning Bylaw.

~~15-20.~~ The Applicant/Owner and/or condominium/homeowners association shall submit to the Town Planner, on an annual basis, verification that all occupants of the development meet the age restriction requirements for the project and the definition of “live-in aid” as defined below. Language indicating this shall be included in the Master Deed for the development.

~~16-21.~~ All existing and proposed landscaping shown on the ~~L~~andscaping ~~p~~Plan shall be maintained in a healthy state. ~~Any landscaping~~Vegetative screening and buffers found by the ~~Town Planner~~Building Inspector to be diseased or dying shall be replaced by the condominium/homeowners association during the next growing season.

~~17-22.~~ The Town’s Consulting Engineer shall act as the Clerk of the Works/Site Inspector for the entire project, at the expense of the Applicant/Owner, until the last Certificate of Occupancy is issued. If the Town’s Consulting Engineer is unable to act in this capacity, the Town shall retain another entity to act as the Clerk of the Works/Site Inspector, also at the expense of the Applicant/Owner.

~~18-23.~~ The Applicant/Owner has agreed to grant the Town a ~~perpetual~~ ~~easement~~ which provides public access (pedestrian and non-vehicular) through the development between Route 111/Massachusetts Avenue and Priest Lane. ~~Prior to the issuance of the final ten (10) Certificates of Occupancy~~conveyance of any interest in the property, the Applicant/Owner shall submit to the Town Planner and Town Counsel for review and approval an easement plan and document which provides public access through the development between Route 111/Massachusetts Avenue and Priest Lane. Once approved, these documents shall be recorded with the Middlesex South Registry of Deeds.

~~19-24.~~ Prior to the establishment of the condominium/homeowners association, The Open Space at the subject property shall be protected in perpetuity through a Conservation Restriction or other means to assure that these areas are maintained as Open Space. At a minimum, the Applicant/Owner shall provide a plan which displays the Open Space areas on the subject property and indicate on this plan these areas are to be protected/preserved as part of this Decision, so long as this Decision remains in effect.

~~20-25.~~ Prior to the erection of a freestanding sign at the property, the Applicant/Owner shall obtain a Special Permit from the Zoning Board of Appeals in accordance with Section 6308(6) of the May 2012 Zoning Bylaw.

~~21-26.~~ Prior to the issuance of the final Certificate of Occupancy, t~~Outside Consultants for the Planning Board~~he Applicant/Owner shall pay:

- a. The Applicant/Owner shall pay A~~all~~ outstanding fees incurred for the Planning Board’s consultants including Town Counsel, the Consulting Engineer, and Traffic Consulting Engineer, for the performance of any of the review and inspection services contemplated herein, and including any such fees incurred prior to the date of this Decision.
- ~~b. This shall also include an Outside Consultant Building Inspector to assist the Building Department with inspections, as needed, during the construction and initial occupancy process.~~
- b. Prior to the commencement of any site work, the Applicant/Owner shall provide a deposit under MGL Chapter 44 Section 53G in an amount reasonable to be determined by the Planning Board.

- c. Outstanding balances for all of the Planning Board’s outside consultants shall be paid prior to each of the following:
 - i. Commencement of Site Work.
 - ii. Issuance of any Building Permits.
 - iii. Issuance of any Certificates of Occupancy.
 - iv. Issuance of the Final Certificate of Occupancy.

27. If the project is not fully completed within four (4) years after the commencement of any site work, any portion of the project site left unfinished shall be returned as near as possible to its original condition at the expense of the Applicant/Owner. Extension of this timeframe may be granted by mutual agreement between the Planning Board and the Applicant/Owner. The Planning Board may enforce or draw upon any Performance Guarantee to complete the construction of the roadways or return portions of the project site as near as possible to their original condition if not completed within four (4) years or a written extension has not been requested by the Applicant/Owner.

~~22-28.~~ Violation of any of the conditions of this Decision, as acknowledge by the permit holder or determined by a court of competent jurisdiction to have occurred, shall be grounds for revocation of this Decision, or of any Building or Occupancy Permit granted hereunder. ~~In case of any violation of the continuing obligations of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to correct the violation and to enforce the conditions of this Decision.~~ The Town may enforce compliance with the conditions of this Decision by any action of injunctive relief before any court of competent jurisdiction.

Required Plan Revisions

~~23-29.~~ A minimum of **one (1) month** prior to the **initiation/commencement** of any site work, the following plan revisions shall be submitted to the ~~Town~~-Planning Board for review and approval in a public meeting:

- a. Plan changes shall be made to address the outstanding items as recommended by the Town’s Consulting Engineer ~~as currently un-addressed~~ in their review letter of September 11, 2017.
- ~~a.~~ As addressed in Findings, above. The Applicant/Owner shall provide justification to support requirement that the development is compatible with the adjacent senior developments, (Sheriff’s Meadow and Tisbury Meadow), as they are located in the same Town Center District. Such justification shall include:
 - b. The density of the development shall match the relative density of the adjoining, existing senior only developments. The Planning Board has made comparative calculations which indicate a maximum of 70 units would be comparable. The plans shall be modified to accommodate the comparable density determined.
 - e. The scale of the individual units is larger than those of the existing developments in terms of building height and sizes. The Applicant/Owner shall modify the scale and/or the appearance of the proposed units to be in keeping with the adjoining developments in terms of unit size and height.
- b. A Phasing Plan for the project to which shall include the following elements:
 - i. Projected limits of clearing, site improvements, drainage, and any temporary provisions for emergency service vehicles to access the site, such as turnarounds, for each phase of site work and construction.
 - ii. The site work and construction process for the access roadways and emergency access roadways construction process shall be accommodated/included in the Phasing Plan. The Phasing Plans shall include the provision that all access the roadways, emergency access roadways, infrastructure, and utilities shall be built and inspected using the process specified in the Subdivision Rules & Regulations Governing the Subdivision of Land.
 - iii. The Phasing Plan shall accommodate/include the proposed construction schedule for the buildings at the subject property. It shall clearly indicate that vegetation removal, clearing,

- grubbing, ~~and~~ stripping of trees/soils, ~~and~~ grading shall accommodate ~~the each phase of building construction phases and these activities shall not be done conducted prior to the initiation of for~~ the next phase until the site work and building construction are completed for the previous phase.
- iv. ~~The Phasing Plan shall not call for A~~ a single vegetative clearing or earth-moving operation for the project. This type of project phasing shall be prohibited shall not be permitted.
 - v. If all access roadways and emergency access roadways must be constructed at once before building construction is able to commence, vegetation removal, clearing, grubbing, stripping of trees/soils, and grading shall only be permitted in areas to allow for the construction of the access roadways and emergency access roadways. No vegetation removal, clearing, grubbing, stripping of trees/soils, or grading shall be permitted in the areas where buildings will be constructed until the access roadways, emergency access roadways, and associated infrastructure are fully implemented.
- ~~d. An additional 20 pervious parking spaces as required by the Fire Department for guests and overflow parking shall be provided and located as approved by that Department to prevent on street parking. This shall include a construction detail indicating the surface treatment of these "pervious parking" spaces. These pervious off street visitor parking spaces shall be implemented and labeled as visitor parking spaces in the field. No parking signage shall be posted on one side of the accessways to ensure the free passage of emergency equipment.~~
- ~~e.c. The plans shall be revised to depict the construction of~~ A sidewalk along Route 111/Massachusetts Avenue from the intersection of Route 111/Massachusetts Avenue and Stow Road to the western property boundary of the project site. The sidewalk shall be located within the Route 111/Massachusetts Avenue right-of-way or constructed on the subject property. If developed on private property, an easement plan shall be made part of the revised documents.
- ~~f. The relocation of the Waste Water Treatment Facility. Wastewater Treatment Facility deeper into the project site, separating it with residential buildings from the existing abutting residences on Stow Road to provide a buffer to the abutting properties from possible noise, odor, and visibility nuisances which could be created by this building.~~
- ~~g.d. Landscaping Plan~~ Revisions:
- i. The Applicant/Owner shall provide an additional 25 trees and 50 shrubs to be installed around the project site for additional screening purposes, and shall install this vegetation in locations as directed by the Town's Consulting Engineer and/or Town Planner. The species, ~~and~~ size, ~~and~~ health of these allotted trees and shrubs shall be reviewed and approved by the Town's Consulting Engineer prior to installation.
 - ii. Areas designated to be lawn shall be identified as such on the Landscape Plan.
 - iii. Areas not designated as hardscape (paved areas, walks, drives, or recreation areas), lawn, or components of drainage systems (basins and basin berms) shall be planted and maintained as wildflower meadows. These areas shall be planted with a wildflower meadow mix of a type with indigenous species to central Massachusetts to increase planting diversity, increase amenity, and provide for increased wildlife habitat. Wildflowers are a low impact, low maintenance and low water use permanent grown cover. Maintenance of the wildflower areas shall be included in the Landscape Maintenance Guide, provisions provided for elsewhere in this dDecision.
 - ii-iv. Lighting for landscaping, if any, shall comply –with Section 6204 of the 2012 Zoning Bylaw.
- ~~h.e. The locations where each specific curb and berm treatments, details of each which have been provided in the plan set, will be implemented shall be identified on a Site Plan.~~
- ~~i.f. Identify the; location and construction detail for stamped p~~ All precast structures, including the cross-culvert for the wetlands crossing, shall have the construction details modified to clearly state ~~that~~ they are designed for H-20 loading.
- ~~j.g. Revised details shall be provided for areas~~ Plans shall be modified to show wv where a sidewalk crosses ~~a~~ driveway. ~~–t~~ The sidewalk shall be delineated with stamped asphalt or some type of textured equivalent in a contrasting color different from the driveway. Details of the surface treatment shall be spelled out and included in the plan set.

Comment [ALD1]: The locations of the 20 pervious visitor parking spaces needs to be determined before a Planning Board Site Plan Approval Decision is issued.

~~k. Informal walking paths shall be provided along the perimeter of limit of clearing to provide an alternative walking path from the driveway connecting to Sheriff's Meadow to the club house. This path shall be built of stone dust or other durable landscape material.~~

~~Bicycle racks shall be provided for a the club hou~~

Prior to Commencement of any Site Work

~~24-30. Prior to the commencement of any site work, the Applicant/Owner shall record this Decision with the Middlesex South Registry of Deeds and provide verification of recording to the Town Planner.~~

~~25-31. Prior to the **issuance of the final ten (10) Certificates of Occupancy commencement of any site work**, the Applicant/Owner shall file an Approval Not Required (ANR) Plan Application with the Planning Board for review and endorsement which consolidates all of the subject parcels, including Parcel A, into a single lot. Once endorsed, the Applicant/Owner shall record this ANR Plan with the Middlesex South Registry of Deeds and provide verification of recording to the Town Planner and provide verification of the recording of the plan with the Middlesex South Registry of Deeds to the Town Planner. This may be needed prior to the first occupancy permit as it may impact the Master Deed for the project if it is still individual parcels.~~

~~32. Prior to the commencement of any site work, the Applicant/Owner shall receive an Order of Conditions, or Superseding Order of Conditions, issued under the Wetlands Protection Act and be subject to any conditions placed on the project and provide a copy of a recorded Order of Conditions, or Superseding Order of Conditions to the Building Inspector.~~

~~26. Prior to the commencement of any site work, the Applicant/Owner shall record this Decision with the Middlesex South Registry of Deeds and provide verification of recording to the Town Planner.~~

~~27. Prior to the commencement of any site work, the Applicant/Owner shall record provide the Planning Board a value of schedules aligned to accommodate the accepted phasing plan. This value of schedules shall be reviewed by the Board, in consultation with input from the Boxborough Board of Selectmen, Consulting Engineers and Town Counsel. Upon acceptance the Applicant/owner shall provide to the Board a Bond to cover the costs of incomplete construction. The Bond shall be of a manner approved by Town Counsel. Failure to maintain the Bond for the duration of the project, until Final Acceptance shall be deemed a violation of the permit. (you may want to have this prior to occupancy of the first unit since the Town does not want to complete construction if there are no residents and the completion of water and sewer systems will be required for occupancy)~~

~~28-33. Prior to the commencement of any site work, all sight distance improvements shall be completed/constructed and all sight distances shall be field verified by a Registered Land Surveyor and Registered Professional Engineer.~~

~~29-34. Prior to the commencement of any site work, the Applicant/Owner shall:~~

- ~~a. The Applicant/Owner shall ensure access and egress safety in compliance with the criteria of the Boxborough Police Department. Such safety shall include the provision of a police detail(s) at the entry/egress point on Rt 111/Massachusetts Ave. until sight distances and driveway construction has occurred to ensure a safe entry and egress point. Police details shall be provided at the Applicant's/Owner's costs until it is determined that the intersection, as constructed is safe for the conditions at the time and for the types of vehicles utilizing it (e.g. heavy construction equipment, tree clearing trucks and equipment, etc.). Comply with the requirements of the Boxborough Police Department to ensure safe access and egress to and from the site from Route 111/Massachusetts Avenue during construction, which may include the provision of a Police detail at the Applicant's/Owner's expense.~~

~~b.~~ The Applicant/Owner shall receive a Driveway Approach Permit from the Public Works Director for the Priest Lane emergency access roadway.

35. Prior to the commencement of any site work, the Applicant/Owner shall provide the Town Planner with the name, address, and business telephone number of a 24-hour contact person who will be primarily responsible for all construction activities on the site.

~~30-~~36. Prior to the commencement of any site work, the Town shall retain an independent Materials Testing Lab on a full time basis, at the expense of the Applicant/Owner, to monitor the excavation and fill placement for the project. This technician would monitor the quality of fill used, depth of lifts placed, fill compaction, etc.

37. Prior to the commencement of any site work, the areas of vegetation to be preserved shall be flagged and verified by Town staff or their designee, such as a Massachusetts Licensed Arborist, to ensure healthy trees and viable areas will remain. After the completion of clearing operations, all tree lines and tree “islands” to remain shall be reviewed by a Massachusetts Licensed Arborist and the recommendations of the Arborist shall be implemented. Any tree scheduled to remain that is removed or significantly damaged shall be replaced at a 2:1 ratio (minimum 3-inch caliper).

~~31-~~38. Prior to the commencement of any site work, the Applicant/Owner shall install any erosion control barriers and other erosion control measures as may be required by the Order of Conditions or Superseding Order of Conditions. The installation of these erosion control measures, and the clearing and grubbing necessary for such installation, shall not be considered “site work” for purposes of this Decision.

~~32-~~39. Prior to the initiation commencement of any site work, the Applicant/Owner shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) and the National Pollution Discharge Elimination Systems (NPDES) permit number to the Town Planner. An electronic copy of all required reports (inspections, remedial action, etc.) shall be forwarded to the Town Planner.

Prior to Commencement of Any Blasting

~~a.~~ Off site areas proximal to the entries to the site shall be posted “no parking” by the Applicant/Owner in conjunction with the requirements of the Police Dept. Permits for signage shall be obtained from the Town as is required.

~~33-~~40. Prior to the commencement of any blasting, the Applicant/Owner shall adhere to the following:

~~a.~~ Per Consistent with 527 CMR Section 65.9.15, the Applicant/Owner shall offer a free Pre-blast Inspection Survey to all abutters within 300 feet of the project site, with -

~~b-a.~~ Pre-blast Inspection Surveys shall be conducted as outlined in 527 CMR 13.09 (10) Pre-blast Surveys therein.

~~e-b.~~ The Applicant/Owner shall provide written proof with signatures to the Town Planner that abutters within 300 feet of the project site were at least offered a Preblast Inspection Survey. What happens if the person is not home — do you want to have a Constable (or similar) certify that they tried X times to contact the homeowner?

~~c.~~ Blasting at the project site shall only be permitted Monday through Friday between the hours of 8:00 AM and 4:00 PM. Blasting is not permitted on weekends or holidays.

~~d.~~ The Applicant/Owner shall submit to the Fire Department for review and approval the proposed use of and methods for blasting of the site, if any such blasting is proposed. Any conditions imposed on the project as part of the Fire Department Blasting Permit shall be strictly followed and enforced. The use of blasting materials containing perchlorate shall be prohibited.

~~d.e.~~ If required by the Fire Chief ~~or Planning Board~~, the Applicant/Owner shall pay for Consulting Engineers and/or Blast Monitors to be present during blasting. Electronic recording devices such as vibration meters and blasting seismographs shall be used and information provided to the permitting authority post blast. A minimum of four (4) devices shall be used and be placed between the blast and the closest adjacent structure, and arranged around the blast site.

41. Prior to the commencement of any blasting, the Applicant/Owner shall retain a certified water testing/water system operator to verify the baseline flow rate, ~~quantity~~, and water quality of adjacent private wells.

42. Prior to the commencement of any blasting, the Applicant/Owner shall demonstrate it has complied with the water level monitoring and water quality testing requirements as follows:

- ~~e.a.~~ The Applicant/Owner shall submit to the Planning Board for its review and approval a list of at least twelve (12) private water supply wells on designated properties with well locations, together with the names and addresses of the owners of said properties, to be included in the water level monitoring and water quality testing program described below. The list of the designated adjacent properties shall be reviewed by the Town's Consulting Engineer ~~and~~ prior to approval by the Planning Board.
- ~~f.b.~~ The Applicant/Owner shall provide written proof to the Town Planner that owners of the designated properties were offered the opportunity to participate in the water level monitoring and water quality testing program of their private water supply wells. If access is not reasonably granted by the owners of the designated properties, the Applicant/Owner shall submit an alternative name and address for review by the Town's Consulting Engineer ~~and~~ and review and approval by the Planning Board for each designated property owner that declines permission to monitor their private water well, up to a total of four (4) alternates.
- c. Prior to conducting the water level monitoring and water quality testing, the Applicant/Owner shall submit to the Town Planner copies of the executed entry agreements for each of the wells to be monitored on the designated properties. At least fifteen thousand (\$15,000.00) dollars shall be held in escrow accounts for each "Impacted Well" owner, as defined hereinafter.
- ~~g.d.~~ As part of the Applicant's/Owner's water level monitoring and water quality testing, a certified water testing/system operator shall conduct the water level monitoring and water quality testing.
- e. As part of the Applicant's/Owner's water level monitoring and water quality testing, the Applicant/Owner shall conduct a 5-day pump test of the project's wells and monitor the water level in each of the private water supply wells on the approved list of designated properties where the owners have given their consent to such water level monitoring (said designated abutting private wells shall hereinafter be referred to as "Designated Wells" and the owners of the Designated Wells shall hereinafter be referred to as "Designated Owners"). At the Applicant's/Owner's expense, transducers shall be installed in these Designated Wells and water levels recorded at least 5 days prior to the pump test, during the 5-day pump test, and during the subsequent recovery period. The Applicant/Owner shall provide the Board of Health with ample notice and opportunity to observe the placement and removal of the transducers from the Designated Wells.
- f. As part of the 5-day pump test, the Applicant/Owner shall prepare calculations regarding the impact (or lack thereof) to the water levels in the Designated Wells attributable to the pump test of the project's water supply well using the procedures and criteria outlined below:
 - i. Utilizing the water level data from the transducers, the maximum self-induced drawdown ("Baseline Self-induced Drawdown") in each Designated Well shall be calculated to determine the difference between the depth to the non-pumping average static water level and the depth to the lowest pumping water level in each Designated Well.
 - ii. The 180-day projected test-induced drawdown ("Test-induced Drawdown") on each Designated Well shall be calculated by creating a drawdown versus length of time graph of the decline in the normal static water levels (if change is observed) due to the pumping of the

- Project's water supply well. All data will be corrected for ambient water level trends in static water levels and barometric fluctuations as necessary.
- iii. After determining the pump depth in each Designated Well (either by pump installer records, Board of Health records, or by probing the well) the total available water column ("Total Available Water Column") shall be calculated as the difference between the depth to the non-pumping average static water level and the depth to the well pump.
The Applicant/Owner shall submit its calculations under paragraphs 42.f.i. through 42.f.iii. to the Board of Health, with copies to the Designated Owners and Town Planner.
- h-g. A Designated Well shall be deemed to be impacted by pumping from the project's water supply well if the sum of the Baseline Self-induced Drawdown and the Test-induced Drawdown exceeds either of the two following criteria: (1) exceeds 50% of the Total Available Water Column, and at least 10% of this total is the Test-induced Drawdown, or (2) exceeds 75% of the Total Available Water Column, and at least 2% of this total is the Test-induced Drawdown. If the Designated Well is deemed to be not impacted by the project's water supply well based on the above criteria, then no further long-term monitoring of the Designated Well shall be required and the transducer shall be removed from the well. If a Designated Well is deemed to be impacted by pumping from the project's water supply well, then long-term monitoring of the water level in such impacted Designated Well ("Impacted Well") shall be required. This long-term monitoring shall include leaving the transducer in the Impacted Well to record water levels for a period of 5 years after the pump test, or 3 years after issuance of the final Certificate of Occupancy, whichever is longer. If a long-term monitoring program is necessary, a water level transducer and flow meter shall also be installed on the project's public water supply well and data recorded during the monitoring period. Water level data shall be downloaded from the transducers and flow meter data shall be reported to the Board of Health at least annually.
- i-h. The Applicant/Owner shall install shallow monitoring wells on the subject properties, in accordance with MassDEP requirements, in the overburden soils above the bedrock. These wells shall be monitored during the 5-day pump test of the project's water supply well to monitor the water level response in the overburden soil and potential hydrologic connection to the bedrock that supplies water to the project's water supply well. If the pump test indicates insignificant response (as determined by Mass-DEP) of the overburden groundwater level to the pumping in the bedrock well, then long-term monitoring of water levels in the overburden soil shall not be required. If the pump test indicates the overburden groundwater level is significantly reduced (as determined by Mass-DEP) due to pumping from the bedrock well, then long-term monitoring of the overburden water level shall be conducted for a period of 5 years after the pump test, or 3 years after issuance of the final Certificate of Occupancy, whichever is longer.
- j-i. The Applicant/Owner shall provide the Pump Test Report to the Planning Board, Town Planner, and its Consulting Engineer for review and comment during the MassDEP review of the New Source Approval permit application.
- j. The Applicant/Owner shall deposit into an escrow account at least \$15,000 per designated Impacted Well that participates in the long term monitoring program as described in Condition 42.g. This money shall be held and disbursed in accordance with the entry and escrow agreements described in Condition 42.c. above.
- k. Thirty (30) days after blasting has been completed and prior to the issuance of any Certificate of Occupancy, the Applicant/Owner shall conduct Conditions 42.d. through 42.j. for the Designated Wells.
- k-l. Prior to conducting the initial 5-day pump test, and then again thirty (30) days after blasting has been completed and prior to the issuance of any Certificate of Occupancy, the Applicant/Owner shall conduct water quality testing of the Designated Wells. Results of these two separate water quality tests shall be submitted to the Board of Health for review. If, after blasting has been conducted, the water quality of a Designated Well has changed to a status which does not meet the Board of Health standards for potable water, then the Applicant/Owner shall be completely responsible for rectifying the impacted water quality situation of the

Designated Well to ensure the well once again meets the Board of Health standards for potable water.

Prior to ~~the~~ issuance of ~~a~~Any Building Permit

~~34.43.~~ **Prior to the issuance of any Building Permit**, the Applicant/Owner shall submit written confirmation from the Tax Collector that all taxes, including any roll back taxes, have been paid in full for the properties.

~~44.~~ **Prior to the issuance of any Building Permit**, the Applicant/Owner shall implement and maintain a Performance Guarantee in a form and amount satisfactory to the Planning Board, which amount the Planning Board may adjust from time to time, which may be a bond, agreement with a lender, or deposit of money, covering all the roadways, drainage, sidewalks (internal and along Route 111/Massachusetts Avenue), and roadway lighting in the project, in accordance with the forms listed in Section III.C.9. of the Town of Boxborough Rules & Regulations Governing the Subdivision of Land. ~~This may be more appropriate for prior to the first Occupancy Permit as a performance guarantee would imply that the Town is willing to step in and finish the work — the only reason the Town would want that is to protect new residents.~~

~~35.45.~~ **Prior to the issuance of any Building Permit**, the Applicant/Owner shall submit ~~D~~draft Condominium documents, including the Master Deed, shall be submitted to the Planning Board and Town Counsel for review and approval, and which shall include the following provisions. Once approved, these documents shall be recorded with the Middlesex South Registry of Deeds for the following:

- ~~a.~~ The occupancy of each dwelling unit within the project shall be restricted to persons 55 years of age or older, or to a person 55 years of age or older and their spouse and/or live-in aid. ~~Language indicating this shall be included in the Master Deed for the development.~~
- ~~b.~~ The term “live-in aid” which shall be defined as follows: A person who resides with one or more elderly persons (55 years of age or older) and who:
 - ~~i.~~ Is determined to be essential to the care and well-being of the persons;
 - ~~ii.~~ Is not obligated for the support of the persons; and
 - ~~iii.~~ Would not be living in the unit except to provide the necessary supportive services.
- ~~c.~~ The Applicant/Owner and/or condominium/homeowners association shall submit to the Town Planner, on an annual basis, verification that all occupants of the development meet the age restriction requirements for the project or the definition of “live-in aid” as defined above.
- ~~a.~~ Operations and Maintenance Plan for all roadways (repair, paving, snow removal, etc.), infrastructure (stormwater, wastewater, water supply systems, etc., pursuant to all applicable permit criteria), and the Emergency Vehicle Access Control System access gate systems, including the -
- ~~d.~~ Requirements for the maintenance of the emergency connections access roadways to Priest Lane and Tisbury Stow Road Meadows (including over the easement access area) under all weather conditions. The cost to maintain all of these items access and emergency gate shall be the sole responsibility of the Applicant/Owner and/or condominium/homeowners association in perpetuity Condominium Association.
- ~~b.~~ **Prior to the issuance of any Certificate of Occupancy**, the Applicant/Owner shall submit to the Town Planner and Town Counsel for review and approval draft condominium documents discussing the long term maintenance of the development’s roadways and emergency access roadways to Priest Lane and Stow Road (including over the easement access area) (repair, paving, snow removal, etc.), wells, sewage disposal system, and drainage infrastructure. These items shall be the responsibility of the Applicant/Owner or condominium/homeowners association in perpetuity. Language indicating this shall be included in the Master Deed for the development. Once approved, these documents shall be recorded with the Middlesex South Registry of Deeds

~~e.c.~~ Maintenance of the Open Space and common areas, ~~with restrictions upon its use to passive recreation~~

~~d.~~ Maintenance of vegetative buffers to abutting properties.

~~f.~~

~~e.g.~~ Maintenance of project sign~~ages~~ including all no parking ~~signage~~ and visitor's parking signage.

~~f.h.~~ Gutters and downspouts shall be installed on all buildings within the development.

~~g.i.~~ Documents shall address in detail the provisions and allowances for the following:

- i. Add on building additions, porches, or decks.
- ii. Homeowner installed fencing, lighting, or gardens.
- iii. Provisions for accessory buildings and structures (sheds).

~~36-46.~~ **Prior to the issuance of any Building Permit**, the Applicant/Owner shall address the following Board of Health conditions:

a. Wastewater Treatment

- i. The Applicant/Owner must shall obtain an approved Groundwater Discharge Permit from the MassDEP and submit evidence of this approved permit to the Board of Health. ~~2. The waste water treatment plant building should be constructed of materials that will not require the major reconstruction of the plant and possibly affect the treatment works contained within~~ The plant must shall have appropriate odor controls to prevent the migration of odors to the abutting properties.

b. Public Drinking Water Supply

- i. The Applicant/Owner must shall obtain ~~an~~ approved to operate a Public water supply from the MassDEP and submit evidence of this approval to the Board of Health.

~~c. In order to determine the potential effects of the proposed water supply on the abutting wells, the pump testing completed on the abutting wells and interpretation of the results should be submitted to the Board of Health for~~ Swimming Pool

- i. The proposed pool will be considered a semi-public pool and its construction will require prior approval from the Board of Health. As such, prior to the issuance of a Building Permit for the pool ~~Once construction, and prior to use, it~~ the pool will need a permit to operate from the Board of Health. ~~(This should probably read, prior to the issuance of the Building Permit for either the Clubhouse or pool....)~~
- ii. The Applicant/Owner shall submit documentation to the Board of Health for review and approval as to how the wastewater from the pool will be managed, how it will be treated, and where it will be discharged. Wastewater from the pool shall not be placed in the wastewater treatment system for the housing development.

~~Drainage areas should be designed to minimize standing water to reduce potential mosquito breeding.~~

~~When does the Board want this completed? Prior to the issuance of the #? Certificate of Occupancy??~~

~~37. Prior to the issuance of any Certificate of Occupancy, the Applicant/Owner shall submit to the Town Planner and Town Counsel for review and approval documents which indicate the occupancy of each unit is deed restricted to persons 55 years of age or older, or to a person 55 years of age or older and their spouse and/or live in aid. Once approved, these documents shall be recorded with the Middlesex South Registry of Deeds.~~

Prior to the Issuance of Certificates of Occupancy

~~38-47.~~ **Prior to the issuance of any Certificate of Occupancy and P**prior to the installation of the roadway binder course for the emergency access roadway to Priest Lane, the Town Planner shall confirm the following:

- a. A maximum emergency access roadway width of 20 feet.

- b. A maximum of 28 feet of stone wall removal.
- c. Any stones removed from the stone wall shall be reincorporated into the remaining stone wall.

~~39-48.~~ Prior to the issuance of any Certificate of Occupancy, the Applicant/Owner shall construct the sidewalk along Route 111/Massachusetts Avenue from the intersection of Route 111/Massachusetts Avenue and Stow Road to the western property boundary of the project site.

~~40-49.~~ Prior to the issuance of any Certificate of Occupancy, the Applicant/Owner shall install an Emergency Vehicle Access Control System restricting access through the emergency access roadways to Stow Road and Priest Lane. This Emergency Vehicle Access Control System shall meet the following requirements:

a. Prior to installation of the Emergency Vehicle Access Control System, the Applicant/Owner shall work with and obtain approval for a system from the Police, Fire, and Public Works Departments to implement the controlled access device to restrict vehicular access through the emergency access roadways which lead to Stow Road and Priest Lane.

~~b.~~ The Emergency Vehicle Access Control System is controlled access device shall be owned and maintained by the condominium/homeowners association for the development.

~~c.~~ The Applicant/Owner and/or condominium/homeowners association shall ~~also~~ submit annual inspection reports to the Fire Department regarding the maintenance and upkeep of the Emergency Vehicle Access Control System for each emergency access roadway.

~~b-d.~~ A method of access shall be provided which allows immediate 24 hour access to the Police, Fire, and Public Works Departments.

~~e-c.~~ The Pedestrian access shall be provided around the Emergency Vehicle Access Control System which leads to Priest Lane shall be designed to allow for the passage of pedestrians and non-vehicular traffic at all times.

~~41-50.~~ Prior to the issuance of the final ten (10) any Certificate of Occupancy, and pending MassDOT approval, the Applicant/Owner shall implement the following additional traffic safety and pedestrian improvements, ~~a~~ All of the following which will be are located in the Route 111/Massachusetts Avenue layout and will require MassDOT approval, as the roadway is under state jurisdiction:

a. Reconstruct the curb ramps on the southwest, southeast, and northeast corners of the intersection at the intersection of Massachusetts Avenue/Stow Road/Middle Road to be ADA compliant.

b. Restripe the marked crosswalk across the east leg of Route 111/Massachusetts Avenue at the intersection with Stow Road/Middle Road and stripe a crosswalk across Stow Road to provide high-visibility ladder-style markings.

~~c.~~ Provide new pedestrian crossing warning signage with pedestrian activated Rectangular Rapid Flashing Beacons (RRFBs) at the marked crosswalk across the east leg of the Route 111/Massachusetts Avenue/Stow Road/Middle Road intersection facing each direction of Route 111/Massachusetts Avenue traffic.

~~e.~~ Provide flashing pedestrian crossing warning signage at the marked crosswalk across the east leg of the intersection facing each direction of Route 111/Massachusetts Avenue traffic.

~~d.~~ Remove the existing pedestrian crossing warning sign assembly currently located approximately 90 feet west of the Route 111/Massachusetts Avenue/Stow Road/Middle Road intersection since there is no marked crosswalk at that location.

~~e.~~ Implement radar speed feedback signs facing each direction of Route 111/Massachusetts Avenue traffic near the entrance/exit driveway to the project.

~~d-f.~~ Submit a plan for review and approval by the Planning Board which shows the minimum clear sight triangle to be kept clear of vegetation, structures, signage, or snow which exceeds two (2) feet in height.

~~42-51.~~ Prior to the issuance of the final ten (10) any Certificates of Occupancy, the Applicant/Owner shall provide- a Landscape Maintenance Guide ~~shall be provided~~ to the

condominium/homeowners association and ~~provide provide~~-verification ~~the guide~~ was provided to the association to the Town Planner.

~~43-52.~~ **Prior to the issuance of the final ten (10)a Certificates of Occupancy for each unit, in all locations where** if a sidewalk crosses ~~a~~the driveway for that particular unit, the sidewalk shall be delineated with stamped asphalt or some type of textured equivalent in a contrasting color different from the driveway. ~~– Should this condition be “in conjunction with the final pavement course for individual driveways”? Does the Board want to see what will be proposed for their review?~~

~~44-53.~~ **Prior to the issuance of the final ten (10)a Certificates of Occupancy for each unit,** the Town Planner shall verify ~~that~~ all plantings shown on the approved Landscape Plan have been installed in the immediate area. Any minor modifications or substitutions shall be reviewed and approved by the Town Planner. However, if the Applicant/Owner provides documentation to the Planning Board that it would be detrimental to plant prior to occupancy due to weather conditions, then a bond covering the cost of such work shall be submitted to and approved by the Planning Board.

~~45-54.~~ **Prior to the issuance of the final Certificate of Occupancy,** the Applicant/Owner shall provide to the Building Inspector final As-~~B~~uilt plans showing the location of all buildings and structures, utilities, including the septic system, leaching area, underground piping, and drainage facilities. Such ~~a~~A-~~b~~Built plans shall be accompanied by a Certificate of Construction signed by the design engineer (Registered Professional Engineer of Record). This certificate shall include a statement and verification that the drainage system as-built, will function as designed. If modifications have been made during construction, the design engineer shall coordinate changes to the system to ensure its function ~~to~~ meets the original design criteria. Changes shall be coordinated with the Planning Board and its Consulting Engineer.