

CHWB

James F. Hegarty
Town Clerk
Town House
17 Common Street
Southborough, Massachusetts 01772

DECISION ON APPLICATION FOR
COMPREHENSIVE PERMIT APPLICATION
M.G.L. C.40B, §§20-23

APPLICANT: FD 120 Turnpike LLC (the "Applicant")

PROPERTY: 120 Turnpike Road, also identified on Assessor's Map 037-0120-04 (the "Property" or "Site")

DATE: December 11, 2024

I. PROCEDURAL HISTORY AND JURISDICTIONAL FINDINGS

1. An original application for a Comprehensive Permit (the "Application") was received by the Zoning Board of Appeals (the "Board") on or about November 1, 2023. The Application is for sixty (60) rental units on the Property, twenty-five percent (25%) of which would be affordable, in one building on the Site which consists of approximately 3.54 acres in the Town's Residence A and Highway Business Zoning Districts (the "Project"). An additional 6.2-acre parcel which is to be donated to the Town is also part of the c. 40B locus.
2. The Property is located at 120 Turnpike Road and shown on the Assessors' Maps as Parcel 037-0120-04 and is the location of an existing office building, parking lot, and associated appurtenances.
3. The Applicant proposes to be a limited dividend entity that will limit its profits for the entire project in accordance with legal requirements. Accordingly, the jurisdictional requirements under 760 CMR 56.04(1)(a) will be satisfied if and when the Applicant executes a Regulatory Agreement and other related documentation, as referenced more fully in Section IV hereof. The Application also provided an "eligibility/site approval letter," dated October 16, 2023, issued by MassHousing (the "Subsidizing Agency") under the New England Fund Program ("the Program"). The approval contained in the eligibility letter is expressly limited to the development of not more than sixty (60) ownership units under the terms of the program, of which not less than fifteen (15) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development.
4. The Applicant has "control of the site" as that term is used in 760 CMR 56.04(1)(c) by virtue of a Quitclaim Deed dated August 21, 2020, from CURO Southborough, LLC, an entity not related to the Applicant. Accordingly, the jurisdictional requirements of 760 CMR 56.04(1) have been satisfied.
5. Upon Final Approval by MassHousing for the Project, the Application and Development proposed as approved hereunder, will satisfy the requirements of 760 CMR 56.04.
6. A duly advertised public hearing was timely commenced on December 13, 2023 and was continued, with good cause and with the written agreement of the Applicant (copies of which were duly filed with the Town Clerk), to the following

dates: February 6, 2024, March 27, 2024, April 24, 2024, May 8, 2024, June 12, 2024, July 31, 2024, August 21, 2024, September 4, 2024, October 8, 2024, October 29, 2024 and November 13, 2024 on which date the hearing was closed. This Decision was then prepared and reviewed and adopted by the Board at a duly posted meeting held December 11, 2024.

7. The Applicant was primarily assisted by its counsel Brian Charville, George Bahnan, and Louis Levine, James Tetreault, P.E, Expedited Engineering, Monte French, Monte French Design Studio, and Ali Khorasani, P.E, AK Associates, as well as members and managers of the Applicant.
8. The Board utilized the services of Town Counsel, Jason Talerman and Stephen Chaplin of Mead, Talerman & Costa, LLC, along with the services of Jeffrey Dirk of Vanasse & Associates Inc ("VAI"), Christopher Lucas of Lucas Environmental, and Wayne Belec, Michael Scott, and James Almonte of Land Design Collaborative ("LDC"), peer review consultants for the Board. Peer review was thorough and cooperative.
9. The Board notified all applicable local boards and commissions of the filing of the Application by sending a copy thereof to such local boards and commissions for their recommendations, all of which have been made a part of the record of these proceedings and have been taken into consideration by the Board in rendering its Decision.
10. During the course of the public hearing, Town staff, boards and commissions; and local residents submitted oral and written testimony with respect to the Application. The Board considered the technical review of independent site peer reviewers, in regard to matters of public health and safety, environmental health and safety, traffic, site and preliminary stormwater management plans, and other issues of local concern. Significant concern was raised by Town officials over the character of the proposed open space that is being donated to the Town.
11. The Applicant provided various materials, reports and revised plans throughout the public hearing on the Application.
12. Several abutters and other interested members of the public attended the public hearing and offered commentary. These individuals asked a variety of questions, which the Board and the Applicant's representatives responded to. Several abutters raised concerns regarding the proposed open space.
13. The Board received the following correspondence, plans and other submissions all of which are noted in the matrix attached hereto as Attachment "A".

II. PROJECT AND PROPERTY DESCRIPTION

1. The Project, as revised, is described and shown on plans entitled "Site Plan of Land at 120 Turnpike Road" dated October 25, 2023, with a most recent revision date of November 12, 2024 prepared by Expedited Engineering, LLC, and preliminary architectural plans entitled "120 Turnpike Rd Exterior Design Package", floor plans & building elevations dated August 6, 2024 prepared by Monte French Design Studio hereinafter collectively referred to as the "Plans".
2. The Property is located in the Town's Residence A and Business Highway District. The Site and surrounding properties are located off Route 9 and include a mix of residential and commercial uses.

3. The Project is not located within NHESP mapped Estimated Habitat of Rare Wildlife, Priority Habitat of Rare Species, or Certified Vernal Pools, or a FEMA mapped flood zone. The wetland resources on the site have a hydrologic connection to the Sudbury Reservoir and are considered a tributary to a Class A Public Water Supply and an Outstanding Resource Water (ORW) – Reservoir No. 3 (Framingham), as defined under 314 CMR 4.00 et seq. The Applicant has applied to the Conservation Commission for a Notice of Intent.
4. Access to the Site is proposed via Route 9 (Turnpike Road).
5. The Applicant proposes to construct a total of sixty (60) units within a single building with five (5) floors. The units will be a mix of one-bedroom + office (16 are proposed), one-bedroom (21 are proposed), two-bedroom + office (2 are proposed), two-bedroom (14 are proposed), three-bedroom + office (1 is proposed) and three-bedroom (6 are proposed).
6. The Property is a portion of a site that is presently utilized as an office park. The originally proposed project was to be located on the northernmost portion of the Property. However, pursuant to prior development permits, such area of the Property had been restricted and pledged to the Town for open space purposes. Accordingly, the Applicant revised the Project by moving the proposed apartment building to an already developed area of the site and designating a 6.2-acre parcel on the Northern portion of the Property to be conveyed for open space purposes.
7. There are several different wetland resources on the property and construction impacts such resource areas, including resources that are locally defined under the Town's Wetland Bylaw.
8. The Applicant proposes that twenty five percent (25%) of the units, being fifteen (15) units, be rented to individuals/families whose total household income does not exceed eighty percent (80%) of area median income (AMI) as determined by the U.S. Department of Housing and Urban Development.
9. The Applicant proposes one hundred two (102) surface parking spaces.
10. The Project will be serviced by the municipal water system and private septic system, as well as permeable interlocking concrete paving block surface for stormwater infiltration.
11. All utilities are to be below-ground, provided however, pedestals and transformers will be above ground.

III. FINDINGS

1. The Board notified all applicable local boards and commissions of the filing of the Application by sending a copy thereof to such local boards and commissions for their recommendations, all of which have been made a part of the record of these proceedings and have been taken into consideration by the Board in rendering its Decision.
2. During the course of the public hearing, Town staff, boards and commissions, and local residents submitted oral and written testimony with respect to the Application. The Board considered the technical review of Town Department Heads and an independent peer reviewer, in regard to matters of public health and safety, environmental health and safety, traffic, site and preliminary stormwater management plans, and other issues of local concern.

3. Peer review was thorough and cooperative, and recommended conditions of the peer review engineer are included herein so as to address local concerns.
4. The Board finds that the configuration of the open space parcel to be conveyed to the Town is not as originally presented to the Planning Board, Conservation Commission and Zoning Board of Appeals and is, in some respects less ideal than the originally proposed parcel. However, the Board finds that, subject to conditions hereof, the open space parcel will be a substantial benefit that will provide contiguous open space and linkage with existing conservation areas.
5. The Board finds that the Project will adversely impact locally defined wetland resources on and adjacent to the Property. However, when complying with the conditions stated below with respect to such wetland areas, the Board finds that the Project mitigates such impacts to an acceptable degree. The Board further finds however, that it cannot and does not make any findings with respect to wetland resources that are solely defined under the State Wetlands Protection Act; and the Board defers to the Southborough Conservation Commission with respect thereto.
6. The Board finds that the five-story height of the building as shown on the plans is a concern, it is adequately mitigated by the location of the building, the topography of the site, the lack of proximity to residential neighborhoods, and the architectural style of the building.
7. According to the Commonwealth's Department of Housing and Community Development Subsidized Housing Inventory ("SHI"), as defined in 760 CMR 56.02, as of June 29, 2023, 7.95% of the Town's total housing stock constituted SHI eligible housing, as defined in 760 CMR 56.02.
8. The Board finds that the Town has a continuing need for affordable housing, as required by G.L. c. 40B, and that this Project will provide such housing.
9. The Board finds that the Project will generate minimal new traffic on surrounding ways. The Project will directly access Route 9 through an existing curb cut.
10. The Board finds that the Project will have an impact on local services and infrastructure. However, as discussed below, such impacts will be mitigated through appropriate conditions as set forth below.
11. The Board finds that proposed conditions recommended by Land Design Collaborative, Vanasse & Associates, and Lucas Environmental are necessary in order to mitigate impacts to local concerns.
12. Notwithstanding the preceding findings, and the Board's concerns with respect thereto, as noted, the Board finds that, when built in accordance with the Plans and the conditions imposed herein, the Project will be "consistent with local needs" as such phrase is contemplated by G.L. c. 40B, §§20-23. The Board also finds that any unmitigated impacts posed by the Project will not outweigh the benefits provided by the Project's affordable units.
13. The Board also finds that the Applicant has worked in good faith to mitigate adverse impacts to the best of its ability.

14. The Board finds that during the hearing process the Applicant was generally cooperative and made changes to the Plans in an effort to address concerns raised by the Board, its peer review consultants, Town officials and departments, and several residents.
15. The Board finds that the grant of certain waivers from local by-laws and regulations, as described both herein and in Attachment "B", is acceptable although the grant of any waivers will cause adverse impacts to local concerns. Nevertheless, the Board finds that any local concerns that have been affected thereby do not outweigh the Town's need for affordable housing, particularly given the mitigation that has been provided by the Applicant.
16. Notwithstanding waivers to local requirements and other adverse impacts to local concerns, the Board finds that the Development as presently designed, and as conditioned by this Decision, will be "consistent with local needs," as such term is contemplated under G. L. c. 40B.
17. The Board finds that the conditions imposed in the following section are necessary in order to properly address local concerns. The Board finds that such conditions will not render the Project uneconomic. To the extent that such conditions do render the Project uneconomic, the Board finds that the local concerns in imposing the same outweigh the statutory requirements for the affordable units that have been proposed.

IV. DECISION AND CONDITIONS

Pursuant to Chapter 40B, the Board, after public hearings and findings of fact, upon motion by David Williams, and seconded by Doris Cahill (voted 4-0-1) grants a Comprehensive Permit to the Applicant for the Development as described and conditioned herein:

1. Except as otherwise required by the conditions imposed by this Comprehensive Permit or by any approval of the Final Site Plans, as defined below, the Project shall be developed, constructed and completed in substantial conformance with the Plans, as may be modified by the Final Site Plans.
2. The Project may have no more than sixty (60) rental units.
3. No building permits may be issued unless and until the Applicant provides the Board with evidence of Final Approval issued by EOHLC under 760 CMR 56.04(7).

A. FINAL SITE PLANS/PRE-CONSTRUCTION

4. Final, fully designed site plans (the "Final Site Plans") shall be submitted to the Board, the Board's designated engineer, the Department of Public Works and the Building Commissioner no less than forty-five (45) days prior to the application for building permits for the commencement of construction of the Project. The Final Site Plans shall be of a quality and level of detail sufficient to allow the DPW, Building Commissioner and the Board's engineer to review the Final Site Plans for consistency with the Plans, the terms of this Comprehensive Permit, legal requirements and industry standards. No construction shall commence, and no building permits shall issue under this Comprehensive Permit until the Board's engineer has approved the Final Site Plans as being in conformance

with this Decision, said approval to be in writing. If no written response or comments have been given to the Applicant by the Board or the Board's engineer concerning the Final Site Plans within forty-five (45) days after the Final Site Plan submission date, the Final Site Plans, as delivered, will be deemed to have been approved, provided that, for good cause shown, the Applicant shall allow a thirty (30)-day extension of such approval period. Nothing herein shall be construed to limit or otherwise affect the Building Department's authority and obligations under the State Building Code. The Final Site Plans shall include, but not be limited to, complete construction plans, final stormwater management plans, erosion control plan, landscaping plan and a lighting plan as well as all other plans described below and that are customarily submitted for projects of this scope as may be determined by the discretion of the Board's engineer. The forty-five (45)-day time period under this paragraph shall not commence if the Board's engineer notifies the Applicant in writing that the Final Site Plans are incomplete.

5. The Final Site Plans shall depict the final design of the drainage system that exhibits compliance with applicable best management practices and/or any applicable Stormwater Management Guidelines promulgated by the DEP or the Commonwealth of Massachusetts. The Board's engineer may require additional modifications required upon the additional detail included with the Final Site Plans. A copy of the approved operation and maintenance plan for the stormwater system is included hereto as **Attachment C**, provided that, in review of the Final Site Plans, the Board's engineer may require.
6. Final Site Plans shall include the final architectural plans. The final architectural plans shall be substantially in conformance with the building design and layout as represented on the Plans submitted to the Board. Insubstantial refinements that do not impact the dimensions of the building or alter its general appearance, as shown on the Plans, shall be allowed. Substantial modifications shall be subject to the review and approval of the Board in accordance with applicable regulations.
7. The Final Site Plans shall include a Construction Mitigation Plan ("CMP") that will address all aspects of construction mitigation, including, but not limited to: (i) blasting; (ii) provisions that meet the prior approval of the Fire Department and Police Department for traffic flow and emergency vehicle ingress/egress along any partially constructed driveways within the Project; (iii) stockpiling of materials; (iv) trucking routes that meet the prior approval of the Police Department; (v) a concise construction mitigation and sequencing plan; and (vi) erosion control plan. It shall also include preconstruction, construction and post construction best management practices and which shall include, at a minimum, days and the week and hours for construction activities (including interior and exterior work and/or site preparation, drilling, blasting, etc.), Best Management Practices which address pre-development site preparation, construction control during development, and post-development and which shall, at a minimum, include provisions for infrastructure repair and cleaning (on and off-site as may be appropriate) as well as Erosion & Sediment controls, dust controls, noise, odor, emissions, vehicle idling, vibration, trash or debris, and/or any other condition which may constitute a nuisance by virtue of litter, vermin or bird hazards. The CMP shall attempt to minimize the area(s) left exposed at any given time to the extent reasonably possible. The terms of that CMP are incorporated herein as if restated in this Decision. Provisions for water/fire suppression and safe, uninterrupted and convenient access to adjacent properties/homes shall be provided at all times. The Final Site Plans and Construction Management Plan shall include a narrative of the construction sequencing for the Project. The CMP shall specifically include a Traffic Management Plan ("TMP") which shall, at a minimum, establish a trucking route and worker route during construction. The CMP shall include the name, address and phone number of the contact person for construction management of the project. Said contact person shall be available twenty-four (24) hours per day, seven days per week throughout construction. Such information shall be provided to the Board, Building Commissioner, DPW and the Police Department.
8. The Final Site Plans shall include a final landscaping plan that is subject to the review and approval of the Board prior to the commencement of work on the site. Only native species shall be allowed, and all landscaping shall be maintained in an attractive and neat manner for as long as the Project is in operation.

9. The Final Site Plans shall include a tree inventory of the proposed 6.2-acre open space parcel identified as Lot 4C on the proposed plans and shall also include a restoration plan for renaturalization of any areas on Lot 4C that are disturbed or altered by the construction of the Project. The stone wall shall remain undisturbed throughout the Project.
10. The Final Site Plans shall include a suitable snow storage area.
11. The Final Site Plans shall include proposed trail access from the Project. The Final Site Plans shall also include proposed trails to the adjacent conservation land, inclusive of educational signs regarding Town rules for use of said conservation land, provided that the final location of such trails and signage shall be subject to the approval of the Conservation Commission.
12. The Final Site Plans shall include a final wetland delineation as agreed upon through the Notice of Intent (NOI) review with the Southborough Conservation Commission. All plan sheets should include the limit of all Buffer Zones. In the event that any updated wetland delineations result in proposed work being within twenty (20) feet of a wetland line (or if already within twenty (20) feet, then closer to a wetland line), a project change shall be presented to the Board.
13. The Final Site Plans shall include plan details and a narrative for two to one (2:1) replication for the elimination of the so-called "seepage slope" which is an isolated wetland resource. Such details for replication are subject to the review and approval of the Board's peer review wetland consultant prior to the commencement of any work. Additionally, the completion of such replication is subject to the inspection and approval of the Board's consultant prior to the issuance of occupancy permits. The replication area shall be maintained and preserved in perpetuity.
14. The Final Landscape Plan shall include details for a Wetland Seed mix for jurisdictional resource areas and other appropriate seed mixes for all areas.
15. The Final Site Plans shall include the construction exit mat, appropriately labeled and proposed over the location of the 6-inch force main. The Applicant shall confirm that this will not create an issue for the installation of the force main.
16. All traffic and directional signs and pavement markings to be installed within the Project site shall conform to the applicable specifications of the *Manual on Uniform Traffic Control Devices* (MUTCD), 11th Edition; Federal Highway Administration; Washington, DC; December 2023.
17. Drive aisles within the Project site shall be twenty-four (24)-feet in width where perpendicular parking is to be provided and a minimum of twenty (20)-feet in width where parking is not provided.
18. Signs, landscaping and other features located within sight triangle areas shall be designed, installed, and maintained so as not to exceed two and a half (2.5)-feet in height. Snow accumulation (windrows) located within sight triangle areas that exceed three and a half (3.5)-feet in height or that would otherwise inhibit sight lines shall be promptly removed.
19. Interior, weather protected bicycle parking shall be provided within the building in a location that is convenient to a pedestrian or vehicle entrance to the building. A minimum of two (2) interior bicycle parking spaces shall be provided per ten (10) dwelling units. In addition, bicycle racks sufficient for parking for twelve (12) bicycles should be located proximate to the building entrance.
20. Two (2) parking spaces proximate to the building entrance shall be designated by signs as short-term (10-minute) parking for rideshare providers and deliveries.
21. Final Site Plans shall include the location for a school bus stop to serve the Project.

22. The Applicant shall complete all onsite and offsite infrastructure essential for use of and access to each phase, if phasing of construction is proposed, within three (3) years from the “commencement of construction”. For the purposes of this paragraph, “commencement of construction” occurs when the development envelope is cleared, excavated and/or graded in preparation for construction.
23. The Applicant shall adhere to all terms, requirements and conditions of any other permits, licenses and/or approvals from any other agency, State or local. The terms of those permits, licenses and/or approvals are incorporated herein as if restated in this Decision. To the extent such permits, licenses and/or approvals may conflict or be inconsistent with the terms of this Decision, the Board may amend this Decision upon request by the Applicant in a manner consistent with 760 CMR 56.00 et seq.
24. The Applicant shall follow and effectuate all recommendations of the Fire Chief, which are incorporated herein as if restated in this Decision, including, but not limited to, emergency vehicle access, hydrant location and fire flow.
25. The Final Site Plans showing cutting and clearing shall be consistent with the Site Plan referenced above. There shall be no other clearing or site alterations other than those shown on the Plans of record as most recently revised.
26. The Final Site Plans shall depict the Project’s irrigation system (if any), no component of which shall be located within one hundred (100) feet of a wetland.
27. The Final Site Plans shall include a final lighting plan. All exterior lighting shall be dark-sky compliant.
28. No building permits may be issued unless and until the Applicant provides evidence to the Building Inspector that it has obtained any and all necessary Orders of Conditions from the Conservation Commission or a Superseding/Final Order of Conditions from the Massachusetts Department of Environmental Protection and/or Determinations of Applicability.
29. The Applicant shall connect the Project to the municipal water system. However, no connection to, or extension of, the public water system shall be permitted until the DPW reviews and approves the same after receipt of full and complete plans prior to the Board’s approval of the Final Site Plans. Such approval from the DPW shall be based on technical requirements and shall not be unreasonably withheld. All DPW fees shall be paid prior to the installation of any related infrastructure.
30. To the extent that the Town may require an easement to any water or sewer lines or water or sewer infrastructure on the Property, the Applicant shall provide the same to the Town for review and approval by its counsel and, upon acceptance, such instruments shall be recorded by the Applicant with proof of same being provided to the Town immediately thereafter.
31. Prior to the issuance of a building permit for any unit in the Project, the Applicant shall submit a signage/monument plan, including signs/monuments, if any, to be used during the marketing of the Project or any component thereof and permanent signage/monuments, if any, shall be submitted to the Board for its approval, prior to the installation, erection or construction of any such sign.
32. The Final Site Plans shall include a final subdivision plan that is suitable for the Board’s endorsement and recording. The signature block shall note that the Plan is being approved by the Board’s authority under G.L. c. 40B, §§20-23. No work may commence, and no building permits may be issued unless and until said plan is recorded and evidence of such recording is supplied to the Board and the Building Commissioner.

33. The Subdivision plan shall depict the open space parcel shown on the permitting plans as Lot 4C, containing 6.2 acres. Such parcel shall be donated, without consideration, to the Conservation Commission prior to the commencement of work or issuance of building permits. No encroachments, construction work, clearing for buildings or grading, except as may be permitted herein are allowed on such open space, which shall be for conservation and passive recreation as may be designated by the Conservation Commission. A copy of the deed to the Conservation Commission is subject to the prior review and approval by Town Counsel. Notwithstanding the foregoing, the Applicant has reported that it is required to reserve several easements in the 6.2 acre open space parcel, for assorted purposes including grading and drainage. The exact scope of those easements were not defined by the close of the hearing. Accordingly, within 60 days following this decision, the Applicant is required to produce an easement plan that depicts each proposed easement area, along with a table of the purpose of such easement. The Applicant shall also include, on the deed to the open space, each and every easement that is required. All of such easements shall minimize, to the maximum extent possible, the amount of disturbance and activity in the open space. Any and all drainage easements shall be maintained by the Applicant in perpetuity. The plan and the easements are subject to the review and approval of the Board prior to the submission of Final Site Plans.

B. CONSTRUCTION

34. The Applicant shall use its best efforts to secure a building permit within one (1) year of the filing of this Decision with the Town Clerk to ensure that the units remain eligible for inclusion on the Town's subsidized housing inventory.

35. The Applicant shall be responsible for scheduling a pre-construction meeting with the Board's engineer or its assigned agent thirty (30) days before the commencement of work on the Project. During the construction of the Project's infrastructure, the Applicant shall be responsible for the scheduling of a meeting with the Board's engineer or its assigned agent at least once every three (3) months to discuss the progress of construction. The Applicant's failure to schedule and attend such a meeting may be grounds for a stop work order. The conference shall be requested at least fourteen (14) days prior to commencing construction, by contacting the Board in writing. A schedule of inspections shall be agreed upon at the conference, subject to the Board's final review and assent. Prior to any site preparation activities or the commencement of construction, the Applicant shall provide a point of contact to the Board along with that individual's name and direct telephone number and that person shall be someone with the authority and ability to receive notifications and communication relating to the Project on behalf of the Applicant from the Town at any and all times.

36. Before any site clearing, grading, demolition, or construction may begin on the Site, the Applicant shall provide to the Board a municipal lien certificate that shows all outstanding assessments and betterments have been paid in full and there are no outstanding municipal liens on the Property.

37. To the extent that straw or hay is used for erosion control, it shall be seedless.

38. The Applicant shall be responsible for securing and paying for police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.

39. The Applicant shall provide a Stormwater Pollution Prevention Plan (SWPPP) as required under the NPDES Construction General Permit to the Board and the Applicant shall adhere to said SWPPP during all construction activities.

40. During construction, the Applicant shall maintain all feasible and reasonable means of dust control and shall collect all debris on a daily basis. No construction, deliveries or any other activities may occur on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas Eve or Christmas Day. No construction or deliveries may begin before 7:00 a.m. nor continue past 6:00 p.m., unless approved in advance by the Board. Notwithstanding the foregoing, interior construction that doesn't generate excessive noise may occur on weekday evenings, until 7:00 p.m. Trucks and other equipment may not idle or warm up until 7:00 a.m. on approved construction days.
41. Upon completion of construction stormwater management system, the Applicant's engineer shall provide a report to the Board's engineer, with a copy to the Board, certifying that the stormwater management system was installed in accordance with the approved plans. Such report shall include a certification that the excavations of the proposed infiltration systems were inspected prior to backfilling. An as-built plan of the stormwater management system shall be provided with the report.

C. WAIVERS

42. With respect to each of the Applicant's requests for waivers from local by-laws and regulations, the Board hereby decides as follows, with additional waivers identified in the List of Waivers attached hereto as Attachment "B":
 - a. Subject to the conditions hereof, the Board expressly waives any and all local rules, regulations and/or bylaws relating to dimensional criteria and uses, as may be necessary to construct the Project consistent with the Plans and Final Site Plans, including, but not limited to the requirements in the Zoning Bylaw and Subdivision Rules and Regulations and Local Wetland By-Law, but only to the extent necessary in order to build the Project that is shown on the Plans and approved Final Site Plans.
 - b. To the extent the approved Plans and the conditions of approval set forth in this Decision conflict with any unwaived local regulations, the requirements of the Plans and conditions as approved shall supersede such conflicting regulations.
 - c. Nothing herein may be construed as a waiver of any applicable State or Federal law.
 - d. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§20-23.
 - e. No waivers are granted from building permit, inspection fees including electrical and plumbing fees, DPW fees and/or water connection fees or Board of Health fees and inspection fees.
 - f. Additional waivers not relating to the use of the property and dimensional matters are identified in **Attachment B**, attached hereto.
 - g. Any by-law or regulation not inconsistent with the Project as approved and not expressly waived hereunder shall be strictly enforceable. Any subsequent revision to the Plans, including but not limited to revisions that are apparent in the Final Site Plans that require additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11). To the extent any such

requested waivers are consistent in material respects with the Plans approved by this Decision, such approval by the Board shall be deemed to be an insubstantial change under 760 CMR 56.05(11)(b).

D. **AFFORDABLE HOUSING PROVISIONS**

43. The Applicant shall obtain approval by EOHLC of an affirmative fair housing marketing plan prior to the rental of any units and shall ensure that the Project complies with fair housing requirements.
44. All of the Project's affordable units shall be restricted, in perpetuity, for lease to households earning no more than eighty percent (80%) of AMI. As shall be set forth in the Regulatory Agreement, if a tenant of an affordable unit shall go over income, as such terms is contemplated in the Regulatory Agreement, the next available market rate unit shall be converted to an affordable unit.
45. The maximum number of affordable units allowed by law and applicable subsidy program, but no more than seventy percent (70%) of the affordable units, shall be reserved as "Local Preference" favoring present residents of Southborough, the parents or legal guardians of children attending Southborough public schools, employees of the Town of Southborough, and teachers employed by the school district serving the Town of Southborough, in accordance with EOHLC Guidelines. The Applicant shall cooperate with Town staff seeking and securing such local preference. A lottery shall be established in a form approved by EOHLC and/or the Project's monitoring agent to effectuate this local preference, with an approved secondary lottery for all other Applicants. The Board shall be kept apprised of all events in the lottery process. No occupancy permits may be granted until the Board, in consultation with its legal counsel, has approved the lottery plan, such administrative approval not to be unreasonably withheld.
46. The Affordable Units, as originally designated, shall not be substantially different in size or exterior appearance from the market-rate units so as to not be segregated from the market-rate units; and, unless otherwise required by MassHousing or EOHLC, shall be proportionately distributed at original construction amongst units and shall have approximately the same bedroom ratio or mix as the other units in the Project. The Affordable Units and the market-rate units shall be constructed on the same schedule and at least one out of every four of the initially rented units shall be an affordable unit.
47. The Project requires the Applicant's execution of a Regulatory Agreement substantially in the form as prescribed by EOHLC. The Regulatory Agreement is subject to the reasonable review and approval by Town Counsel prior to the commencement of construction. Evidence of a fully executed and recorded Regulatory Agreement for the Project shall be provided to the Board and the Building Inspector prior to the issuance of any building permits. The aforesaid Regulatory Agreement shall also incorporate affordable housing restriction(s) which shall be in perpetuity, pursuant to G.L. c. 184, §§ 31-33 and shall survive foreclosure. The maximum rental price of the Affordable Units, as applicable, shall be "calculated at what is affordable to a household earning eighty percent (80%) of the [A]rea [M]edian... [I]income adjusted for household size," per EOHLC guidelines.
48. The Monitoring Agent for the Project shall be a qualified entity approved by the Applicant's subsidizing agency. The Applicant shall provide the Board with copies of any and all correspondence, documents and statements required by any Affordable Monitoring Services Agreement, the Regulatory Agreement or any applicable laws or regulations provided by the Applicant to the Monitoring Agent or from the Monitoring Agent to the Applicant. Copies of the fully executed Affordable Monitoring Services Agreement(s) for the Project shall be provided to the Board prior to the issuance of occupancy permits.

49. The Applicant's profit for the Project shall not exceed limitations imposed by applicable law and as may be prescribed under the Affordable Monitoring and/or Regulatory Agreements. The Board shall be provided with a copy of any and all limited dividend audits and certified cost/income statements, as well as any other public records that are shared by and between the Applicant and the Monitoring Agent. As the Applicant is a limited dividend entity, all excess profits shall be used for affordable housing purposes in the Town.
50. The Applicant is responsible for assisting the Town in the preparation and execution of any document that may be required by EOHLIC in order to have the units in the Project included on the Town's Subsidized Housing Inventory.

E. **MISCELLANEOUS**

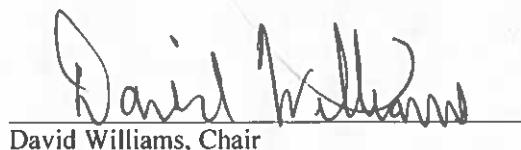
51. The Project together with the infrastructure and improvements shown on the Plans, Final Site Plans and related documents are an integrated plan. No certificate of occupancy for the Project shall be issued until all infrastructure and improvements specified herein and referenced in or shown on the Plans and documents for said component are completed so as to adequately serve said building. The determination of completeness of any infrastructure shall be at the sole discretion of the Board which may consult with its engineer. The Board shall have forty-five (45) days from any written request for release of occupancy permits to make any such determination and if it fails to do so, the applicant shall be entitled to a release of said occupancy permits, subject to other requirements of the Building Department for release of occupancy permits. Upon completion of essential infrastructure, including but not limited to driveways, parking, drainage, utilities and the like, the Applicant may employ, at its option, financial security to ensure the completion of finish infrastructure and punch-list items. Such financial security may, at the option of the Applicant, include a lender's (tripartite) agreement, cash or a passbook and shall be in a form that is approved by Town Counsel. All financial security shall be an amount approved by the Board and shall include a twenty-five percent (25%) contingency.
52. Following installation of the final coat of asphalt on the driveway and parking for the Project, if any, but in no event later than one (1) year following the issuance of the final certificate of occupancy in said phase, if any, the Applicant shall provide an as-built plan to the Board for the Project, which shall be approved by the Board or its agent.
53. The approval described hereunder is contingent upon an amendment to the special permit, issued by the Board, for the original office park. Such amendment is issued contemporaneously herewith. This approval is also contingent upon an approved amendment of the site plan approval for the underlying office park.
54. Notwithstanding the procedures of the preceding paragraphs, the Board may institute an enforcement action in order to compel the completion of any infrastructure not completed by the Applicant.
55. In that the Plans reviewed by the Board were preliminary, no occupancy permits shall be issued until the Applicant complies with any other requirements or specifications that are reasonably required by the Board's peer review engineering consultants for compliance with the Final Site Plans and this decision.
56. Nothing herein constitutes an approval of the wastewater disposal system for the Project. Such approval is beyond the scope of Chapter 40B. No work may commence on the Project until such approval is obtained.
57. If certificates of occupancy are sought on a per unit basis, then no more than three certificates of occupancy (temporary or final) shall be issued for market rate units until at least one certificate of occupancy (temporary or final) issues for an

affordable unit. At no point will the number of certificates of occupancy issued for affordable units be less than twenty-five percent (25%) of all certificates of occupancy issued.

58. The paved areas, open space, landscaping and infrastructure depicted on the Plans shall be maintained by the Applicant. The Applicant and/or any management company engaged by the Applicant shall be responsible for the installation, operation, maintenance, repair and replacement of the above aspects of the Project. In the event that a management company is engaged for fulfilling these obligations, the Applicant shall provide the Board with a copy of the contract(s).
59. Snow and ice removal shall be the responsibility of the Applicant. Snow and ice removal shall be undertaken as soon as is practicable after snowfall and shall not impede or obstruct the driveways or the sight lines thereon and so as not to impede or obstruct the hydrants. Accumulated ice on the ways shall be promptly removed or sanded such that vehicles may pass safely. To the extent practical, use of sodium-based de-icers shall not be utilized. Snow shall be deposited and stored in the areas designated on the Plans.
60. The Applicant shall be responsible at its sole cost for trash and recycling disposal for the Project.
61. Parking spaces are provided for and associated with the Project as shown on the Plans.
62. The Board's peer review engineering consultants shall be charged with general oversight over the construction activities of the Project. In this capacity, the Board's engineer shall, during periods of active construction, conduct periodic inspections as reasonably necessary to ascertain the status and nature of work at the site and provide monthly reports to the Board. In addition, the Applicant shall also provide the Board's engineer with any pertinent photographs, logs, data or other information that may be helpful in the monitoring process. Such services shall be reasonably tailored to the extent and type of construction work being conducted at any particular time. The Applicant shall be provided with an opportunity to review the scope of services prior to commencement thereof.
63. The Board's peer review engineering consultants' reasonable fees for any services contemplated hereunder shall be paid by the Applicant in the manner prescribed by G.L. c. 44, §53G. The Applicant shall also pay for all third-party inspections of project infrastructure, as may be reasonably required by the Board's peer review engineers or the Town's building commissioner.
64. Upon their construction and initial occupancy, the buildings in the proposed development shall be considered post-existing, non-conforming. In no event, shall additional bedrooms be added. No loft, nook or other area within a dwelling unit, not shown on the Plans as a bedroom shall be converted to a bedroom. No storage, common or other area not designated on the Plans as part of a dwelling unit in the Project shall be converted to additional dwelling unit(s), or part thereof, without application to and receipt of express, written permission from the Board.
65. The Applicant shall strictly adhere to any and all agreements by and between it and the Town. Any breach of such agreements shall constitute a violation of the terms of this Comprehensive Permit. The Applicant shall have a forty-five (45) day right to cure any alleged breach, weather conditions (or National, State or Local Declarations of a State of Emergency) permitting. The Board may grant an extension or extensions if, in the sole unchallengeable opinion of the Board, such extension is warranted, such extension shall not be unreasonably withheld.
66. This permit shall not be valid until recorded with the Worcester County Registry of Deeds and evidence of such recording is provided to the Building Inspector and the Board.

67. Except as may be otherwise required in this Decision, changes to the Project, the Plans and the conditions contained herein shall be processed in accordance with 760 CMR 56.05(11), as may be amended or re-codified.
68. Any and all easements that may be necessary to complete and occupy the Project shall be in a form approved by the Town's legal counsel, such approval not to be unreasonably withheld.
69. This Permit shall run with the land and be binding on the Applicant and any of its assignees and successors in interest at the Property or with respect to the Project. Any transfer of this permit prior to substantial completion of the Project or a phase thereof shall be subject to written confirmation from the Subsidizing Agency and otherwise subject to 760 CMR 56.05(12)(b). In addition, any sale, transfer or assignment of this permit, and any sale of more than fifty percent (50%) of the assets or interests in the Applicant, shall require the Board's administrative approval, such approval not to be unreasonably withheld. The Applicant shall provide thirty (30)-days advance written notice to the Board of any such request and, if the Board does not act on such request within thirty (30) days, such request shall be deemed approved.
70. This permit shall expire if construction is not commenced within three (3) years from the date it is filed by the Board with the Town Clerk, as provided in 760 CMR 56.05(13)(c). For purposes of this paragraph, commencement of construction shall be defined as the installation of a foundation for the building. However, the Applicant may seek extensions in accordance with 760 CMR 56.05(12)(c).
71. Duly authorized agents of the Board shall have the right, upon reasonable notice, to enter upon and into the Facility to ensure continued compliance with the terms and conditions of this decision. Failure to allow entry and/or inspection or interference or obstruction of such entry or inspection shall constitute a violation of this decision and the conditions herein.
72. The Board shall be copied on any material correspondence by the Applicant to any regulatory agency.
73. Any finding, by any court of competent jurisdiction, that any condition hereof is unenforceable shall not otherwise affect the enforceability of the remainder of the conditions hereof.

Appeals of this permit shall be made pursuant to G.L. c. 40B.



David Williams, Chair

Signing on behalf of the Zoning Board of Appeals

**** NOT VALID FOR RECORDING UNTIL CERTIFIED BY THE TOWN CLERK OF SOUTHBOROUGH****

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Southborough Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest: _____

Date: _____

James F. Hegarty, Town Clerk
1775196 1 09589.001

ATTACHMENTS: "A" Matrix of Correspondence and Submissions

"B" Waiver List

"C" Site Operations and Maintenance Plan

ATTACHMENT "A"
MATRIX OF CORRESPONDENCE AND SUBMISSIONS

Original Application Materials

Document Title	Date of Document
Complete application including preliminary architectural plans, site plans, stormwater report, and other attachments	October 31, 2023
Environmental Analysis	November 20, 2023

Revised Site, Project, & Architectural Plans

Document Title	Date of Document
Site Sections	November 1, 2023
120 Turnpike Road Revised Site Plan	March 25, 2024
Concept Plan of Alternative Building Location at 120 Turnpike Road	June 5, 2024
Site Layout Plan – 120 Turnpike Road	July 24, 2024
Full Revised Plan Set – 120 Turnpike Road	July 24, 2024
120 Turnpike Road 40B Exterior Renderings	August 13, 2024
120 Turnpike Road 40B Floor Plans	August 13, 2024
Septic System Plan for Lot 4B at 120 Turnpike Road	August 10, 2024
Site Plan of Land at 120 Turnpike Road	August 22, 2024
Septic System Plan for Lot 4B at 120 Turnpike Road	August 22, 2024
Cover Letter & Site Plan of Land at 120 Turnpike Road	September 16, 2024
Sign Plan	September 30, 2024
Site Plan of Land at 120 Turnpike Road	October 30, 2024
Site Plan of Land at 120 Turnpike Road	November 12, 2024
Lighting Plan of Land at 120 Turnpike Road	November 12, 2024
Landscape Plan of Land at 120 Turnpike Road	November 12, 2024

Revised Drainage & Stormwater Materials

Document Title	Date of Document
Pre & Post Development Drainage Area Plans	February 6, 2024
Form 11, Deep Observation Holes	February 6, 2024
Drainage Report at 120 Turnpike Road	September 16, 2024
Postdevelopment Drainage Area Plan at 120 Turnpike Road	September 16, 2024
Stormwater Report Checklist for 120 Turnpike Road	September 16, 2024
Supplemental Drainage Area Plan at 120 Turnpike Road	September 16, 2024
Supplemental Drainage Report	September 16, 2024
Drainage Report at 120 Turnpike Road	October 30, 2024

Stormwater Report Checklist for 120 Turnpike Road	October 30, 2024
Postdevelopment Drainage Area Plan at 120 Turnpike Road	October 30, 2024

Revised Waivers Lists

Document Title	Date of Document
Revised Waiver List	March 15, 2024
Revised Waiver List	August 15, 2024
Revised Waiver List	August 23, 2024
Revised Waiver List	September 20, 2024
Revised Waiver List	October 30, 2024
Revised Waiver List	November 4, 2024
Revised Waiver List	November 12, 2024

Peer Review Reports & Applicant Responses

Document Title	Date of Document
Vanasse & Associates Initial Traffic Peer Review Report	June 3, 2024
Applicant Response to Vanasse & Associates Peer Review Report	June 11, 2024
Amended Applicant Response to Vanasse & Associates Peer Review Report	July 26, 2024
Vanasse & Associates Traffic Peer Review Report #2	August 7, 2024
Land Design Collaborative Initial Peer Review Letter	September 4, 2024
Land Design Collaborative Peer Review Letter #2	October 8, 2024
Lucas Environmental Initial Peer Review Letter	October 28, 2024
Land Design Collaborative Peer Review Letter #3	November 7, 2024
Lucas Environmental Peer Review Letter #2	November 8, 2024

Applicant Correspondence

Document Title	Date of Document
Letter from Brian Charville re: Shared Driveway	July 29, 2024

Board & Committee Letters to ZBA & Applicant Responses

Document Title	Date of Document
Stewardship Letter to ZBA	August 7, 2023
Fire Department Comment Letter	September 15, 2023
Select Board Letter to ZBA	October 31, 2023
Planning Board Comment Letter	December 4, 2023
Applicant Response Letter to Stewardship	February 8, 2024
Applicant Response Letter to Select Board	February 8, 2024

Applicant Response Letter to Planning Board	February 8, 2024
Applicant Response Letter to Fire Department	February 8, 2024
Letter from Police Chief Newell re: Dog Park	August 19, 2024
Stewardship Committee Letter to ZBA	August 19, 2024
Planning Board Letter to ZBA	August 20, 2024
Open Space Preservation Commission Letter to ZBA	August 21, 2024
Conservation Commission Comment Letter	October 4, 2024
Applicant Response to Conservation	November 4, 2024
Conservation Commission Comment Letter	November 8, 2024
Conservation Commission Comment Letter	November 13, 2024

Resident Letters to ZBA

Document Title	Date of Document
Letter from Paul Carter, 6 Hillside Ave	December 12, 2023
Letter from Paul Carter, 6 Hillside Ave	April 23, 2024
Letter from Paul Carter, 6 Hillside Ave	May 8, 2024
Letter from Paul Carter, 6 Hillside Ave	June 12, 2024
Letter from Paul Carter, 6 Hillside Ave	September 4, 2024
Letter from Paul Carter, 6 Hillside Ave	October 8, 2024
Letter from Paul Carter, 6 Hillside Ave	October 11, 2024

Continuation & Extension Letters

Document Title	Date of Document
Letter for Continuation of Public Hearing & Extension to 180 Day Deadline	February 12, 2024
Letter for Continuation of Public Hearing & Extension to 180 Day Deadline	March 28, 2024
Letter for Continuation of Public Hearing & Extension to 180 Day Deadline	June 14, 2024
Letter for Continuation of Public Hearing & Extension to 180 Day Deadline	August 22, 2024
Letter for Continuation of Public Hearing & Extension to 180 Day Deadline	October 9, 2024
Letter for Continuation of Public Hearing & Extension to 180 Day Deadline	October 30, 2024

ATTACHMENT B
LIST OF GRANTED WAIVERS
FROM APPLICABLE TOWN OF SOUTHBOROUGH BYLAWS AND REGULATIONS
Comprehensive Permit – 120 Turnpike Road, Southborough

Property: 120 Turnpike Road,
 Southborough, MA (Parcel ID
 M/B/L: 37-120-4-0)

Zoning Districts: Highway Business;
 Residence A

TOWN OF SOUTHBOROUGH ZONING BYLAWS

	Regulation Reference	Regulation	Waiver Request, Justification for Granting Waiver and Board decision
1.	§ 174-11, Signs.		
	§ 174-11(C)(2)(d)	No sign may be illuminated between 10:00 p.m. and 6:00 a.m. except signs identifying police or fire stations or businesses open to serve the public on site.	The Applicant seeks a waiver from this section as the Applicant seeks to have the proposed development's sign remain illuminated daily after 10 P.M. The location of the sign related to the proposed development would not disturb any residential abutters and is required for residents, guests and first responders to find the property during dark evening and nighttime hours. <i>The Board denies this waiver as the proposed sign is not on the 40B locus and therefore cannot be granted</i>
	§ 174-11(D)	Standing sign regulations for signs in the Highway Business zoning district fronting Route 9: <ul style="list-style-type: none"> • Maximum Area: 100 sq. ft. 	The Applicant seeks a waiver from this section to allow one standing sign 132.95 sq. ft. in area. The Applicant seeks to build on the existing standing sign, which is already at maximum area allowed by zoning. Adding to the existing sign will have the least significant impact on the site. <i>The Board is compelled to deny this waiver because the</i>

			<i>proposed sign is not on the 40B locus</i>
	§ 174-11(E)(1)	The Board of Appeals shall consider requests for special permits in accordance with §§ 174-9, 174-11 and 174-25 of this Zoning Bylaw. The Board of Appeals may grant a special permit for a sign not meeting limitations of sign height, maximum number of signs allowed, illuminations of signs, maximum area of signs allowed and minimum setback; provided, however, that the sign is otherwise in compliance with the provisions of this section.	The Applicant seeks a waiver from this section to the extent a special permit is required for any proposed sign nonconformity. The purpose of M.G.L. ch. 40B is to allow zoning conformities for the purposes of building affordable multifamily housing. <i>The Board is compelled to deny this waiver because the proposed sign is not on the 40B locus</i>
2.	§ 174-12, Parking and Loading Regulations.		
	§ 174-12(E)(1)	Dwellings: two spaces for each dwelling unit containing one or two bedrooms, three spaces for each dwelling unit containing three or more bedrooms, plus one space for each 80 square feet of floor area devoted to a customary home occupation or a professional use.	The Applicant seeks a waiver from this section to allow a total of 102 parking spaces (1.7:1 space to unit ratio) where 144 spaces are required. A ratio of 1.5:1 has been widely recognized as sufficient space to unit ratio. <i>The Board of Appeals has granted a parking variance for the proposed Lots 4A, 4B and 4C. As part of the variance application, the Applicant demonstrated that the reduction in overall parking from proposed Lot 4A will not adversely impact the parking requirements for the uses on the lot, and that the 102 parking spaces on Lot 4B will be sufficient for its units. To the extent necessary, waiver granted.</i>

3.	§ 174-13, Landscaping.		
	§ 174-13(B)(10)	<p>Plantings shall consist of at least one tree per 40 linear feet of planting area length, except one tree per 20 linear feet of street planting area abutting Route 9, and at least one shrub per three feet. Plantings preferably will be grouped, not evenly spaced, and shall be located or trimmed to avoid blocking egress visibility. The planting area shall be unpaved except for access drives and walks essentially perpendicular to the area and shall be located wholly within the lot.</p>	<p>The Applicant seeks a waiver from this section to allow for reduced number of trees and shrubs in lieu of the 40' tree spacing and 3' shrub spacing. The Applicant proposes landscaping in accordance with this section around the proposed 40B building on the graded slope to the north of the septic field, and around the graded area to the east and south of the septic field. To the extent there are other "planting areas" on Lot 4B, the Applicant seeks a waiver from this section. <i>Subject to compliance with conditions requiring an approved landscaping plan, this waiver is granted.</i></p>
	§ 174-13(B)(9)	<p>A permanent water supply system, or other acceptable watering method, shall be provided for all planting areas. In order to protect the Town's water supply, and encourage sound landscaping practices, the Town of Southborough recommends sustainable watering systems, such as: rainwater recycling systems, automatic shut-off devices, drought-tolerant native plant material, and careful irrigation scheduling, among others.</p>	<p>The Applicant seeks a waiver from this section to the extent a permanent water supply is required. The Applicant shall use drought-resistant and sun-tolerant plantings to protect the Town's water supply. <i>Subject to conditions relating to any desired irrigation system, this waiver is granted.</i></p>
	§ 174-13(B)(10)(c)	<p>Invasive plants, as defined by the Massachusetts Invasive Plant Group, are "plants that have spread into native or minimally managed plant systems in Massachusetts. These plants cause economic or environmental harm by developing self sustaining populations and becoming dominant and/or disruptive to those systems." (Under this definition all synonyms, species, subspecies, varieties, forms, and cultivars of that species are included unless proven otherwise by a process of scientific evaluation.) The Town of Southborough encourages the use of</p>	<p>The Applicant seeks a waiver from this section as to the use of native species. The Applicant proposes plantings that are not native, but better suited for the proposed development. <i>Waiver denied. Native species are required.</i></p>

		native species in all landscaping plans. Please note that many of the invasive species listed below have native counterparts that could be considered.	
	§ 174-13(D)	Side and rear line planting area. A landscape buffer strip a minimum of 10 feet in width shall abut all side and rear property lines.	The Applicant seeks a waiver from this section. The graded areas behind the private garages are followed by heavily vegetative areas and provide ample screening between the proposed development and abutting lots. <i>Subject to compliance with conditions requiring an approved landscaping plan, this waiver is granted.</i>
	§ 174-13(E)(2)	Required trees shall be located within or adjacent to parking lots as tree islands, medians, and at the end of parking bays, traffic delineators, or between rows of parking spaces in a manner such that no parking space is located more than 60 feet from a tree.	The Applicant seeks a waiver from this section to eliminate the requirement of tree planting within 60' of every parking space. The existing parking lot will remain without tree plantings every 60'. The Applicant is utilizing existing parking spaces to adhere to parking requirements and by implementing this section, the parking spaces may be diminished. <i>Subject to compliance Applicant's representations and with conditions requiring an approved landscaping plan, this waiver is granted.</i>

TOWN OF SOUTHBOROUGH WETLANDS REGULATIONS – CHAPTER 170,
WETLANDS PROTECTION, ADOPTED JANUARY 2, 2002, AS AMENDED, UPDATED OR REVISED

	Regulation Reference	Regulation	Waiver Request and Justification for Granting Waiver
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1.	Chapter 170, Wetlands Protection.*		
	§ 170-2, Jurisdiction.	<p>Except as permitted by the Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas or within 20 feet of their borders: any freshwater wetland, bordering vegetated wetland, marsh, wet meadow, bog or swamp, any bank, beach, lake, river, pond, stream or any land under said waters, any vernal pool, any land subject to flooding or inundation by groundwater, surface water or storm flowage (collectively, "the resource areas"). Any proposed work which falls within 100 feet (the "buffer zone") of the previously mentioned resource areas must be approved by the Conservation Commission.</p>	<p>The Applicant seeks a waiver from this section as the proposed development will disturb areas within 20 feet of the borders of resource areas and will disturb an isolated vegetated wetland (IVW) resource area. The Applicant is not able to move the proposed development to be outside of the IVW or the 20-foot buffer without incurring significant hardship and expense. The 84 square foot IVW is regularly managed as a mowed (shrubby/brush, not lawn) hillside; the impacts to the IVW are able to be mitigated by constructing an IVW replication area elsewhere on site. The replication area is proposed adjacent to an existing Bordering Vegetated Wetland, which will require impacts to the 20' Buffer Zone. Additional impact to the 20' Buffer Zone will be due to raising the parking lot elevation; the existing paved parking lot and lawn area adjacent to the paved area will be altered and restored back to pre-existing land cover conditions, i.e. paved parking area and lawn. <i>The Board denies a waiver of its jurisdiction and, as the Applicant did not waive any specific performance standards under the local wetland bylaw, the Board requires conformance with the same, provided however, that the Board waives so much of the wetland bylaw to allow the work within the buffer zone as depicted on the plans and to allow replication of an isolated wetland shown on the plan. Such waivers are subject to the various conditions in the Permit. In all other respects, the Applicant is required to comply with the local bylaw.</i></p>

**Note: The Applicant has filed a Notice of Intent with the Town's Conservation Commission in relation to this project and intends on complying with the bylaws of Chapter 170, except for that of § 170-2, Jurisdiction.*

SOUTHBOROUGH SUBDIVISION REGULATIONS – CHAPTER 244, SUBDIVISION OF LAND, ADOPTED AUGUST 18, 1986, AS UPDATED OR REVISED

	Section Reference	Section	Waiver Request and Justification for Granting Waiver
	Chapter 244, Subdivision of Land.		
1.	§ 244-4, Jurisdiction.	No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement for sale of lots in a subdivision, or the construction of ways, or preparation therefor, or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.	The Applicant seeks a waiver from this section to the extent approval is required by the Planning Board. Under M.G.L. Chapter 40B, the Zoning Board of Appeals has the authority to grant all of the approvals that would otherwise trigger separate applications under local bylaws or ordinances. <i>The Board does not waive the requirements of the subdivision control law. However, subject to compliance with the conditions of the permit, including the requirements for an endorsed subdivision plan, the Board waives applicable requirements of the local subdivision regulations.</i>
2.	§ 244-6, Limit one dwelling on a lot.	Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lots in a subdivision, or elsewhere in the Town, without the consent of the Planning Board. Such consent may be conditional upon the provision of adequate ways furnishing access to each such building and adequate improvements in the same manner as otherwise required for lots within a subdivision.	The Applicant seeks a waiver from this section to the extent consent is required by the Planning Board. Under M.G.L. c. 40B, the Zoning Board of Appeals has the authority to grant all of the approvals that would otherwise trigger separate applications under local bylaws or ordinances. <i>To the extent necessary, this waiver is granted</i>
3.	§ 244-8, Access Agency.		
	§ 244-8(A)	General. Plans shall be endorsed as not requiring approval under the Subdivision	The Applicant seeks a waiver from this section to the extent access to the

		Control Law and subdivision plans shall be approved only if each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG.	proposed development is not adequate under the Subdivision Control Law, M.G.L. c. 41, §§ 81K through 81GG. Access to Lot 4B by way of easement to and from Route 9/Turnpike Road will be created prior to the occupancy of the proposed development. <i>The Board does not waive this requirement because it finds that access is adequate and the subdivision plan is endorseable</i>
	§ 244-8(C)	Obligations. The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening access ways to a width as required above, and that he either make physical improvements within such way or compensate the Town for the cost of such improvements in order to meet the standards specified above.	The Applicant seeks a waiver from this section to the extent whichever applicable Board would require the Applicant to purchase a strip of land for the purposes of widening access ways. There are no strips of land to purchase within the proposed area. <i>The Board grants this waiver.</i>
4.	§ 244-9, Preliminary plan.		
	§ 244-9(A)(1)	A preliminary plan of a subdivision may be submitted by the applicant and 10 prints of it shall be filed with the Planning Board and one print shall be filed with the Board of Health. The submission of such a preliminary plan will enable the subdivider, the Planning Board, the Board of Health, the Water Department, the Highway Department, the Police Department, the Fire Department, the Planning Board's engineer and other Town agencies and owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case. A properly executed application Form B (see Appendix B) shall be filed with the preliminary plans submitted to the Planning Board.	The Applicant seeks a waiver from this section to the extent they are required to file any plan(s) with the Planning Board and the Board of Health. Under M.G.L. c. 40B, the Zoning Board of Appeals has the authority to grant all of the approvals that would otherwise trigger separate applications under local bylaws or ordinances. The Applicant in good faith has filed a preliminary plan of subdivision with the Board of Appeals as part of the Applicant's 40B Site Plan application. <i>Waiver of this provision is not required as the filing of a preliminary plan is not a requirement</i> Furthermore, the Applicant seeks a waiver from this section as the proposed location of the recirculating sand filter will be within 100 feet of a BVW to a Surface Water Supply, the Sudbury Reservoir. The Applicant states that the recirculating sand is already located within 100 feet of a BVW to a Surface Water Supply. It should be noted that the Massachusetts

			Department of Environmental Protection approved the existing location of the recirculating sand filter, a location within 100 feet of a BVW to a Surface Water Supply. <i>This waiver is moot as the Applicant has relocated this infrastructure out of the resource area.</i>
	§ 244-9(A)(2)	The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Planning Board for such approval of a preliminary plan and accompanied by a copy of a properly executed application Form B.	The Applicant seeks a waiver from this section to the extent they are required to file any plan(s) with the Town Clerk as part of a submission to the Planning Board. Under M.G.L. Chapter 40B, the Zoning Board of Appeals has the authority to grant all of the approvals that would otherwise trigger separate applications under local bylaws or ordinances. <i>Waiver granted.</i>
	§ 244-9(C)	Board action on preliminary plan. The Planning Board may disapprove the preliminary plan and state the specific reasons therefor, or may approve the preliminary plan, with or without modifications, and may suggest changes to be incorporated on the definitive plan, after a review of the plan and consultation with the Board of Health, Engineer to the Planning Board, and the Water, Highway, Fire and Police Departments of the Town. The approval of the preliminary plan does not constitute approval of the subdivision and does not entitle the plan to be recorded, but facilitates the preparation of a definitive plan meeting the Board's requirements. The Board shall, within 60 days of the submission, notify the applicant by certified mail and the Town Clerk in writing of its action relative to the preliminary plan. One copy of the preliminary plan shall be returned to the applicant with a notation of the Board's action.	The Applicant seeks a waiver from this section to the extent the Planning Board has any authority to disapprove the preliminary plan. Under M.G.L. Chapter 40B, the Zoning Board of Appeals has the authority to grant all of the approvals that would otherwise trigger separate applications under local bylaws or ordinances. <i>Waiver is not required because a preliminary plan is not required</i>
5.	§ 244-10, Definitive plan.		

	§ 244-10(A)	General.	The Applicant seeks a waiver from this section to the extent a Definitive Plan is required. The ZBA and the Applicant will work together to ensure a plan identifying the final boundary lines of the proposed lots is recorded with the Worcester County Registry of Deeds. To the extent that the final approved plan of subdivision is <u>not</u> a Definitive Plan, the Applicant seeks a waiver from this section. Furthermore, the Applicant seeks a waiver from this section to the extent a Definitive Plan requires any Board's approval, other than the Zoning Board of Appeals. <i>This waiver is denied. A definitive plan is required; and the Permit is contingent upon endorsement of a suitable plan.</i>
7.	§ 244-14, Open space.	Before approval of a plan, the Planning Board may require either of the following:	
	§ 244-14(A)	The plan to show a park or parks, suitably located in the Board's opinion for playground or recreation purposes or to provide light and air. The Planning Board may require by appropriate endorsement on the plan that no building be erected upon such park or parks without its approval for a period of three years. Each area reserved for such purposes shall be of suitable size, dimension, topography and natural character. The Board may require that the areas so reserved shall be located so as to be used in conjunction with similar areas of adjoining or potential subdivisions and to serve adequately all parts of the subdivision, as approved by the Planning Board. Unless otherwise specified by the Board, the total area to be reserved for park and playground purposes shall be not less than 10% of the gross area of the subdivision. The land so reserved shall not be a wetland and shall not be stripped or altered, except as may be approved by the Board to ensure suitability for the purposes intended.	The Applicant seeks a waiver from this section to the extent any approval is required from the Planning Board as to the Dog Park and Playground depicted on the Preliminary Plan. Under M.G.L. Chapter 40B, the Zoning Board of Appeals has the authority to grant all of the approvals that would otherwise trigger separate applications under local bylaws or ordinances. Furthermore, sheet D4 of the site plans cites 17.6% as areas reserved for the purposes of park and playground, and therefore does not require a waiver as to the latter portion of this section. <i>Waiver is granted in part. An endorsed subdivision plan is required. However the requirements of that plan are waived, but only to the extent that the plan otherwise complies with the permit.</i>

	§ 244-14(B)	Certain portions of each lot, collectively equal to no less than 10% of the gross area of the subdivision, shall be set aside under covenant, not to be developed and to remain as open space in its natural state in perpetuity.	The Applicant seeks a waiver from this section to the extent 10% of the gross area of the proposed development is not set aside to remain open space in perpetuity. The proposed development will have a dedicated dog park and playground, and also abuts a small pond and the Breakneck Hill Conservation Land. <i>Waiver is granted subject to the Applicant's requirement to donate the 6.2 acre open space parcel, as described in the permit and on the plans.</i>
8.	§ 244-16, Drainage.		
	§ 244-16(A)	<p>Lot drainage. Lots shall be prepared and graded in such a manner in accordance with the approved topographic plans that the development of one lot shall not interfere with the proper drainage of other lots and will not cause ponding or flooding.</p> <p>Earthwork and paving shall be kept to a minimum in order to preserve the natural precipitation retention capacity of the soil and reduce impervious areas. If provision is necessary to carry drainage to or across a lot, an easement of at least 30 feet and proper side slope shall be provided. The applicant shall furnish evidence that adequate provision has been made for the proper drainage of surface and underground waters from such lot or lots.</p>	<p>The Applicant seeks a waiver from this section to the extent the proposed development drainage and grading interferes with the proper drainage of the surrounding lots. The grading of the proposed development shall not exceed 4% and to the extent that interferes with surrounding lots, the Applicant seeks a waiver from this provision. If the drainage and grading of the proposed development were to interfere with any lot, it would most likely be "Proposed Lot 4A", which the Applicant will own and maintain. Furthermore, the Applicant is not significantly changing drainage patterns on site.</p> <p>An operation and maintenance plan will be filed with the Applicant's stormwater report checklist, which is filed with the Conservation Commission. <i>The exact requirements of this section are waived, provided that the Applicant otherwise complies with the conditions of the permit.</i></p>

**SOUTHBOROUGH STORMWATER AND EROSION CONTROL REGULATIONS –
CHAPTER 154. ADOPTED MARCH 25, 2023**

	Section Reference	Section	Waiver Request and Justification for Granting Waiver
1.	§ 154-3, Applicability.	<p>This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to § 154- 4 of this bylaw. After April 10, 2006, the Commission shall not approve any application for development or redevelopment if the land or parcels of land were held in common ownership (including ownership by related or jointly controlled persons or entities) and were subdivided or otherwise modified to avoid compliance. A development shall not be segmented or phased in a manner to avoid compliance with this bylaw.</p>	<p>Applicant seeks a waiver from this section to the extent the proposed development shown on the Plans is not in compliance with the Zoning Bylaw and to the extent such Stormwater and Erosion Control regulations are more restrictive than those prescribed in M.G.L. c. 40B §§ 21-23 and 760 CMR 56.00 and other applicable state and federal laws including, without limitation, those prescribed by the Massachusetts Department of Environmental Protection and The Massachusetts Stormwater Management Handbook.</p> <p>The Applicant furthers seeks a waiver from this section to the extent any further documentation is need relative to the TP or N removal. The Applicant proposes an infiltration system, which they believe, like other infiltration systems, will achieve the required reduction in phosphorus and other nutrients. <i>This section is waived subject to the Applicant's compliance with the conditions in the permit relating to the stormwater system's design, construction and maintenance.</i></p>

**TOWN OF SOUTHBOROUGH COMPREHENSIVE PERMIT REGULATIONS AND
GUIDELINES**

	Section Reference	Section	Waiver Request and Justification for Granting Waiver
1.	§4.0 Filing, Time Limits and Notice.		
	§4.1.2	A complete financial pro forma, detailing the projected costs and revenues of the proposed project shall be submitted.	<p>The Applicant seeks a waiver from this section as 760 CMR 56.05(6), “Review of Financial Statements” requires:</p> <p>(a) A Board may request to review the pro forma or other financial statements for a Project only after the following preconditions have been met:</p> <ol style="list-style-type: none"> 1. <i>other consultant review has been completed;</i> 2. <i>the Applicant has had an opportunity to modify its original proposal to address issues raised;</i> 3. <i>the Board has had an opportunity to propose conditions to mitigate the Project's impacts and to consider requested Waivers; and</i> 4. <i>the Applicant has indicated that it does not agree to the proposed condition(s) or Waiver denial(s) because they would render the Project uneconomic. A Board may not conduct review of a pro forma in order to see whether a Project would still be economic if the number of dwelling units were reduced, unless such reduction is justified by a valid health, safety, environmental, design, open space, planning, or</i>

			<p><i>other local concern that directly results from the size of a project on a particular site, consistent with 760 CMR 56.07(3).</i></p> <p>The Applicant and the proposed Development and Application is not subject to the financial pro-forma requirement under the Town's Comprehensive Permit Regulations and Guidelines because the prescribed pre-conditions have not yet been met. In addition, the Applicant already has prepared and shared with MassHousing and the Town financial pro formas regarding the project. <i>Waiver is denied but this regulation is not applicable to this project.</i></p>
§4.1.3.13	Plan shall show location and results of soil, percolation and water table tests using the Department of Environmental Protection Soil Evaluation procedures under Title V.		<p>The Applicant seeks a waiver from this section as the proposed wastewater treatment facility and associated leach field will be reviewed and approved by the Board of Health and Board of Appeals pursuant to the Massachusetts Ground Water Discharge Permitting Program pursuant to 314 CMR 5.00 <i>et seq.</i> The Applicant has excavated and logged deep test holes in the areas proposed for infiltration. <i>Waiver is denied. Adequate plan detail was supplied.</i></p>

Attachment C
CONSTRUCTION PERIOD (SHORT TERM)
STORMWATER OPERATION & MAINTENANCE PROGRAM
October 30, 2024

120 Turnpike Road, Southborough, Massachusetts

Currently Owned by:
FD 120 Turnpike, LLC

During Construction the contractor is responsible for the following inspection and maintenance. Inspections and resulting maintenance tasks shall be recorded in an Inspection Log that is kept on site and available for inspection by Town, State, and Federal officials.

Contractor Information:

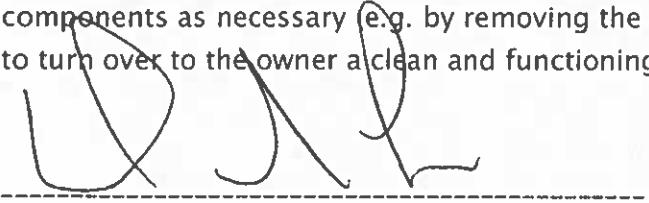
Contractor/Operator: TBD

Address: _____

Contact Name and Phone Number: Chris Champagne (508)523-4003

1. Water tightness of moved or replace catch basin sums shall be tested and assured after installation.
2. Nearby catch basins on Lot 4A shall be protected from sedimentation through haybale filter dikes, filter fabric sacks, or other approved methods. At all times, sedimentation of the infiltration system shall be prohibited and prevented.
3. Catch basin grates shall be inspected monthly. Debris, sand, and accumulated trash shall be removed from inlets.
4. Catch basins shall be inspected bi-weekly and shall be cleaned out as necessary, when the siltsacks or sums have accumulated one half (1/2) the original depth. If excessive oil, gasoline, or sediment is present, remove all liquid and solids from the sums. If catch basins are regularly observed to have a sheen of petroleum product, install oil adsorbent materials that float on the surface Dispose of waste properly. Catch basin sums shall be cleaned out quarterly. Catch basin traps shall be inspected after each cleaning, and any damage shall be repaired.
5. The CDS unit and the PICP block paved area shall be inspected at least monthly and shall be cleaned out as necessary. Cleanout shall be recorded in the maintenance log. Dispose of waste properly.

6. The area that shall eventually be covered with a PICP block surface must be kept free of sediment and shall not be used as a temporary settling area or for discharge of excavation dewatering.
7. The stone layers beneath the PICP block surface area shall be observed through inspection ports monthly for any sign of sediment laden water, backup, or contamination. The Engineer shall be notified if any of these conditions are observed.
8. Sediment control barriers shall be inspected at least weekly. Any defect shall be repaired as soon as possible.
9. If a temporary settling basin is being used on site, it shall be inspected at least weekly for the integrity of its side slopes and outlet and whether it needs to be dredged out to restore capacity. Any defect shall be repaired as soon as possible.
10. The site exit mat shall be inspected at least weekly and refreshed as necessary.
11. If soil is stockpiled on site, the stockpile shall be surrounded with silt fencing at least five feet off the base of the stockpile. The fencing and stockpile shall be inspected at least weekly for any defect in the former or instability in the latter. Either shall be repaired as soon as possible.
12. All areas given temporary stabilization shall be inspected at least weekly for any signs of erosion or insufficient or improper temporary cover. Any deficiencies shall be repaired as soon as possible.
13. All areas given permanent stabilization before work is otherwise completed shall be inspected at least weekly including slopes steeper than 3:1 with geotextile fabric used for stabilization. And defects shall be repaired as soon as possible.
13. Stone lined drainage swales shall be inspected at least weekly for any signs of instability or erosion and any defects discovered shall be repaired as soon as possible.
14. Retaining walls on site shall be inspected at least weekly for any signs of instability or loss of batter. Any defects discovered shall be repaired as soon as possible.
15. The owner's designee shall inspect the systems, and the contractor shall clean all components as necessary (e.g. by removing the siltsacks, sediment, and sand) in order to turn over to the owner a clean and functioning system.



Owner, FD 120 Turnpike, LLC

**POST CONSTRUCTION (LONG TERM)
STORMWATER OPERATION & MAINTENANCE PROGRAM**
October 30, 2024

120 Turnpike Road, Southborough, Massachusetts

Owner and Applicant:

FD 120 Turnpike, LLC	
118 Turnpike Road, Suite 300, Southborough, MA 01772	
Contact: Chris Champagne	Phone: 508-523-4003

Upon completion of the project, the Lot 4B drainage system will be maintained by the owner. Once the construction site has been fully stabilized, the owner should establish a schedule and keep a log of inspection and maintenance activities for the measures described below:

Landscape Maintenance:

Vegetated areas in the landscape will reduce erosion, encourage infiltration of rainwater, and keep stormwater clean. It is important to maintain the vegetated areas of the site.

1. Proper mowing is one of the most important ways to maintain a healthy lawn. Mow only when the grass is dry to get a clean cut and minimize the spread of disease. Mow grass to a height of 3". Mow frequently, cutting no more than 1/3 of the height of the grass at a time. Sharpen your mower blades after every 10 hours of mowing.
2. Grass clippings contain high amounts of nitrogen, a key ingredient in fertilizer. Make all attempts to use your grass clippings by leaving them on your lawn. If the grass clippings are not used, do not dispose of them near any wetlands and or water bodies and designate a place to compost them in an upland area.
3. If your lawn areas and plant material demand fertilizer then use only low phosphorous fertilizers. Fertilize in the fall, but in coordination with weather patterns.
4. The best defense against pests within the grass is to use an Integrated Pest Management system which consists of beneficial insects (lady bugs, spiders, certain nemetodes and bacteria.)
5. Minimize watering the lawn areas. If needed water in the early morning and water deeply and infrequently.
6. If needed, the trees and shrubs shall be pruned but at a minimum of once a year.

Impervious Surface Maintenance:

Particles that collect on paved surfaces can contain materials that can inhibit water quality. Sweeping sand and debris from the parking lot is a good housekeeping measure that will remove gross pollutants, and should be undertaken a minimum of twice per year. DEP

recommends frequent sweeping of parking lots in high traffic areas as an integral part of stormwater management.

1. The parking lots shall be swept at least twice a year.
2. Accumulated leaves and grass clippings shall also be removed from the impervious surfaces at a minimum of twice a year
3. In the winter months, CaCl application shall be limited to the amount necessary to prevent sand from freezing. Sand shall be used sparingly but in sufficient quantity to maintain the parking and loading surface in a safe condition.

Catch Basins:

Catch basins with oil traps and deep sumps are the first line of defense to prevent pollutants from reaching water resources. Regular maintenance and cleaning of the catch basins is key to protecting water quality and can reduce the more expensive maintenance of other devices in the treatment train.

1. If excessive oil, gasoline, or sediment is present, remove all liquid and solids from the sumps. Absorbent products are available to attach to the interior of catch basins in order to absorb floatable petroleum products from sumps. If floatables are noted on a regular basis, these measures should be added to the catch basin sumps. Dispose of waste properly.
2. Catch basin grates shall be inspected on a monthly basis. Debris, sand, vegetation, and accumulated trash shall be removed and disposed of properly.
3. Catch Basin outlet controls and sumps shall be inspected on a monthly basis for the first year and quarterly thereafter, and will be cleaned upon the observance of spill of observable petroleum products, such as oil, coolant, or fuel. Dispose of waste properly.
4. If a spill of any harmful substance occurs on the surface of the parking area, the catch basin shall be protected against contamination by the use of a dike or absorbent material. Adequate quantities of absorbent material shall be stored in an accessible location. An emergency spill kit containing absorbent material should be kept in an area accessible to the parking lot.
5. In any case Catch Basin sumps shall be cleaned of sand and liquid at least twice per year and the waste disposed of properly.
6. Catch basin traps shall be inspected after each cleaning, and any damaged shall be repaired.

Hydrodynamic Separator (CDS Unit):

The CDS unit removes floatable trash, petroleum products, and sediments from the stormwater in order to prevent them from reaching the water supply. They must be inspected and cleaned periodically to be sure they are operating properly.

1. The separator shall be inspected at a minimum of two times a year (i.e. spring and fall).
2. The visual inspection should ascertain that the system components are in working order and that there are no blockages or obstructions to the inlet and or separation screen.
3. If during the inspection, it is noticed that any of the internal components are damaged or missing, contact CONTECH 1-800-338-2211.
4. The inspection should also identify evidence of vector infestation (mosquito larvae, for example) and accumulation of hydrocarbons, trash, and sediment in the system and the screen.
5. The screen shall be power washed and the unit's internal components cleaned when the level of sediment reached 75% of capacity in the isolated sump and/or when an appreciable level of hydrocarbons and trash has accumulated.
6. A vector truck is recommended for cleanout of the CDS unit. Disposal of the material from the CDS unit should be in accordance with the local municipality's requirements.
7. Clean the treatment units during dry weather conditions when no flow is entering the system. Remove debris, sand, and accumulated trash from the units' interiors and remove fines from the screens.
8. The CDS Unit is a confined spaces and only properly trained personnel possessing the proper training and possess the necessary safety equipment should enter the units. Confined spaces can contain odorless, colorless poison gas.

In Ground Detention/Infiltration System

The stone beneath the PICP block surface constitutes an infiltration system. It will keep the peak rate of flow of runoff from this project from exceeding the peak rate of flow of runoff to abutting properties in the predevelopment condition. It must be inspected to make sure that debris has not entered the stone beneath the PICP blocks and also that the spaces between the blocks are not clogged and preventing runoff from infiltrating through to stone layers below.

1. The in ground detention system shall be inspected four times per year at the inspection ports. Look for debris, hydrocarbons or signs that runoff is not infiltrating down from the stone layers.

2. The inspection should also include looking for any signs of damage to or deformation of the blocks or their upheaval or being excessively affected by freeze thaw action. precast concrete modules. If water, trash, sediment or other material has visibly entered into the system, report this to the owner or property manager so that maintenance can be scheduled.

3. The PICP surface should be inspected four times per year with each inspection including viewing the surface during or immediately after a rain event to determine if the interstitial spaces between blocks are clogged in any area. Standing water for 15 minutes after a rain event shall constitute evidence that the interstitial spaces are clogged. Cleaning shall include manual removal of sediment with a wire brush and manual sweeping and/or use of various vacuuming methods. Jointing stones between blocks shall be replenished ASAP.

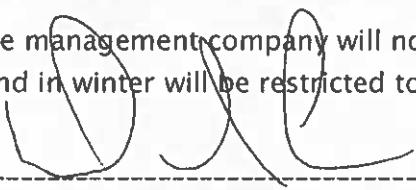
4. The PICP surface shall also be inspected if landscaping and vegetation maintenance activities have brought mulch, soil or sand onto the site and after the fall shedding of leaves from trees.

5. If, during the inspection, it is noticed that any components of the in ground detention systems are damaged or missing, contact the owner, property manager and the manufacturer.

There will be no on site storage of waste products. Waste generated on site will be normal residential waste and will be disposed of in dumpsters.

The apartment management will prohibit vehicle washing on site.

The management company will not use sodium based de-icing agents. The application of sand in winter will be restricted to sidewalk surfaces only when absolutely necessary.

 Owner, FD 120 Turnpike, LLC