

# *DRAFT* Conditions for Site Plan Approval

700, 750, & 800 Massachusetts Avenue

March 30, 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 24 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 24 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 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.
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. Stone/rock crushing operations are prohibited on the site.
9. On-site construction trailers shall comply with Section 7602 of the 2012 Zoning Bylaw.
10. The Applicant/Owner shall obtain an Earth Removal Permit from the Planning Board if necessary under the Earth Removal Bylaw.
11. All infrastructure, access roadways, and emergency access roadways, including the Emergency Vehicle Access Control System, shall be completed/installed within three (3) years 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.
12. Any work conducted within the Sheriff's Meadow residential development (109-131 Stow Road) must be completed within three (3) months to minimize disruption and safety hazards to this 55 and over senior housing condominium.
13. 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

shall not be used by vehicles of condominium residents, their guests, or the public. Language indicating this shall be included in the Master Deed for the development.

14. The Applicant/Owner shall adhere to the following Board of Health conditions:
  - a. The site 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 shall be handled in accordance with all Local, State, and Federal laws.
  - d. Wood waste (stumps/slash) generated from the development project 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 irrigation well shall not have a detrimental effect on water quantity in adjacent drinking water wells. Evidence to prove this shall be submitted to the Board of Health and approved/verified as required.~~ Irrigation wells for the project are prohibited.
15. ~~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.~~
16. 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 condominium/homeowners association. Language indicating this shall be included in the Master Deed for the development.
17. On-street parking within the project is not 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. ~~The only exception to this condition shall be during the construction of the project during permitted construction hours. On-street parking during this time shall only be permitted for contractors and construction crews on one side of the roadway.~~
18. If there is insufficient parking near the clubhouse to accommodate the needs of residents, employees, and visitors ~~as determined by the Police Chief or Fire Chief~~, 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.
19. 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.
20. 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.

21. All exterior lighting shall be confined to the subject property, cast light downward at least 15 degrees below horizontal, and shall not intrude, interfere, or spill onto neighboring properties. All outdoor lighting shall comply with Section 6204 of the 2012 Zoning Bylaw.
22. At least 10% of the dwelling units in the project shall be affordable units established in accordance with the standards of the Department of Housing and Community Development (DHCD) with deed restrictions to ensure the affordable dwelling units can be added to the Town's Subsidized Housing Inventory and remain affordable dwelling units in perpetuity or for as long a period as is allowed by law.
23. 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.
24. Applicant/Owner and/or condominium/homeowners association shall make an annual payment of \$1,000.00 to the local Transportation Management Association.
25. All existing and proposed landscaping shown on the Landscaping Plan shall be maintained in a healthy state. Vegetative screening and buffers found by the Building Inspector to be diseased or dying shall be replaced by the condominium/homeowners association during the next growing season. The Building Inspector shall inspect the vegetation at the development on an annual basis.
26. 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.
27. 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 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.
28. **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 2012 Zoning Bylaw.
29. Outside Consultants for the Planning Board:
  - a. The Applicant/Owner shall pay 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. 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.
30. 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.
31. Violation of any of the conditions of this Decision, as acknowledged by the permit holder or determined by a court of competent jurisdiction to have occurred, shall be grounds for **enforcement** of this Decision, or of any Building or Occupancy Permit granted hereunder. 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**

32. A minimum of **two (2) months** prior to the commencement of any site work, the following plan revisions shall be submitted to the 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 in their review letter of September 11, 2017.
  - b. A Phasing Plan for the project 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 shall be included in the Phasing Plan. The Phasing Plan shall include the provision that all access roadways, emergency access roadways, infrastructure, and utilities shall be built and inspected using the process specified in the Rules & Regulations Governing the Subdivision of Land.
    - iii. The Phasing Plan shall include the proposed construction schedule for the buildings at the subject property. It shall clearly indicate that vegetation removal, clearing, grubbing, stripping of trees/soils, and grading shall accommodate each phase of building construction and these activities shall not be conducted 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 single vegetative clearing or earth-moving operation for the project. This type of project phasing shall be prohibited.
    - 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.
  - c. 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.
  - d. Landscape 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, 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. Maintenance of the wildflower areas shall be included in the Landscape Maintenance Guide, provided for elsewhere in this Decision.
- iv. Lighting for landscaping, if any, shall comply with Section 6204 of the 2012 Zoning Bylaw.
- e. The locations where each specific curb and berm treatment, details of each which have been provided in the plan set, will be implemented shall be identified on a Site Plan.
- f. All precast structures, including the cross-culvert for the wetlands crossing, shall have the construction details modified to clearly state they are designed for H-20 loading.
- g. Revised details shall be provided for areas 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. Details of the surface treatment shall be spelled out and included in the plan set.
- h. The addition of 20 off-street, pervious, visitor parking spaces at various locations within the project as approved by the Fire and Police Departments, which shall be shielded by vegetation from abutters.

33. A minimum of two (2) months prior to the commencement of any site work, amended plans shall be submitted to the Planning Board for review and approval in a public meeting showing a design of the project consistent with the adjacent senior housing developments of Sheriff's Meadow (109-131 Stow Road) and Tisbury Meadow (89-103 Stow Road) with the following:
- a. A dwelling unit density less than or comparable to Sheriff's Meadow and Tisbury Meadow (approximately 70 units).
  - b. As noted in Section 8007(3) of the 2012 Zoning Bylaw, the architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in the roof and wall lines, and other architectural techniques. Proposed buildings shall relate harmoniously to each other.
  - c. Buildings shall only be a single story in height.
  - d. No building shall be closer than 30 feet to the edge of pavement of the internal roadway.
  - e. Each building shall be staggered away from the edge of pavement of the internal roadway by at least 10 feet from the adjacent buildings on either side.
  - f. Each building shall be no closer than 25 feet from another building.
  - g. Buildings which share a lot line with an abutting property which contains a residential unit shall maintain at least 50 feet of setback from the lot line.
  - h. Dwelling units shall range in size from 1,300 to 1,500 square feet.
  - i. Each dwelling unit shall only contain one, single-car garage.
  - j. Each dwelling unit shall contain no more than two bedrooms.

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

34. **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.
35. **Prior to the 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 **into a single lot under one ownership entity**, including Parcel A. 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.

36. **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.
37. **Prior to the commencement of any site work**, Open Space at the subject property shall be **delineated and** protected through a Conservation Restriction or other means to assure 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.
38. **Prior to the commencement of any site work**, all sight distance improvements shall be completed/constructed **to Decision Sight Distance requirements for the roadway, pending MassDOT approval, at the cost of the Applicant/Owner** and all sight distances shall be field verified by a Registered Land Surveyor and Registered Professional Engineer **at the cost of the Applicant/Owner**.
39. **Prior to the commencement of any site work and subject to MassDOT approval, the Applicant/Owner shall construct and implement a left turn lane into the project site in the west bound lane of Route 111/Massachusetts Avenue.**
40. **Prior to the commencement of any site work**, 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.
41. **Prior to the commencement of any site work, the Applicant/Owner must demonstrate to the Planning Board they have the right to access the project site from Priest Lane.**
42. **Prior to the commencement of any site work**, the Applicant/Owner shall:
  - a. 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. Receive a Driveway Approach Permit from the Public Works Director for the Priest Lane emergency access roadway.
43. **Prior to the commencement of any site work**, the Applicant/Owner shall provide the Town Planner with the name, address, and telephone number of **two** 24-hour contact **people** who will be primarily responsible for all construction activities on the site.
44. **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.
45. **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).

46. **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.
47. **Prior to the 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**

48. **Prior to the commencement of any blasting**, the Applicant/Owner shall adhere to the following:
  - a. Consistent with 527 CMR 65.9.15, the Applicant/Owner shall offer a free Preblast Inspection Survey to all abutters within 300 feet of the project site, with Preblast Inspection Surveys conducted as outlined therein.
  - b. The Applicant/Owner shall provide written proof to the Town Planner that abutters within 300 feet of the project site were offered a Preblast Inspection Survey.
  - 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.
  - e. If required by the Fire Chief, 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.
49. **Prior to the commencement of any blasting**, the Applicant/Owner shall retain a certified water testing/system operator to verify the baseline flow rate/quantity and water quality of adjacent private/**public** wells.
50. **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:
  - a. The Applicant/Owner shall submit to the Planning Board for its review and approval a list of at least twelve (12) **adjacent** private/**public** 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 prior to approval by the Planning Board.
  - 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/**public** 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 review and approval by the Planning Board for each designated property owner that declines permission to monitor their private/**public** 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.
- 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/public 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/public 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 50.f.i. through 50.f.iii. to the Board of Health, with copies to the Designated Owners and Town Planner.
- 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 and paid for by the Applicant/Owner. 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.
- 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 MassDEP) 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 MassDEP) 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.

- 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 50.g. This money shall be held and disbursed in accordance with the entry and escrow agreements to cover the expenses incurred by the owners of the Impacted Wells to correct material impacts on the water level at each Impacted Well caused by the operation of the water supply well of the proposed development. Escrowed monies shall be released by the Escrow Agent to the owner of the Impacted Well only upon written request of the owner addressed to the Escrow Agent and the Applicant/Owner, and only if the water level impact criteria in said Condition 50.g. has been breached. Any escrow disbursement shall be reviewed and approved by the Escrow Agent as a reasonable reimbursement of the documented out-of-pocket costs to restore the well to its pre-pump test Total Available Water Column, including, if necessary, the cost of a replacement well and mineral treatment equipment to provide a replacement drinking water well, approved by the Boxborough Board of Health, of substantially the same quality of water of the well being replaced. Such disbursements shall also be made only if the Escrow Agent has received no objection from the Applicant/Owner within fourteen (14) days of receipt of said request from the owner of the Impacted Well. In the event of an objection from the Applicant/Owner, the Escrow Agent shall schedule a hearing to provide the Applicant/Owner and the owner of the Impacted Well an opportunity to be heard, and shall notify the Applicant/Owner and the owner of the Impacted Well of the date, time, and place of the hearing and the Escrow Agent shall render a decision within fourteen (14) days after the close of the hearing. In the event the funds held in escrow by Escrow Agent are insufficient to cover such costs to restore or replace the well and the cost of the work, the owner of the Impacted Well agrees to look to the Applicant/Owner exclusively for payment or satisfaction of any such deficiency over and above the amount of funds escrowed. The Applicant's/Owner's liability hereunder is not limited to the amount of the funds in the Escrow Account.
- 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 50.d. through 50.j. for the Designated Wells.
- 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 Issuance of Any Building Permit**

51. **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.
52. **Prior to the issuance of any Building Permit**, the Applicant/Owner shall submit draft condominium documents, including the Master Deed, to the Planning Board and Town Counsel for review and approval, which shall include the following provisions. Once approved, these documents shall be recorded with the Middlesex South Registry of Deeds:
- 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.
  - b. The term “live-in aid” 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 **by a medical professional** 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.
  - d. 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, including the requirements for the maintenance of the emergency access roadways to Priest Lane and Stow Road (including over the easement access area) under all weather conditions. The cost to maintain all of these items shall be the sole responsibility of the Applicant/Owner and/or condominium/homeowners association in perpetuity.
  - e. **The Applicant/Owner and/or condominium/homeowners association shall provide and keep on file with the Town the contact information for the person in charge of the Operations and Maintenance Plan for all stormwater, wastewater, and water supply systems.**
  - f. Maintenance of the Open Space and common areas.
  - g. Maintenance of vegetative buffers to abutting properties.
  - h. Maintenance of project signage including all no parking and visitor’s parking signage.
  - i. Gutters and downspouts shall be installed on all buildings within the development.
  - j. Documents shall address in detail the **following** provisions:
    - i. Add on building additions, porches, or decks **are prohibited.**
    - ii. Homeowner installed fencing, lighting, or gardens **are prohibited.**
    - iii. Provisions for accessory buildings and structures (sheds) **are prohibited.**
53. **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 shall obtain an approved Groundwater Discharge Permit from the MassDEP and submit evidence of this approved permit to the Board of Health. The plant shall have appropriate odor **and noise** controls to prevent the migration of odors **and noise** to the abutting properties. **Corrective measures must be approved by the Building Inspector.**
  - b. Public Drinking Water Supply
    - i. The Applicant/Owner shall obtain approval to operate a Public Water Supply from the MassDEP and submit evidence of this approval to the Board of Health.
  - c. 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**, the pool will need a permit to operate from the Board of Health.

- 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.

#### **Prior to the Issuance of Certificates of Occupancy**

54. **Prior to the issuance of any Certificate of Occupancy and 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.
55. **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.
56. **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 shall be owned and maintained by the condominium/homeowners association for the development.
  - c. The Applicant/Owner and/or condominium/homeowners association shall 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.
  - d. A method of access shall be provided which allows immediate 24 hour access to the Police, Fire, and Public Works Departments.
  - e. 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.
57. **As agreed to by the Applicant at the March 5, 2018 Planning Board meeting, prior to the issuance of any Certificate of Occupancy**, and **subject to** MassDOT approval, the Applicant/Owner shall implement the following additional traffic safety and pedestrian improvements. All of the following will be 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 **Route 111**/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) **or similar devices** 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.

- 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.
  - 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.
58. **Prior to the issuance of any Certificate of Occupancy**, the Applicant/Owner shall provide a Landscape Maintenance Guide to the condominium/homeowners association and provide verification the guide was provided to the association to the Town Planner.
59. **Prior to the issuance of a Certificate of Occupancy for each unit**, if a sidewalk crosses 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.
60. **Prior to the issuance of a Certificate of Occupancy for each unit**, the Town Planner shall verify 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.
61. **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, **edges of pavement, driveways**, utilities, including the septic system, leaching area, underground piping, and drainage facilities. Such As-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 meets the original design criteria. Changes shall be coordinated with the Planning Board and its Consulting Engineer.