

**List of Proposed Conditions for the 700, 750, and 800 Massachusetts Avenue Senior Housing Project
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#	Proposed Condition	Addressed in Proposed Conditions
1	Use the word "must" instead of "shall" in all conditions.	No. The word "shall" is the standard used by planning professionals in planning and zoning decisions across the Commonwealth and is appropriate wording to ensure a condition is adhered to by the Applicant/Owner.
2	Development should be less than or comparable in density to Sheriff's Meadow or Tisbury Meadow (approximately 70 units).	No. Town Counsel has advised there is not enough justification to impose this condition, especially since the proposed use of the property and the surrounding uses are residential in nature.
3	Require a Performance Guarantee for the construction of the roadway, utilities, and buildings. Consult with Board of Selectmen, Consulting Engineer, and Town Counsel on this matter.	Yes. Conditions 44 and 27.
4	Value of the Performance Guarantee shall be determined by reviewing the cost to complete construction or the cost to restore the subject property to its pre-construction state, whichever is greater.	Yes. Conditions 44 and 27.
5	Require establishment of an escrow account to hold developer accountable for damages and unforeseen expenses associated with the project which may include, but are not limited to, costs related to roadways, environmental impacts, damage to abutting properties, harm to the underground water supply (quality and quantity), or for noncompliance with the conditions of the project.	No. Which particular party is accountable for potential harm which may have impacted another party, and if or what any reparations should be cannot be predetermined. Harm which is brought to another party will need to be determined on a case by case basis for each situation. Additionally, the Town, as a municipality which is issuing a zoning decision, has methods already in place to achieve compliance with the permit.
6	Ensure the Applicant/Owner is held accountable and the Town of Boxborough is held harmless for the entire duration of the project, removing any need of litigation, disputes, dispute resolution, arbitration, or negotiation over the collection of bonds for whatever reason anytime during the project.	No. Which particular party is accountable for potential harm which may have impacted another party cannot be predetermined. Harm which is brought to another party will need to be determined on a case by case basis for each situation.
7	Obtain an outside consultant project manager, to be paid by the developer, to oversee compliance with all permit conditions and report monthly to Town staff.	Yes. Condition 22.
8	Require additional landscape screening between buildings within the project and at the perimeter of the project site.	Yes. Condition 29.d.i. Also addressed in Plan Set.
9	Relocate the Wastewater Treatment Facility to protect against the potential for odors and noise from the facility.	No. Town Counsel has advised that specific requirements or adjustments to the Wastewater Treatment Facility could be required to help prevent disturbances from excessive noise or odors, but a relocation of the entire building based upon what could or might happen to it in the future is not permissible.
10	Relocate the Clubhouse to the center of the development to minimize traffic within the development and from Route 111/Massachusetts Avenue.	No. Town Counsel has advised that specific requirements or adjustments to provide transportation options other than motorized vehicles (sidewalks, bike racks, etc.) could be required to help reduce the potential amount of vehicular traffic traveling to the clubhouse, but a relocation of the entire building is not permissible.
11	Restrict permitted hours of construction to Monday through Friday, 8:00 AM to 4:00 PM, and no weekends or holidays.	Yes. Condition 4.
12	Require construction access be only from Route 111/Massachusetts Avenue.	Yes. Condition 5.
13	Prohibit public access through Priest Lane and Stow Road.	Yes. Condition 11.
14	Prohibit emergency access through Priest Lane.	No. The Fire Chief has indicated that for the proposed number of dwelling units (100) and the layout of the site, the Fire Department requires three access points to the project site to provide adequate emergency services.
15	Require the implementation of gated emergency access (Fire, Police, DPW, and maintenance vehicle access only) through Priest Lane and Stow Road.	Yes. Condition 49.

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#	Proposed Condition	Addressed in Proposed Conditions
16	Require the use of Decision Sight Distance to determine site distance requirements and engineered design for the entrance/exit driveway on Route 111/Massachusetts Avenue.	No. The Town's Traffic Consulting Engineer has advised that MassDOT uses Stopping Site Distance when determining site distance requirements and engineering design for access to state roadways. The project as proposed meets those Stopping Site Distance requirements. Additionally, Town Counsel has advised the Planning Board strongly consider the opinions of the Traffic Consulting Engineer and not reject expert recommendations and conclusions without equivalent and reliable expert opinions to the contrary.
17	Require the use of Desirable Sight Distance for the 85th Percentile Speed of the roadway to determine site distance requirements and engineered design for the entrance/exit driveway on Route 111/Massachusetts Avenue.	No. The Town's Traffic Consulting Engineer has advised that MassDOT uses Stopping Site Distance when determining site distance requirements and engineering design for access to state roadways. The project as proposed meets those Stopping Site Distance requirements. Additionally, Town Counsel has advised the Planning Board strongly consider the opinions of the Traffic Consulting Engineer and not reject expert recommendations and conclusions without equivalent and reliable expert opinions to the contrary.
18	Implement site distance requirements and engineering design for the entrance/exit driveway which considers research on elderly driving.	Yes. The Town's Traffic Consulting Engineer has noted that required Stopping Site Distances are based on a reaction time of 2.5 seconds (for drivers on the major road), and AASHTO states that this "exceeds the 90th percentile of reaction time for all drivers" (including older drivers).
19	Require Route 111/Massachusetts Avenue/Stow Road/Middle Road intersection safety improvements.	Yes. Condition 50.
20	Require the widening and/or regrading of Route 111/Massachusetts Avenue near the project's entrance/exit driveway to improve visibility for vehicular traffic.	No. The Town's Traffic Consulting Engineer has advised that MassDOT uses Stopping Site Distance when determining site distance requirements and engineering design for access to state roadways. The project as proposed meets these Stopping Site Distance requirements and as such, MassDOT would most likely not require these adjustments be made to the roadway. Additionally, Town Counsel has advised the Planning Board strongly consider the opinions of the Traffic Consulting Engineer and not reject expert recommendations and conclusions without equivalent and reliable expert opinions to the contrary.
21	For west bound traffic on Route 111/Massachusetts Avenue, require a traffic light or left hand turn lane into the project's entrance/exit driveway.	No. The Town's Traffic Consulting Engineer has advised that MassDOT uses Stopping Site Distance when determining site distance requirements and engineering design for access to state roadways. The project as proposed meets these Stopping Site Distance requirements and, as such, MassDOT would most likely not require these adjustments be made to the roadway. Additionally, Town Counsel has advised the Planning Board strongly consider the opinions of the Traffic Consulting Engineer and not reject expert recommendations and conclusions without equivalent and reliable expert opinions to the contrary.

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#	Proposed Condition	Addressed in Proposed Conditions
22	For east bound traffic on Route 111/Massachusetts Avenue, require the installation of a deceleration and acceleration lane.	No. The Town's Traffic Consulting Engineer has advised that MassDOT uses Stopping Site Distance when determining site distance requirements and engineering design for access to state roadways. The project as proposed meets these Stopping Site Distance requirements and, as such, MassDOT would most likely not require these adjustments be made to the roadway. Additionally, Town Counsel has advised the Planning Board strongly consider the opinions of the Traffic Consulting Engineer and not reject expert recommendations and conclusions without equivalent and reliable expert opinions to the contrary.
23	Analyze/Require two entrance lanes and two exit lanes from the development for safety purposes.	No. The Town's Traffic Consulting Engineer has advised that MassDOT uses Stopping Site Distance when determining site distance requirements and engineering design for access to state roadways. The project as proposed meets these Stopping Site Distance requirements and, as such, MassDOT would most likely not require these adjustments be made to the roadway. Additionally, Town Counsel has advised the Planning Board strongly consider the opinions of the Traffic Consulting Engineer and not reject expert recommendations and conclusions without equivalent and reliable expert opinions to the contrary.
24	Prior to any site work, the Town Planner and two Planning Board members shall request and coordinate a site visit with MassDOT with regard to the proposed traffic ingress and egress point on Route 111/Massachusetts Avenue to examine the grade, site distances, and curves, taking into account the dense vegetation on both sides of the road which limit visibility.	Yes. Condition 2.
25	Require the Applicant/Owner to install automated LED Speed Feedback signs (showing the speed of travel for motorists and the posted speed limits) for both east bound and west bound traffic, and require these signs be maintained in proper operating condition by the condominium/homeowners association.	Yes. Condition 50.e.
26	Blasting - Prohibit all blasting (only allow machinery to remove ledge).	No. Blasting is a common, highly regulated, construction activity and prohibiting it would be overly burdensome. However, conditions can be implemented to regulate the hours of operation and to minimize the impacts on abutters.
27	Blasting - Require Pre-Blast Survey be offered to all properties within 500 feet of subject property and require a certified letter be sent to each abutter inquiring about a Pre-Blast Survey.	No. Condition 40.a. requires a survey be offered to abutters within 300 feet and 40.b. requires written proof be submitted to the Town Planner.
28	Blasting - Require Pre-Blast Survey include testing of well.	Yes. Condition 42.
29	Blasting - Noise and dust control measures.	Yes. Condition 12.b.
30	Blasting - Restrict materials to be used (no perchlorates).	Yes. Condition 40.d.
31	Blasting - Protect against damage to adjacent structures.	Yes. Conditions 40.a., b., c., d., and e.
32	Blasting - Protect against damage to adjacent wells or underground water supply.	Yes. Condition 42.
33	Blasting - Restrict the duration/timeline. Require Blasting Phasing Plan to be approved by the Planning Board as part of a public hearing process. Restrict blasting to only the area of the site where a group of homes is being built.	Yes. Conditions 40.c. and 40.d., and also somewhat Condition 29.b.
34	Blasting - Require town-wide notification 3 days in advance of any blasting and the day of blasting, prior to blasting.	No. This requirement is overly burdensome.
35	Implement completion date/timeline for the installation of landscaping.	Yes. Condition 53.
36	Require the construction of all ways and installation of utilities to be completed within 1 year of date of decision.	No. However, Condition 10 requires these items to be completed/installed within three (3) years after the commencement of any site work.
37	Implement completion date/timeline for entire development. Recommend 3 years to complete project or reapplication required under current Zoning Bylaw.	No. However, Condition 27 requires full completion of the project within four (4) years after the commencement of any site work.
38	Require Construction Phasing Plan and prohibit construction on next phase until work on previous phase is complete.	Yes. Condition 29.b.

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#	Proposed Condition	Addressed in Proposed Conditions
39	Restrict the number of Building Permits issued annually.	No. However, this is somewhat addressed in Condition 29.b.
40	Restrict light pollution.	Yes. Condition 19.
41	Implement condition regulating exterior lighting.	Yes. Conditions 19., 29.d.iv., and 45.i.ii.
42	Require site lighting be controlled by lighting control system which utilizes a combination of lighting timers, master time clock, daylight sensors, etc.	No. However, Conditions 19., 29.d.iv., and 45.i.ii. should sufficiently regulate lighting at the subject property.
43	Restrict occupancy of each unit to only those 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.	Yes. Condition 45.a.
44	Define the term "live-in aid".	Yes. Condition 45.b.
45	Restrict occupancy of each unit to no more than two people unless the third person is a live-in aid. Require proof of credentials and agreement/contract between owner/resident and live-in aid.	No. However, Conditions 45.a. and 45.c. very closely address this item.
46	Design - Require design of buildings resemble those of Sheriff's Meadow and Tisbury Meadow.	No. Town Counsel has advised this type of condition would not be permissible for this application.
47	Design - Restrict buildings to a single story.	No. Town Counsel has advised this type of condition would not be permissible for this application.
48	Design - Restrict buildings to single-car garages.	No. Town Counsel has advised this type of condition would not be permissible for this application.
49	Design - Restrict each unit to only two bedrooms.	No. Town Counsel has advised this type of condition would not be permissible for this application.
50	Design - Require greater setbacks from internal roadways and abutting properties to match adjacent development (suggestion: 75 feet from property lines).	No. Town Counsel has advised this type of condition would not be permissible for this application, especially since the proposed use of the property and the surrounding uses are residential in nature.
51	Design - Require larger front, side, and rear yard setbacks using the Sheriff's Meadow and Tisbury Meadow projects as benchmarks.	No. Town Counsel has advised this type of condition would not be permissible for this application.
52	Design - Require the staggering of setbacks for adjacent buildings from the internal roadways.	No. Town Counsel has advised this type of condition would not be permissible for this application.
53	Design - Require larger separation between buildings (suggestion: 50 feet).	No. Town Counsel has advised this type of condition would not be permissible for this application, especially since the Fire Chief has indicated he is comfortable with the proposed separation between the buildings.
54	Design - Require Design Review Board approval.	No. The Design Review Board is only an advisory board and the Zoning Bylaw gives them no authority to require approval for a project/application.
55	Design - Require the front door of each unit face the roadway.	No. Town Counsel has advised this type of condition would not be permissible for this application.
56	Design - Require a certain number of units be handicap accessible.	No. Town Counsel has advised this type of condition would not be permissible for this application.
57	Redesign building roof lines to make compatible for solar installation.	No. Town Counsel has advised this type of condition would not be permissible for this application.
58	Require building materials to meet standards for climate of Massachusetts.	No. Building materials are regulated under the Building Code.
59	Require 10% of the units in the project be affordable.	No. Town Counsel has advised this type of condition would not be permissible for this application.
60	Require some of the project be commercial or office space (non-housing).	No. Town Counsel has advised this type of condition would not be permissible for this application.

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#	Proposed Condition	Addressed in Proposed Conditions
61	Require that buildings 8, 9, 10, 11, 12, 13, and 14 on Private Drive C be relocated elsewhere in the project or removed in their entirety.	No. Town Counsel has advised this type of condition would not be permissible for this application, especially since the proposed use of the property and the surrounding uses are residential in nature.
62	Regulate/Prohibit depletion of underground water supply.	Yes. Condition 42.
63	Require monitoring of water levels and testing for contaminants in wells around the project site every 3 months.	No. However, this is somewhat addressed in Condition 42.
64	Require periodic test on development wells prior to unit sales to ensure there is no contamination and water levels are adequate.	No. However, this is somewhat addressed in Condition 42.
65	Fine developer for contamination of underground water supply or substantial draw down on water supply, and require rectification of situation.	No. However, this is somewhat addressed in Condition 42.
66	Prohibit construction of clubhouse and/or pool.	No. These items are permitted as accessory uses to a complex with two-family dwellings reserved exclusively for elderly occupancy.
67	Prohibit water sprinkler/irrigation system of any kind.	No. However, sprinkler/irrigation systems are regulated as part of Conditions 12.e. and 13.
68	Require annual testing and inspections for backflow devices for sprinkler/irrigation system with results submitted to the Town.	Yes. Condition 13.
69	Require buildings to be energy efficient.	No. Town Counsel has advised this type of condition would not be permissible for this application.
70	Prohibit clear cutting and maximize the number of trees retained at the project site.	Yes. Condition 29.b., especially 29.b.iv.
71	Preserve existing large trees and vegetation to create visual buffer to any existing property.	No. However, this is somewhat addressed in Conditions 29.b. and 37.
72	Require Vegetation Removal Phasing Plan. Restrict vegetation removal to only the area of the project site where a group of homes is being built.	Yes. Condition 29.b.
73	Require preparation of Tree Removal Schedule consistent with construction phasing timeline to be approved by the Planning Board as part of a public hearing process.	Yes. Condition 29.b.
74	Replace trees which will be removed in other locations on site or on other properties. Locations, species, and sizes of trees to be determined by the Conservation Commission and Town Planner.	No. However, elements of this are addressed in Conditions 37 and 29.d.i.
75	Require trees identified to be preserved and limits of work to be shown on plans prior to clearing, and verified upon completion of work. Impose penalties for removal of trees identified to be retained.	Yes. Condition 37 and to some extent Condition 29.b.
76	Detailed Foliage and Site Survey shall be completed for the entire property and associated impact areas, and provided to the Town prior to the issuance of a Building Permit. This survey work shall be completed and paid for by the Applicant/Owner and documentation shall be stamped by a Civil Engineer registered with the state of Massachusetts and endorsed/certified by a state certified arborist.	No. However, elements of this are addressed in Condition 37 and to some extent Condition 29.b.
77	Implement provisions to protect wildlife and their habitat.	No. This is addressed through the local Wetland Bylaw and the National Heritage and Endangered Species Program at the state level.
78	Implement provisions to protect wetlands.	No. This is addressed through the local Wetland Bylaw.
79	Require retention of professional expert to stake and define sensitive environmental areas on the project site.	No. This is addressed through the local Wetland Bylaw and the National Heritage and Endangered Species Program at the state level.
80	Regulate the maintenance of the swimming pool to ensure its wastewater is handled appropriately.	Yes. Conditions 46.c.i. and 46.c.ii.
81	Require the implementation of public/community space in the project.	No. Town Counsel has noted there is no requirement the Applicant set aside public/community space as part of the project. It should be noted the Applicant has agreed to provide an easement across their property as outlined in Condition 23.

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#	Proposed Condition	Addressed in Proposed Conditions
82	Require the donation of a portion of the property along Route 111/Massachusetts Avenue to the Town. Discussion of this land donation to take place during a public hearing process.	No. Town Counsel has noted there is no requirement the Applicant set aside public/community space as part of the project. It should be noted the Applicant has agreed to provide an easement across their property as outlined in Condition 23.
83	Require developer to purchase other property in town and donate to the Town of Boxborough for conservation purposes. Acreage of property to be determined by the Conservation Commission and Town Planner.	No. Town Counsel has noted there is no requirement the Applicant provide public/community space as part of the project. It should be noted the Applicant has agreed to provide an easement across their property as outlined in Condition 23.
84	Grading - where is the fill coming from and how is it regulated.	Yes. Condition 36. This is also regulated by MassDEP.
85	Prohibit stone/rock crushing operations on the site.	No. However, the hours of construction activities, including stone/rock crushing operations, are regulated in Condition 4.
86	Town shall retain an independent Materials Testing Lab on a full time basis (paid for by the Applicant/Owner) to monitor the excavation and fill placement. Technician would monitor quality of fill used, depth of lifts placed, fill compaction, paving, etc.	Yes. Condition 36.
87	Restrict/limit construction truck traffic to/from site (number of trips, especially related to fill being added).	No. However, the hours of construction activities, including construction traffic, are regulated in Condition 4.
88	Condition regulating construction trash and debris.	No. This is regulated through the Building Code.
89	Require all utilities to be brought in from Route 111/Massachusetts Avenue.	Yes. Condition 18.
90	Condition regarding LELD and what if conduit through Sheriff's Meadow easement area is found to be damaged or undersized.	Yes. Condition 18. LELD would be permitted to replace damaged or undersized conduit.
91	Require Applicant/Owner to provide Town with contact information for person in charge of Operations and Maintenance Plan for all stormwater, wastewater, and water supply systems.	No. As noted in Condition 45.d., the maintenance of all roadways and infrastructure shall be the sole responsibility of the Applicant/Owner and/or condominium/homeowners association in perpetuity.
92	Planning Board needs to be able to review the terms of the Purchase and Sale Agreements.	No. Town Counsel has noted these are private agreements and the Applicant is under no obligation to disclose the terms of these agreements.
93	Require payment (annual or lump sum) to the local Regional Transit Authority.	No, however, this should be examined in greater detail.
94	Add clause which allows Town the right to annually inspect/audit the condominium/homeowners association's funding reserves to verify there is adequate money to cover the items which could fall to the Town (ex. roadways).	No. As noted in Condition 45.d., the maintenance of all roadways and infrastructure shall be the sole responsibility of the Applicant/Owner and/or condominium/homeowners association in perpetuity.
95	A soils percolation test shall be conducted and paid for by the Applicant/Owner. The results of this test shall be provided to the Town within 5 business days and the Town shall conduct a review of this information and must provide approval to the contractor prior to the construction of drainage areas.	No. The Town's Consulting Engineer indicated the MassDEP stormwater regulations require two test pits in each drainage basin. MassDEP's regulations do not want percolation tests to be used for the sizing of stormwater basins because the test results can be extremely variable.
96	Applicant/Owner shall maintain all signage installed as part of the project free from damage in perpetuity.	Yes. Condition 45.g.
97	Require Applicant/Owner to provide a copy of the proposed Deed for the property to understand the ownership, occupancy, or both, by individuals 55 years of age and older.	Yes. Condition 45. It should be noted here a zoning decision cannot restrict ownership of a property.
98	Require sidewalks throughout the entire project which tie into a sidewalk network on Route 111/Massachusetts Avenue.	No. This is addressed in the current Plan Set.
99	Internal roadways should be at least 24 feet wide.	No. This is addressed in the current Plan Set.
100	Prohibit on-street parking.	Yes. Condition 15.
101	Prohibit on-street parking unless the proposed pavement width is increased beyond 24 feet.	Yes. Condition 15.

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#	Proposed Condition	Addressed in Proposed Conditions
102	Visitor parking shall be added for consistency at multiple locations within the project and shall be shielded by vegetation from abutters (existing and new).	No. Town Counsel has advised this item should be completely addressed prior to the Planning Board issuing a decision on the application.
103	Wetland crossing width should be the same roadway width as the other roadways in the development.	No. This is addressed in the current Plan Set.
104	Require an independent fire/emergency safety review of the project.	No. The Town of Boxborough Police, Fire, and Public Works Departments have all reviewed the project and provided their own comments.
105	Require landscape plans to be stamped by Massachusetts Registered Landscape Architect.	No. This is addressed in the current Landscape Plans.
106	Require construction trailer to be completely screened from all public roadways and abutters.	No. This is addressed in Section 7602(4) of 2012 Zoning Bylaw.
107	Prohibit real estate sales from taking place in the construction trailer.	No. This is addressed in Section 7602(1) of 2012 Zoning Bylaw.
108	Restrict size of construction trailer to no more than 350 square feet.	No. This is addressed in Section 7602(2) of 2012 Zoning Bylaw.