

# *DRAFT* Conditions of Approval for Site Plan

---

Prepared by: Places Associates, Inc.

November 20, 2017

---

## **General Conditions:**

1. The Applicant/Owner shall notify the Town Planner 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. **Condition that these improvements to sight distance shall be made and sight distance field verified by a Registered Land Surveyor Registered Professional Engineer, prior to the initiation of any on-site construction as the poor existing sight distances pose a safety hazard to not only site contractors but the general public travelling on Mass. Ave.**
2. The emergency access roadways leading to Stow Road and Priest Lane shall only be used by emergency vehicles (Police/Fire/EMT), Department of Public Works vehicles, and other vehicles necessary to maintain these roadways (ex. plow vehicles). These roadways are not for vehicle usage by condominium residents, their guests, or the public. Language indicating this shall be included in the Master Deed for the development.
3. 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.
4. The Applicant/Owner shall notify the Town Planner 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 work may commence until the Secretary has issued a Certificate for the MEPA process.**
5. The Applicant/Owner shall obtain an Earth Removal Permit from the Planning Board if necessary under the Earth Removal Bylaw.
6. The Open Space shall be protected in perpetuity through a Conservation Restriction or other means to assure that this area is maintained as Open Space.
7. The Applicant/Owner shall adhere to the following Board of Health conditions:
  - a. The site must 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 be handled in accordance with all Local, State, and Federal laws.
  - d. Wood waste (stumps/slash) generated from the development project must be handled in accordance with the Department of Environmental Protection's 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. No installation of an irrigation well is allowed unless it can be proven there will be no detrimental effect 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.
8. 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.
9. There shall be no exterior trash **or recycling** storage anywhere within the project. Trash **or recycling** shall be removed regularly and shall only be placed outside during days when pickup is occurring and shall be the responsibility of the Condominium/Homeowners Association. Language indicating this shall be included in the Master Deed for the development.
10. On-street parking within the project is not be permitted on the sides of the 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. On-site construction trailers shall comply with Section 7602 of the May 2012 Zoning Bylaw.
12. All utilities for the project shall be located underground.
13. All utilities for the project, with the exception of electricity from the Littleton Electric Light Department (LELD), shall come from Route 111/Massachusetts Avenue. LELD shall be permitted to run their utilities from Stow Road using the existing conduit through the Sheriff's Meadow easement.
14. To the extent possible, all exterior lighting must be confined to the subject property, cast light downward at least 15 degrees below horizontal, and must not intrude, interfere or spill onto neighboring properties. All outdoor lighting shall comply with Section 6204 of the 2012 Zoning Bylaw.
15. 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. Language indicating this shall be included in the Master Deed for the development.
16. **Draft Condominium documents shall be submitted to the Board for review and shall include provisions 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. **Operations and Maintenance Plan for all stormwater, wastewater and water supply systems, pursuant to all applicable permit criteria.**
  - C. **Requirements for the maintenance of the emergency connections to Priest Lane and Tisbury Meadows under all weather conditions. The cost to maintain the access and emergency gate shall be the sole responsibility of the Condominium Association.**
  - D. **Maintenance of the Open Space with restrictions upon its use to passive recreation.**
  - E. **Maintenance of vegetative buffers to abutting properties.**
  - F. **Maintenance of project signs including all no parking signage and visitor's parking signage.**
  - G. **Maintenance of roadways, infrastructure and access gate systems.**

- H. Gutters and downspouts shall be installed on all buildings within the development.
  - I. Documents shall address in detail the provisions and allowances for the following:
    - a. Add on building additions, porches or decks
    - b. Homeowner installed fencing, lighting or gardens
    - c. Provisions for accessory structures (sheds).
17. All existing and proposed landscaping shown on the landscaping plan shall be maintained in a healthy state. Any landscaping found by the Town Planner to be diseased or dying shall be replaced by the condominium/*homeowners* association during the next growing season.
18. Violation of any of the conditions of this Decision 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:**

19. A minimum of a month prior to the initiation 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 as recommended by the Town’s Consulting Engineer -as currently un-addressed in their review letter of September 11, 2017.
  - B. 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:
    - a. 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.
    - b. 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.
  - C. A phasing plan for the project to include the projected limit of clearing, site improvements, drainage and any temporary provisions for emergency vehicles to access the site or turnarounds.
    - a. Phasing shall require all infrastructure and accessways be completed within three years of the initiation of construction.
    - b. Phasing shall accommodate the proposed construction schedule. It shall clearly indicate that clearing, grubbing and stripping of trees/soils shall accommodate the construction phases and not be done prior to the initiation of the next phase.
    - c. A single clearing or earth-moving operation for the project shall not be permitted.
    - d. Access way construction process shall be accommodated in the construction phasing. The phasing plans shall include the provision that the roadway and utilities shall be built and inspected using the process specified in the Subdivision Regulations.
  - 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. 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. Landscaping Revisions:
  - a. 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 of these allotted trees and shrubs shall be reviewed and approved by the Town's Consulting Engineer prior to installation.
  - b. **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, provide for increased wildlife habitat. Wildflowers are a low impact, low maintenance and low water use permanent grown cover. Maintenance of the wildflower shall be included in the Landscape Maintenance provisions provided for elsewhere in this decision.**
  - c. **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.**
  - d. **Bicycle racks shall be provided for a the club house**
- H. **Identify the specific curb treatments; location and construction detail for stamped pavement.**
- I. **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. **Plans shall be modified to show where a sidewalk crosses driveway, 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 included.**

#### **Prior to Commencement of any Site Work**

- 20. **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.
- 21. **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.
- 22. **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.
- 23. **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)

24. **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.
25. **Prior to the commencement 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.
26. **Prior to the initiation of any site work**, the Applicant/Owner shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) and the 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.
27. **Prior to commencement of any site work**,
  - 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.).
  - b. The Applicant/Owner shall receive a Driveway Approach Permit from the Public Works Director for the Priest Lane emergency access roadway.
  - c. 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.
28. **Prior to the commencement of any blasting**,
  - a. Per 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.*
  - b. Pre-blast Inspection Surveys shall be conducted as outlined in 527 CMR 13.09 (10) Pre-blast Surveys.
  - c. 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?**
  - d. **Does the Board want to include a requirement to protect abutters wells. (perhaps have a testing/water system operator verify the baseline flow rate and water quality? Blasting could create bedrock fissures that could decrease or increase flow rates and can change the water quality parameters. If there is a problem post blasting, this would provide the baseline)**
  - e. Blasting at the project site shall only occur Monday through Friday between the hours of 8:00 AM and 4:00 PM. Blasting is not permitted on holidays.
  - f. If required by the Fire Chief or Planning Board, the Applicant 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 4 devices shall be used and be placed between the blast and the closest adjacent structure and arranged around the blast site.

### **Prior to issuance of a Building Permit**

29. **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.
30. **Prior to the issuance of any Building Permit**, the Applicant/Owner shall implement a Performance Guarantee covering all the roadways 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.**
31. **Prior to the issuance of any Building Permit**, the Applicant/Owner shall address the following Board of Health conditions:
  - A. Waste Water Treatment:
    1. The Applicant/Owner must obtain an approved Groundwater Discharge Permit from 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 have appropriate odor controls to prevent the migration of odors to the abutting properties.
  - B. Public Drinking Water Supply
    1. The Applicant/Owner must obtain an approved water supply from the MassDEP and submit evidence of this approval to the Board of Health.
    1. 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 review.
  - C. Swimming Pool
    1. The proposed pool will be considered a semi-public pool and its construction will require prior approval from the Board of Health. Once construction, and prior to use, it 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...)**
    2. 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 development.**
- A. Drainage areas should be designed to minimize standing water to reduce potential mosquito breeding.
32. **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 roadway width of 20 feet;
  - b. A maximum of **28** feet of stone wall removal, and;
  - c. Any stones removed from the stone wall shall be reincorporated into the remaining stone wall.

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

33. **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.
34. **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.
35. **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.
  - a. Prior to installation, 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. This controlled access device shall be owned and maintained by the condominium/homeowners association for the development. The 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
  - c. Pedestrian access shall be provided around the Emergency Vehicle Access Control System which leads to Priest Lane.
36. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, the Applicant/Owner shall construct 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, if constructed on the subject property, the Applicant/Owner shall grant an easement to the Town of Boxborough to allow public access along this sidewalk.
37. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, the Applicant/Owner shall implement the following additional pedestrian improvements, all of which 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 and stripe a crosswalk across Stow Road to provide high-visibility ladder-style markings.
  - c. 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 Massachusetts Avenue/Stow Road/Middle Road intersection since there is no marked crosswalk at that location.

38. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, in all locations where a sidewalk crosses a driveway, 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?**
39. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, the Town Planner shall verify that all plantings shown on the approved Landscape Plan have been installed. Any minor modification 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.
40. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, a Landscape Maintenance Guide shall be provided to the condominium/homeowners association and provide verification it was provided to the association to the Town Planner.
41. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, the Applicant/Owner shall file an Approval Not Required Application with the Planning Board for review and endorsement which consolidates all of the subject parcels, including Parcel A, into a single lot 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.**
42. ***The Applicant/Owner has agreed to grant the Town an easement which provides public access through the development between Route 111/Massachusetts Avenue and Priest Lane. Prior to the issuance of the final ten (10) Certificates of Occupancy***, 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.
43. **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.
44. **Prior to the issuance of the final Certificate of Occupancy**, the Applicant/Owner shall pay:
  - a. All outstanding fees incurred for the 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.
45. **Prior to the issuance of the final Certificate of Occupancy**, the Applicant/Owner shall provide to the Building Inspector final As Built plans showing the location of all buildings and structures, utilities, including the septic system, leaching area, underground piping, and drainage facilities. **Such as-built plan 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 meet original design criteria. Changes shall be coordinated with the Planning Board and its Consulting Engineer.

46. **After the issuance of the Certificate of Occupancy for the clubhouse building**, if the Police Chief or Fire Chief determines 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.