



Town of Walpole

Commonwealth of Massachusetts **Zoning Board of Appeals**

John Lee, Chairman
Susanne Murphy, Vice Chair
Robert Fitzgerald, Clerk
Mary Jane Coffey, Member
Rick Merrikin, Member
Drew Delaney, Associate Member

DECISION ON CHAPTER 40B COMPREHENSIVE PERMIT APPLICATION **G.L. c. 40B, §§20-23**

APPLICANT
55 SS LLC

LOCATION OF PROPERTY INVOLVED
51-53-55 Summer Street
Walpole Assessors Map: 52; Lots 59, 60 and a portion of 78

I. PROCEDURAL HISTORY

1. An application for a Comprehensive Permit was submitted by 55 SS, LLC ("Applicant") to the Walpole Zoning Board of Appeals ("Board") on January 15, 2020. The application was for construction of two-hundred and forty (240) rental apartments and sixty (60) home ownership single-family units (the "Project") totaling 300 units to be located on property located at 51, 53 and 55 Summer Street, Walpole, Massachusetts (the "Property"). The rental portion of the Project, labeled "Cedar Crossing" consisted of four (4), four-story buildings (each containing forty-eight (48) units with parking under) and 48 rental townhomes. The rental apartments would consist of one-hundred and twelve (112) one-bedroom units and eighty (80) two-bedroom units, and the rental townhomes will consist of twenty-four (24) two-bedroom units and twenty-four (24) three-bedroom units. The home ownership single-family houses will all be three-bedroom homes.
2. During the hearing process the Applicant revised the Project. A plan dated January 27, 2021 depicts Lot 1 having the apartments in two (2), six-story buildings with parking under: Building 1 consists of 108 units; and Building 2 consists of 84 units. There are additionally 52 rental townhouses in eleven (11) buildings. Lot 2, the home ownership portion now consists of sixteen (16) townhouse units housed in eight (8) duplex style buildings and forty (40) single-

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family homes totaling 300 units. There are 400 bedrooms in the buildings on Lot 1 and 149 bedrooms in the buildings on Lot 2 for a total of 549 bedrooms.

3. The Board's hearing on the application was duly opened on March 4, 2020 and was continued April 15, 2020 (no testimony taken); May 20, 2020 (no testimony taken); June 17, 2020 (no testimony taken); July 27, 2020; August 17, 2020; August 26, 2020 (no testimony taken); September 21, 2020; October 5, 2020; November 2, 2020; November 5, 2020; November 9, 2020; November 30, 2020; January 6, 2021; and February 10, 2021. The hearing was closed on _____, 2021, at the Applicant's insistence. The Board deliberated on the application on _____, 2021 and _____, 2021. All submittals concerning the Project are listed on **Exhibit A** and incorporated herein. All waivers requested and votes taken are listed on **Exhibit B** and incorporated herein.
4. The Project is located at 51, 53 and 55 Summer Street, Walpole, Massachusetts and is identified on Walpole Assessors Map 52, Parcel 59, Parcel 60 and a portion of Parcel 78 ("Property").
5. The Property is located in the Limited Manufacturing (LM) Zoning District. The Property consists of three parcels totaling 54.73 acres. There are no existing buildings or improvements on the Property. Additionally, an easement was purchased from the abutter located at 87 Summer Street to facilitate a second means of emergency access and looped water service for the development. The Property extends to the east side of the railroad tracks. On the north side there is a Park, School, Recreation & Conservation (PSRC) zoned area encompassing a large wetland area. On the west and south sides there is Residence B (RB) zoned properties. The Property contains a mix of woodlands, isolated vegetated wetlands, bordering vegetated wetlands, vernal pools, and open grassed areas. The site hydrology consists of upland areas flowing to both isolated and bordering vegetated wetlands existing across the entirety of the Property.
6. The Applicant provided certain materials, reports, and revised plans during the course of the public hearing on the Application, but insisted on closing the hearing on _____, 2021.. During the public hearing, the Applicant was represented by David Hale of 55 SS LLC and the engineering consultants: Howard Stein Hudson Associates, Inc., Mangel Architects, Oxbow Associates, Inc, Bayside Engineering, D'Agostine, Levine, Parra and Netburn P.C. and Macchi & Macchi LLC.

7. The Board utilized the services of Tetra Tech, Inc. for civil, stormwater peer review and traffic peer review. Judi Barrett of Barrett Planning Group LLC also advised the Board as its technical consultant through the Massachusetts Housing Partnership Technical Review program. Town Counsel also attended the public hearings and advised the Board.
8. During the hearings, there was significant public input on a number of neighborhood concerns. The Board heard input from abutters and other interested persons throughout the hearing process. The following Board members were present for the entire public hearing process: Chairman John Lee, Vice Chairman Susanne Murphy, Mary Jane Coffey, Robert Fitzgerald, and Associate Member Drew Delaney. **[NEED TO CONFIRM THIS]**

II. JURISDICTIONAL FINDINGS

9. The Applicant received Project Eligibility Letters (“PELs”) from MassHousing dated January 13, 2020 and submitted copies to the Board with the original application. According to the PELs, the Board finds that the Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:
 - a. The Applicant has formed a limited dividend entity, the 55 SS, LLC, which has a principal place of business of 6 Lyberty Way, Suite 203, Westford, Massachusetts. The Applicant has agreed to conform to the limited divided requirements of M.G.L Chapter 40B.
 - b. The Applicant owns a portion of the Property (parcels 52-59 and 52-60) via Deed from WRG Cofsky Realty to 55 SS, LLC, dated August 28, 2019 and recorded with the Norfolk Registry of Deeds in Book No. 37105 and Page No. 482. The Applicant owns the remainder of the Property (parcel 52-78) via Deed from Baker Hughes Process Systems LLC. To 55 BH LLC, a related entity, dated October 31, 2019 and recorded with the Norfolk Registry of Deeds in Book No. 37303 and Page No. 11 and registered with the Norfolk County Land Court as Document No. 1,433,280 Certificate No. 201454. The Applicant transferred ownership of this portion of the property from 55 BH LLC to 55 SS LLC via Deed dated February 5, 2021 and recorded with the Norfolk Registry of Deeds in Book No. 38968 and Page No. 91. According to the PEL, the Applicant has shown threshold evidence of site control sufficient to qualify as an

Applicant for a Comprehensive Permit.

- c. The Applicant has agreed to execute a Regulatory Agreement that limits its total profit and directs the redistribution of excess profit in accordance with the regulations adopted by the Massachusetts Department of Housing and Community Development (“DHCD”).
10. On April 25, 2019, the DHCD approved Walpole’s Housing Production Plan pursuant to 760 CMR 56.03(4).

III. FACTUAL FINDINGS

11. The Board engaged peer reviewers to review issues concerning civil engineering, traffic, site design, architecture and stormwater impacts of the Project.
12. The ZBA’s independent peer reviewer, Tetra Tech has noted that the Project was proposed with only one means of access serving the entirety of the 300-unit project whose highest density areas are located approximately 2,500 feet from the main entrance off Summer Street. The single access was a concern as it provided no alternate means of access or egress should the primary entrance be blocked. Tetra Tech recommended the Project provide an emergency access separate and suitably remote from the main entry that can be available for use on demand by emergency responders and could serve as an alternate general entry in an emergency. In response, the Applicant secured an easement over a portion of the abutting property, 87 Summer Street, to facilitate a second means of emergency access and a looped water service for the development.
13. The Project will result in the near doubling of the size of the South Walpole community. Given the proposed development is substantially larger than otherwise would be allowed under current zoning it is unlikely that the original design of the municipal water and sewer systems would have contemplated demands of the magnitude proposed. In response, the Applicant provided documentation supporting the conclusion that water and sewer capacity in the local municipal infrastructure is sufficient to serve Project needs safely and without significant impact to existing users and the Project now includes a remote water connection at the new emergency access.
14. The civil engineering peer review and the Walpole Fire Department and other local officials identified numerous issues of concern, including the width and configuration of the access road (an issue for fire vehicle access), length of

- roadway, lack of visitor parking, and garage parking. The Board was also presented with concerns about impacts upon Summer Street which will provide the sole access and egress for the Project, and the close proximity of the Project to the Boyden School, Gillette Stadium, the existing neighborhood single-family residences and the impacts to the neighborhood during construction. Further, the Applicant's traffic analysis indicates the Project will result in a significant degradation in level of service at the intersection of Summer, Washington and Neponset Streets and has offered proposed off-site measures to mitigate Project impacts. The Applicant has investigated several options for improving capacity and pedestrian safety at the intersection of Summer, Washington and Neponset Streets including traffic flow modifications, one-lane and two-lane traffic circles and a reconfigured signalized intersection. The options were reviewed by representatives of the Walpole Fire, Police, Planning and Engineering Departments, the Selectboard (as Road Commissioners) and Tetra Tech from which a reconfigured signalized "T" intersection was unanimously preferred. Further, the Walpole Selectboard, as Road Commissioners have requested that the signalized "T" intersection be required as part of the Project.
15. The revised roadway and building layout still include several instances where fire truck access is compromised. Most notably, parking layout adjacent to the now 6-story buildings significantly compromises the ability for emergency responders to stage a response or to access the building with equipment or personnel. At a minimum the Project must provide adequate area in which a responding fire truck and its personnel can immediately and reliably access the structure including providing a second means of accessing below building parking. Similarly, access roads should be designed in a manner that, if avoidable, does not require fire trucks to back up in order to change direction preferably by utilizing turnaround circles at the end of roadways as described in town subdivision guidance. Units 9-12 present a very awkward and difficult access scenario for fire trucks requiring the truck to back up more than 200 feet along a curve and execute a multi-point turn in order to exit. The Fire Department has been consistent in its requests that all roads include circular turnarounds at the end to allow fire trucks to change direction. Current site plans show parking along the entire front of Building's 1 and 2 which significantly impairs the Fire Department's ability to access the building or stage an emergency vehicle. In response, Applicant has provided emergency vehicle staging areas at the end of Building's 1 and 2 opposite the proposed vehicle entrance and has provided additional space for emergency personnel to access the building's main entry. The Applicant has also modified the design of the Units 1-12 to provide a means for fire apparatus to access the Property without having to back up.

16. For the rental portion of the Project, Lot 1, the Applicant is proposing the following parking: two (2) spaces per unit (one (1) in the garage and one (1) surface for a total of one hundred and four (104) spaces) for the townhouse units, and ninety-five (95) garage spaces and two hundred and two (202) surface spaces for the apartment units. Additionally, the Applicant is proposing forty-three (43) visitor spaces and fourteen (14) spaces at the clubhouse. For the home ownership portion of the Project, the Applicant is proposing 4 parking spaces (two in the garage and 2 surface) for each townhouse unit plus 9 surface spaces totaling in 233 spaces.

17. The Conservation Agent expressed concern regarding the proposed activity in the wetland resource areas and buffer zone and provided testimony and recommendations to the Board. In addition to wetland related buffers, the Board discussed extensively for the need for appropriate set-back related buffer zones.

Although the Project does not involve a subdivision, the Project will function as such and the Board is concerned over the fact that the proposed dead-end roadway serving the Project exceeds the 750-foot maximum dead-end roadway length required under the Town's subdivision regulations. This raises fire access/public safety concerns as noted to the Board during the public hearing. The Applicant is encouraged to consider modifications to the Comprehensive Permit plans which would satisfy the 750-foot maximum length requirement, including reduction of the number of buildings and dwelling units if this would improve safety conditions. This would not only address fire safety concerns, but would also enhance open space components of the site plan and would lessen the impact of the Project on the existing neighborhood.

18. The Board finds that granting a Comprehensive Permit for a reduced amount of units and a reduced height of Buildings 1 and 2, with the conditions and waivers contained below, is consistent with local needs.
19. The Board finds that the conditions imposed in Section IV of this Decision are necessary in order to address Local Concerns. Based upon the fact that the Applicant was afforded ample opportunity to address these conditions during the public hearing and did not challenge the conditions on the grounds that they either singly or in the aggregate rendered the Project uneconomic, the Board finds that such conditions will not render the project uneconomic.

20. The Board acknowledges concerns raised by abutters and other interested parties, including concerns relating to construction impacts, increased traffic and parking demand, wetland impacts, and stormwater runoff. The Board has addressed these concerns by the imposition of appropriate conditions. The Board finds that the conditions imposed below address local and regional housing needs while properly protecting valid issues of local concern.
21. Property owners in the vicinity of the Property expressed opposition to the Project design and density along with safety concerns. In granting this Permit, the Board recognizes the Applicant may be at risk of a potential court challenge by persons with standing to contest the grant of this Comprehensive Permit. The Board's grant of this Permit shall not be construed to either confirm or deny any property rights with regard to the Project.

IV. CONDITIONS

A. **General**

- A.1 Except as may be provided for in the following Conditions, particularly Condition A.3 below, or in the Final Plans referenced below, the Project, including all Project driveways and emergency vehicle access/staging accommodations, shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.1, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project ("Approved Plans"). The Approved Plans consist of the following:

"Proposed Multifamily Development, Summer Street, Walpole MA", prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824, dated January 10, 2020, with revisions through January 27, 2021;

The Plan Set consists of the following sheets:

Sheet C.1 Cover Sheet
Sheet C.2 Site Plan Notes
Sheet C.3 Locus
Sheet C.4 to C.8 Existing Conditions Plans 1-5
Sheet C.9 Erosion Control and Demolition
Sheet C.10 Proposed Subdivision/Overall Plan
Sheet C.11 Open Space & Recreation Plan
Sheet C.12 to C.16 Layout & Materials Plan 1-5
Sheet C.17 to C.21 Grading & Drainage Plan 1-5

Sheet C.22 to C.25 Plan & Profile Driveway “A” 1-4
Sheet C.26 Plan & Profile Driveway “A” (Single Family Loop)
Sheet C.27 Plan & Profile Driveway “B”
Sheet C.28 to C.32 Plan & Profile Driveway “C1” 1-5
Sheet C.33 Plan & Profile Driveway “C2”
Sheet C.34 to C.38 Plan & Profile Driveway “D” 1-5
Sheet C.39 to C.40 Plan & Profile Driveway “E” 1-2
Sheet C.41 Plan & Profile Driveway “E” Southern Cul-De-Sac
Sheet C.42 Plan & Profile Driveway “E” Northern Cul-De-Sac
Sheet C.43 to C.44 Plan & Profile Emergency Access 1-2
Sheet C.45 to C.49 Utility Plan 1-5
Sheet C.50 to C.54 Landscaping Plan 1-5
Sheet C.55 to C.59 Lighting Plan 1-5
Sheet C.60 to C.68 Fire Truck Turn Plan 1-9
Sheet C.69 to C.73 Sight Distance Plan 1-5
Sheet C.74 to C.93 Detail Sheet 1-20
ANR Plan dated: _____
Roadway B Plan dated: _____
Setback Plan dated: _____
Need to include submitted architectural plans

- A.2 The Applicant shall be a Limited Dividend Entity or Entities as required by Chapter 40B and it and its successors and assigns, shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.
- A.3 The Project shall consist of not more than two hundred and sixty-eight (268) units in the following configuration:
- Lot 1: Building 1, five stories maximum height with 90 apartment units ;
Building 2, five stories maximum height with 70 apartment units ;
Four (4) buildings containing six townhouse units each;
Seven (7) buildings containing four townhouse units each; and
One (1) Clubhouse building.
One (1) maintenance building
One (1) mail hut
 - Lot 2: Forty (40) single-family homes; and
Eight (8) duplex buildings with two townhouse units each.
One (1) mail hut

The number of parking spaces is at least 1.88 parking spaces per unit totaling 398 parking spaces on Lot 1. 398 spaces is a reduction of 60 spaces from the 458 spaces parking spaces proposed.

- A.4 All parking spaces are to be shown on the Final Plan as hereinafter defined in generally the same configuration as shown on the Approved Plans. Visitor parking, except as designated on the Approved Plan, and all other forms of parking are prohibited in the Project driveway. The Homeowner's Association is required to provide resident and visitor parking stickers to all residents. Any parked vehicle without a sticker will be subject to towing by the Homeowner's Association.
- A.5 Affordable units shall be interspersed evenly throughout the Project, as approved by the Subsidizing Agency during Final Approval.
- A.6 Pursuant to the revised Waiver List submitted to the Board and attached hereto as Exhibit B, the Applicant has requested, and the Board has granted, those waivers from the Walpole Zoning Bylaw and other local by-laws and regulations as specified therein. Some of the waivers granted by the Board have been granted conditionally, as set forth in Exhibit B. Those conditions are expressly incorporated by reference as conditions of approval to this Comprehensive Permit. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§20-23, and no waivers of any requirements otherwise within the Board's jurisdiction under G.L. c.40B, §§20-23 have been granted except for those expressly granted by the Board as set forth in Exhibit B. To the extent the Approved Plans reflect a waiver not expressly granted in Exhibit B, the terms and conditions of Exhibit B shall govern. No waiver of building permit or inspection fees has been granted except as specifically stated and conditioned. Any subsequent non-de minimis revision to the Final Plans, including but not limited to revisions that are apparent in the Final 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).
- A.7 The Project shall comply with all local regulations of the Town of Walpole and its boards, commissions and departments unless specifically waived herein.

- A.8 The Applicant shall copy the Board, through the Board Secretary and the Community and Economic Development Director, on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- A.9 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Inspector or other Town Departments, the Building Inspector or applicable Department Head will use reasonable efforts to review and provide a written response within thirty (30) days following submission. For submissions that require assistance from an outside consultant, as determined by the Building Inspector or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant.
- A.10 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.
- A.11 The sidewalks, driveways, roads, utilities, drainage systems, and all other infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town of Walpole shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal, drainage and landscape maintenance. In this regard, the driveway within the Project shall not be dedicated to or accepted by the Town.
- A.12 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.
- A.13 The Applicant shall submit to the Building inspector and Board prior to any construction or site development activities (including site clearing, tree removal, grading, etc.):

- a. Final Architectural Plans prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts. Said plans shall be reviewed by the Building Inspector, as to whether or not the final plans conform to the approved Plans and the conditions of approval. If The Building inspector takes no action within 60 days of receipt, the plans shall be deemed to conform.
- b. Final Engineering Drawings and Plans ("Final Plans") that conform to the requirements of this Comprehensive Permit and incorporate the conditions herein. The Final Plans shall also incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record. The Final Plans shall be submitted the Building Inspector at least sixty (60) days prior to the anticipated date of the submission of an application for building permit(s) (the "Final Site Plan Submission Date").

Final Plans shall include the location of walkways to outer doors of each unit or building if and as applicable which shall include walkways to stairs, deck, paths and access at the rear of each unit or building if and as applicable. Final Plans shall provide grading detail between the common driveways and the buildings.

The Final Plans shall be in accordance with the conditions of this Decision. If no written response or comments have been given to the Applicant by the Building Inspector concerning the Final Plans within sixty (60) days after the Final Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved. The Final Plans may be submitted and reviewed separately for the Ownership and Rental portions of the Project.

The Final Plans submittal shall include the following detail and supporting information:

- i. Final construction plans including at a minimum current versions of all plans and details included in the Approved Plans and any supplemental details or plans needed to document required to demonstrate compliance with the conditions. (See Section C below)
- ii. Final Stormwater Report documenting compliance with the Massachusetts Stormwater Management Standards and Stormwater Handbook.

- iii. Water system design and analysis demonstrating expected system performance as described in applicants related submittals to the Building Inspector and the Board.
 - iv. Sewer system design and analysis including pump station and force main sizing calculations, and related design details demonstrating the proposed sewer system will reliably serve the project residents and including provisions for a gravity connection to the public sewer system.
- A.14 Applicant must obtain rights of access for work proposed on any property outside of its ownership and/or control and that any mitigation requested by abutters whose property will be used by the Applicant shall be shown on the Final Plans.
- A.15 There shall be no other permanent marketing or identification signage other than that shown on the Final Plan consisting of two signs.
- A.16 Signage indicating Property boundary shall be installed and on lot 2, a vegetative buffer shall be planted and maintained by the Applicant and/or successor behind units 41-54 and behind units 1 and 2. . Plantings will be 8 foot tall Thuja Green Giant arborvitae (*Thuja standishii x plicata*) planted 10 feet on center for the entire length behind units 41-54 and units 1 and 2. Additional screening consisting of fencing shown on the approved plans will also be located behind units 41-54 and units 1 and 2.
- B. Affordability**
- B.1 A minimum of 25% of both the rental and the home ownership units shall be low- or moderate-income units, meaning that they shall be sold to, and occupied by, households whose income is not more than 80% of the Area Median Income (“AMI”), as determined by the United States Department of Housing and Urban Development (“HUD”) and DHCD (“Affordable Units”). Affordable units shall be dispersed throughout the Project in accordance with the guidelines of the Subsidizing Agency. The Applicant shall be responsible for maintaining records sufficient to comply with DHCD guidelines for the location of Affordable Units in the Project and occupancy of such Units by income-eligible households.
- B.2 Upon completion of the Project, and in perpetuity seventy-five (75) units (48 rental apartments; 13 townhouse rental units; 4 homeownership duplex units; and 10 homeownership single family dwellings) shall meet the criteria for inclusion in the DHCD’s Subsidized Housing Inventory.

- B.3 The Applicant shall obtain approval by the Subsidizing Agency of an affirmative fair housing marketing plan prior to the sale of any units and shall ensure that the Project complies with the Subsidizing Agency's fair housing requirements.

C. Submission Requirements

- C.1 Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit, the Applicant shall:
- a. Deliver to the Board a check in a reasonable amount determined by the the Building Inspector to be used for the Building Inspector to retain outside experts for technical and legal reviews required under these conditions. Said funds shall be deposited by the Building Inspector in an account pursuant to G.L. c. 44, s. 53G and shall only be used for technical reviews associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the Project. If at any time the Building Inspector reasonably determines that there are insufficient funds to cover the costs of technical reviews, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Building inspector in a reasonable amount as may be determined by the Building Inspector .
 - b. Obtain a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board and Fire Department shall also be provided a copy of the SWPPP submitted along with the NPDES filing. Applicant shall employ a competent person on the Property during all construction activities trained in handling and reporting potential fluid spill.
 - c. Provide the Board and Building Inspector with recording information documenting the fact that an Order of Conditions for the Project issued by the Conservation Commission or MassDEP has been recorded in the Norfolk Registry of Deeds and that all appeals have been exhausted..
 - d. Provide the Board and Building Inspector a copy of all agreements granting access over any property in which work is proposed or access is required to complete the work shown on the Final Plans.

- e. Submit Final Plans and supporting documentation for review and approval by the Board and Building Inspector and its review consultant. Including all materials described in A.13 and demonstrating compliance with the following conditions:
 - 1. At least 20 feet is maintained between the limit of inundation during the 100-yr storm event and any adjacent home or connecting driveway or walk and that limit of inundation be clearly shown on the Final Plans.
 - 2. Compliance with all applicable provisions of the Massachusetts Stormwater Management Standards and Handbook.
 - 3. All parking spaces must have a minimum dimension of 9'x19' and must not encroach on any public right of way or on any path of public accommodation (travel way or sidewalk).
- f. Determine the volume of cuts/fills needed for the Project and provide such information to the Board, signed by the Registered (Civil) Engineer of record.
- g. A construction management plan shall be submitted to the Building Inspector for review and approval, including, but not limited to, (1) project phasing, (2) methods to ensure public safety and site security, (3) operating hours, (4) contractor parking and equipment and material laydown, (5) controls to limit noise and vibration, (6) controls to manage air, dust, stormwater, and sediment, (7) waste disposal and materials re-use and (8) traffic management. The Applicant shall also include in its construction management plan, a plan for ensuring health and safety concerning disturbance and stockpiling of potentially contaminated soils on site as required by applicable state regulations. At least four monitoring wells shall be provided by the Applicant as stipulated in D.7 . The Applicant has utilized EPA testing methods 8260C (hydrocarbons) to determine baseline as reported in Enstrat Subsurface Investigation report previously submitted dated 9-20-19.

- h. Other than site work and such other work as may be authorized in writing by the Building Inspector, no other construction of units shall commence and no building permits shall be issued under this Comprehensive Permit until the Building Inspector, , has approved the Final Plans as being in conformance with this Decision.
 - i. The construction management plan shall also provide a 24-hour contact person for the Applicant who will be available to respond to local officials or area residents reporting issues or problems that may arise during construction.
 - j. Applicant shall also make the following submissions:
 - 1. Submit to the Building Inspector a construction schedule outlining the entire development of the Project.
 - 2. Submit to the Board and the Fire Department a Site-Specific Safety Plan including but not limited to emergency contacts information for the job team, muster point for emergency personnel, emergency response plan, sign-in area for all site visitors, designated employee parking area, and designated fueling area. All employees on site shall be responsible for understanding the plan and at any point during the construction process and shall be checked by the Building Inspector for compliance of all site personnel.
 - k. Provide a construction sequencing plan to the Building Inspector prior to issuance of building permit. Plan should show construction trailer location, stock-piling areas, equipment fueling areas, equipment nightly storage plan. Material laydown areas, emergency muster point, emergency access locations, temporary construction dumpster locations, hazardous material storage area if any.
- C.2 Prior to the issuance of any building permits, the Applicant shall:
- a. Record this Comprehensive Permit with the Norfolk Registry of Deeds, at the Applicant's expense, and provide proof of such recording with the Walpole Building Inspector, Community and Economic Development Director and Town Clerk.
 - b. Submit to the Board and the Building Inspector evidence of Final Approval from the Subsidizing Agency, MassHousing as required by the Project Eligibility letter and the Chapter 40B regulations.

- c. Submit to the Board and the Building Inspector fully executed copy of the Regulatory Agreement and Monitoring Services Agreement for each or the ownership and rental portions of the Project and evidence of recording the same. . The Building Inspector shall also be provided with evidence of a subsidy funding commitment by MassHousing or an approved New England Fund lender prior to the issuance of any building permit.
 - d. Submit a sign application to the Building Inspector and include location and details of every sign to confirm its compliance with this Decision.
 - e. Submit Final Plans and required supporting material to the Board and Fire Department for its review and approval by the Fire Department prior to the submittal of any building permits or construction of any utility infrastructure.
 - f. Confirmation in writing from the Water and Sewer Departments that the necessary capacity is available for the Project.
 - g. Obtain and file with the Building Inspector a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
 - h. Obtain all necessary electrical, plumbing, and other permits required to begin construction on the building for which the building permit is sought.
 - i. The Applicant shall provide security in sum of one hundred twenty five percent (125%) of the bona fide estimate of the cost of sediment control and site stabilization. These funds will be used to stabilize the Property should the Project be abandoned, and no construction activity takes place for a year.
- C.3 Staging area(s) for construction equipment and deliveries must be constructed before any buildings are started. Area(s) must be on the Property and not block access in and out of the Property.
- D. Construction Completion/Certificate of Occupancy**
- D.1 The Applicant shall conform to all local, State, and Federal laws regarding noise, vibration, dust, and blocking of Town roads.

- D.2 The Applicant shall adhere to strict compliance with this Decision to minimize inconvenience to residents in the general area.
- D.3 Adequate provisions shall be made by the Applicant to control and minimize dust on the Property during construction in accordance with the construction management plan. The Applicant shall keep all portions of any public way used as access/egress to the Project free of soil, mud or debris deposited due to use by construction vehicles associated with the Project and shall employ water-based street sweeping so as to avoid clouds of dust in and around the public and private ways and surrounding neighborhood.
- D.4 During the construction process up-to-date Material Safety Data Sheet must be updated and kept on site with any materials brought onto site and used on site by the construction team.
- D.5 Prior to issuance of certificate of occupancy for specific dwelling unit(s), the Applicant shall with respect to said dwelling unit(s) as applicable to the portion of the site where the dwelling unit(s) is/are located:
- a. Submit engineer's interim certification of compliance with utilities plan and profiles (as applicable) to the Walpole Building Inspector.
 - b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the as-built Project has been constructed in compliance with the Final Plans in all material respects, or noting where there are differences.
 - c. Obtain acceptance from the Walpole Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units and that all fire hydrants are in place at proper grade and functioning.
 - d. Prior to the first certificate of occupancy for the first dwelling unit, submit to the Board's counsel the Homeowner's Association documents for Lots 1 and 2 and the Condominium Master Deed, Condominium Declaration of Trust and accompanying condominium plans (together, the "Condominium Documents") for Lot 2. Such Homeowner's Association Documents and Condominium Documents shall incorporate all the conditions of this Decision by reference.

- e. Submit as-built plan of stormwater basins and infiltration units associated with the portion of the site seeking a certificate of occupancy along with certification by Applicant's Civil Engineer of compliance with the conditions of approval for the stormwater management system set forth in the final approved stormwater management plans that have been approved by the Town's peer review engineer.

D.6 Prior to issuance of the certificate of occupancy for the last residential unit, the Applicant shall:

- a. Submit to the Building Inspector, in digital file format, a final as-built utilities plan showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in a form acceptable to the Building Department. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.
- b. Submit to the Building Inspector as-built plans for all buildings in the Project.
- c. Submit to the Board, Building Inspector and Chief of Police all information relating to the Homeowner's Association rules and regulations and the management company being retained to act as the property manager that the Applicant submits to the Subsidizing Agency as part of the Final Approval process. Such property management agreement and Homeowner's Association rules and regulations shall, at a minimum, address building security, public access, pet policy, staffing, trash removal, smoking policies, snow and ice removal, and snow storage.

Submit verification that the stormwater management system including but not limited to catch basins, infiltration units, pipes and detention basin, has been inspected and cleaned.

- e. Submit to the Board a certification of compliance with all terms and conditions of this Comprehensive Permit.
 - f. Certification by the Town Engineering Department that all off-site measures (if any) excluding those traffic mitigation measures referred to in Section K of this Decision are complete.
 - g. Certification from the Town's DPW Water and Sewer Department that all sewer and water systems have been installed, tested, and that all valve covers and other related items are at grade and are in proper working condition.
- D.7 Any evidence of illegal dumping or contamination of soil or groundwater encountered during construction shall be reported to the Massachusetts Department of Environmental Protection ("MassDEP") and the Walpole Board of Health and at least four (4) monitoring wells be maintained on site at locations approved by a Licensed Site Professional which are suitable for monitoring groundwater across the site.

E. Project Design and Construction

- E.1 Prior to the commencement of any work on the site, the Applicant and the site general contractor shall attend a preconstruction conference with the Building Inspector and other Town staff as may be determined. If Applicant has obtained a demolition permit, Applicant may proceed with demolition of existing structures in accordance with the terms and conditions of the permit. Applicant shall further meet monthly with the Building Inspector and other Town staff if requested by the Building Inspector and/or any other Town Staff member until construction is complete.
- E.2 At reasonable times and after notice to the Applicant, representatives of the Board may observe and inspect the Property and construction progress until such time as the Project has been completed at their own risk.
- E.3 The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
- E.4 All site retaining walls four (4) feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer.

- E.5 During construction, the Applicant shall comply with the construction management plan referenced in Condition C.1.
- E.6 Appropriate signage shall be shown on the Final Plans. The Applicant has requested certain waivers from the Town of Walpole Bylaws regarding signs, all other sign regulations shall be abided by.
- E.7 The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the final plans provided to the Board and Building Inspector.
- E.8 If the Applicant uses natural gas for the Project or any part thereof, gas service locations shall be included on the Final Plans.
- E.9 Lighting shall be installed as follows:
 - a. All proposed exterior lighting shall comply with all applicable federal, state, and local laws, rules, and regulations, including but not limited to, applicable sections of the Massachusetts Building Code, the Walpole Zoning Bylaws, and the Walpole Town Bylaws. In event of a conflict for design, the most restrictive provision shall apply. A proposed lighting plan shall be submitted to the Building inspector and Board. . The lighting plan submitted shall show all locations of proposed street lighting fixtures, exterior mounted light fixtures, signage lighting, and landscape lighting. The lighting plan proposed shall include, but not limited to a site plan depicting the property lines of all properties for which lighting is proposed, the location and specification of all exterior light fixtures to be installed within the Property, their lumen values, mounting heights, shielding, directionality and controls, protections provided to minimize light pollution, the uses of properties associated with parties in interest, other relevant site conditions, and any additional information required to demonstrate compliance with applicable standards. The lighting plan submitted shall include a proposed photometric calculation to ensure public safety and minimize light trespass from the proposed project property line.
 - b. Permanent Street Lighting
No free-standing light fixtures shall be installed to a height exceeding 15 feet. All illumination shall be directed and/ or shielded so as not to shine

beyond the perimeter of the site or interfere with traffic. (Walpole ZBL Section 13 Sub-Section 10.A(5))

- c. *Permanent Exterior lighting mounted to building structures*
Broad lighting will be highly discouraged while soft lighting aimed down will be highly encouraged. (Walpole ZBL Section 13 Sub-Section 12.H(1)). Exterior mounted fixtures must be partially shielded directional light fixtures, placed not less than 4 feet apart or 12ft in height from the surface area to be illuminated.).
- d. *Signage Lighting*
All signage lighting shall comply with Walpole Zoning By-laws per Section 7.
All signage lighting shall be limited to white steady, stationary light of reasonable intensity that is directed solely at the sign and shielded from abutting parcels.
- e. *Seasonal Lighting & Landscape Lighting*
Landscape lighting shall be limited to lighting of trees, shrubs, or other plant material. Lighting shall be “low-level light fixtures” (3ft or lower) and only be directed in a downward facing direction. Seasonal Lighting shall not be permitted for longer than a six-week period in any calendar year.
- f. *Construction & Temporary Lighting*
Temporary lighting used for security or illumination purposes shall be shielded and down-ward facing. Temporary lighting of the interior buildings must be contained within the building structure or shut off between the hours of 10:00 pm to 6:00 am.
- g. *Photometric Survey:*
Upon completion of said Project a photometric study shall be conducted by a registered professional engineer license in the Commonwealth of Massachusetts at the cost of the Applicant to ensure compliance of the set forth conditions. All exterior light fixtures shall comply with IDA fixture seal of approval. All proposed lighting shall promote Dark Skies and minimize glare while reducing light trespass and skyglow. All products proposed shall be required to be fully shielded and minimize the amount

of blue-light in the nighttime environment. Light trespass shall be limited to 0.5 foot-candle at the property line and there shall be no unshielded point sources of light visible from adjacent streets and properties.

- E.10 Utilities, including but not limited to telephone, electric, and cable, shall be located underground from Summer Street.
- E.12 Due to close proximity to existing residences, and school children walking about the area, on weekdays, exterior construction activities shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday. Additionally, the construction management plan shall take into account the Boyden School pickup and drop-off hours and shall restrict vehicles larger than a pickup truck from passing by the Boyden School during its pickup and drop off times. Upon the direction of the Building Inspector and/or Police Department, the Applicant shall utilize a uniform police detail at the entrance of the construction site during school morning and afternoon pickup hours if construction operations are unreasonably impeding traffic flow on Summer Street. Any work causing noise over 85 decibels at any segment of a property line which is 215 feet or closer to an adjacent residential dwelling shall be further restricted to hours of 11:00 a.m. to 3:00 p.m. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, vehicle fueling; vehicle access to and from site; delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on site during construction.

In addition, no exterior work shall be conducted except snow management or work to prepare the site for a weather event, on Sunday or on the following National holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, , Thanksgiving Day, and Christmas.

- E.13 Burning or burial of construction or demolition debris on the Property is strictly prohibited. All such materials are to be removed from the Property in accordance with applicable law, and Applicant shall provide manifests/bills of lading to the Town certifying the removal of any waste or contaminants from the Project site. The Applicant shall also include a dumpster location and management plan for approval by the Building Inspector prior to commencement of work at the Property including a dumpster emptying and removal protocol from a duly licensed and insured private contractor approved by the Building Inspector. All construction dumpsters shall be covered nightly to prevent blow out of trash debris into Walpole aquifer. Covers shall be rain-repellant to mitigate water infiltration and run-off of liquids from trash container to the Walpole aquifer
- E.14 During construction, the construction area shall be secured against unauthorized entry or vandalism by construction security fencing, and all construction materials shall be stored or stockpiled in a safe manner.
- E. 15 Applicant shall also identify the proposed location for any construction trailer on site during the course of construction for the Building Inspector's approval. Applicant shall renew the building permit for the construction trailer every six (6) months. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.
- E.16 No building areas shall be left in an open, unstabilized condition longer than sixty (60) days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by paving or loaming and seeding exposed areas. All 2:1 slopes or steeper areas shall be permanently stabilized with rip rap or vegetated cover.
- E.17 All retaining walls visible from a public way or direct abutters, as determined by the Building Inspector based upon the time of year when such walls would be most visible, shall be constructed in an aesthetic manner. Specifically, retaining walls shall avoid the use of exposed concrete (except for modular concrete block wall systems) to the greatest extent practicable.

- E.18 Except for reasonably sized windrows along pavement edges, snow shall be stored within the areas of the Property designated on the Final Plans and shall be not anywhere on the interior roadways or wetland resource areas and shall be done in compliance with all applicable DEP regulations and in a manner that maintains Fire Department access at all times. To the extent snowfall exceeds the capacity of the designated snow storage on the site, the Applicant shall truck the excess snow off-site. Final Plans shall include snow management plan.. Applicant to remove from Construction Site Drawings (Site Plans Rev 10) Site Notes No. 12 Page C.2 "Snow Storage is not limited to the areas denoted in the layout and materials plans. All Snow storage shall be a minimum of 50' from any wetland."
- E.19 The Applicant shall comply with all applicable state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.
- E.20 The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to residents of the Project, as well as emergency vehicles.
- E.21 The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.
- E.22 All construction vehicles shall be parked on the Property. No construction equipment can be staged on Summer Street or other public ways.
- E.23 The plan shall also include provisions securing the site so that children are kept out of the site and are protected against unsafe conditions. Permanent fencing shall comply with the plans and any Order of Conditions or Superseding Order of Conditions.

- E. 24 Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall submit a dust mitigation plan and air quality management plan to the Building Inspector. Water must be used to mitigate any dust caused by rock crushing, soil sifting, or any other dust creating operation.
- E.25 Construction security fencing shall be utilized at least until the first certificate of occupancy is issued to ensure the safety and security of the site for the benefit of the surrounding neighborhood and the Applicant. Six (6) foot tall chain-link fencing shall be utilized with access gate at the entrance of the site. Walpole Fire Department shall have a lock box placed accessible at the entrance to the gate during the construction process. Security personnel shall be utilized to open and close the site daily according to hours of operation as stated in this decision.
- E.26 A proper truck pad shall be created and maintained at the entrance to Summer Street to wash and diminish the tracking of any debris from the site onto Summer Street.
- E.27 All construction equipment must be off-loaded on the Property. No equipment or material shall be off-loaded on Summer Street.
- E.28 The Applicant shall submit a trucking routes plan **which shall** restrict vehicles larger than a pickup truck from passing by the Boyden School during its pickup and drop off times. , subject to the review and approval of the Town Engineer which shall not be unreasonably withheld and delayed.
- E.29 Applicant shall restrict idling of construction equipment during construction phase of project for more than 5 min per MassDEP requirements. All construction equipment shall be limited to starting times dictated by the construction permit and order of conditions set forth herein.

F. Roadway and Traffic Safety Conditions

- F.1 Access and egress to the Project shall be consistent with the Approved Plans.
- F.2 Any reduction in the number of parking spaces for the Project, absent a corresponding reduction in the number of units, shall constitute a substantial change pursuant to 760 CMR 56.05(11).

- F.3 Internal sidewalks shall be constructed as shown on the Final Plans. Applicant shall install ADA compliant wheelchair ramps with detectable warning panels at the sidewalk transitions to the internal driveways.
- F.4 The internal driveways to each unit shall be designed and constructed in accordance with the Final Plans, excluding the waivers granted by the Board.
- F.5 All individual unit driveways shall have a minimum depth of 19' as measured from the face of building/edge of pavement to the nearest path of public accommodation (ie. travel way or sidewalk).
- F.6 Appropriate directional and safety signage shall be installed and maintained on the internal driveways as shown on the Final Plans approved by the Fire Department. All stop signs to be installed shall be consistent with the current Manual on Uniform Traffic Control Devices standards and guidelines.
- F.7 Applicant shall maintain the sight distance at the entrance by limiting/trimming vegetation. The sight distance shall be maintained under the Town Engineer's supervision.
- F.8 Internal Cross walks – Internal crosswalks shall comply with MUTCD (Manual of Uniform Traffic Control devices).
- F.9 The Applicant and/or its successor shall be responsible for providing personnel at the entrance to the Project for stadium events. Additionally, if the Walpole Chief of Police determines that additional police presence at the Property is necessary he may require such up to 15 times per year. The police detail would commence one hour before the scheduled stadium event and conclude one hour after the event ends.

G. Police, Fire, and Emergency Medical Conditions

- G.1 Sprinkler systems shall be installed in all buildings with more than two dwelling units.
- G.2 The Project shall comply with NFPA-13 and applicable building codes. G.4
Posted no parking restrictions on internal Project driveways with appropriate markings and signs shall be provided, as shown on the Final Plans.

- G.5 The applicant has agreed to provide an emergency access roadway connecting the Property to Summer Street through an adjacent parcel sufficiently remote from the main entrance to reasonably ensure emergency access to/from the Property can be maintained. The emergency access must be constructed and useable prior to issuing the first occupancy permit.
- G.6 The Applicant has agreed to install an uninterrupted fence for the entire length of the project's developed boundary with the railroad right-of-way. Therefore, prior to the issuance of a certificate of occupancy, the Applicant shall install a continuous (uninterrupted) fence running along the entire boundary of the railroad tracks with fence endings designed to return into the developed site unless otherwise specifically precluded or as restricted from doing so in writing by the Walpole Conservation Commission or DEP as the case maybe.
- G.7 Due to the close proximity of the railroad crossing to the Project entrance driveway, prior to the issuance of a certificate of occupancy, the Applicant and the Town shall send a letter to the Department of Public Works (DPU) mutually requesting extension of the control arms on the Project side of the crossing to halfway across the adjacent travel way or provide written documentation from the MBTA or other responsible agency indicating otherwise. This decision recognizes that making changes within the rail right of way is outside the purview of the Board and beyond the control of the Applicant. Therefore, if the DPU does not reply in the affirmative within 90 days, or if the Town refuses to cooperate in sending the letter when requested by Applicant, the Applicant will have fulfilled its obligation. However, if at any time prior to the issuance of the last certificate of occupancy the DPU does reply in the affirmative, this condition must be fulfilled. Further, the Town is to be copied on all correspondence to the DPU.
- G.8 Storage areas for any chemicals and/or hazardous materials more than household quantities used for maintenance, cleaning or any other reason if any shall be shown on the Final Plan (location) and described in a report to the Building Inspector, Walpole Conservation Commission and Fire Department which shall be updated as needed. Said report shall contain a waste stream profile for any hazardous material generated on site during construction. Removal of hazardous materials from site to be conducted by MassDEP approved vendor.

H. Water, Septic, Stormwater and Utilities

- H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project.

(covered in H5)

- H.3 Fire hydrants shall be placed as shown on the Approved Plans in locations approved by the Walpole Fire Department. . If the Walpole Fire Department approves different hydrant locations, such modification shall be accepted as an insubstantial change pursuant to 760 CMR 56.05(11).
- H.4 The service size for the domestic water service for each individual building should be verified by the Water Department and information on the fire service size and requirements should be verified by the Fire Department prior to the issuance of the building permit for the individual building in question. The Applicant shall submit information regarding the size of both the domestic and fire services as part of Final Plans, after consultation with the Water Department and the Fire Department respectively.
- H.5 All water and sanitary sewer improvements necessary to serve the Project must be shown on Final Plans including all required details and supporting information required for review by the Water and Sewer Departments. The water and sanitary sewer improvements servicing individual structures are to be completed, and interim as-built plans must be submitted to and approved by the DPW Water / Sewer Department, before any certificate of occupancy for said individual structures may be issued. All operation, maintenance and repair of water and sewer infrastructure within the Project will be the sole responsibility of the Applicant and/or its successor. As-built Plans shall show layout and construction details of all proposed water and sewer infrastructure installed per town standards. A detailed hydraulic analysis shall be submitted to the Building Inspector that complies with applicable regulations.
- H.6 The Project shall meet all applicable stormwater management standards to be documented on the Final Plans and approved by the Peer Reviewer prior to issuing a building permit. Stormwater management facilities shall be constructed as shown on the Final Plans.
- H.7 The Final Plans must depict at least 20 feet separation between any building or connecting driveway or walkway and the limit of inundation during 100-year storm event of any above grade stormwater management feature and that the limit of inundation be shown on the Final Plans or supplementary figure.

- H.8 The area of infiltration systems shall be excavated to remove fill down to natural soils and shall be witnessed by an agent of the Town prior to the installing crushed stone and the underground infiltration system.
- H.9 Soil conditions below Drip Edge Systems shall be inspected by a licensed soil evaluator at the time of foundation excavation and an affidavit for the combined systems be provided by a licensed engineer confirming that as-found conditions are consistent with those used in the model or additional justification provided proving performance prior to issuance of a certificate of occupancy for any building served by a Drip Edge System.
- H.10 The Walpole Conservation Commission or DEP Conditions:
- a. The Applicant shall comply with all terms and conditions of the Order of Conditions or Superseding Order of Conditions for the Project. No work may proceed pursuant to this Comprehensive Permit until the Order of Conditions is recorded in the Norfolk Registry of Deeds.
 - b. All terms and conditions of an Order of Conditions issued for the Project are expressly incorporated as conditions to this Comprehensive Permit and shall remain enforceable conditions under the Comprehensive Permit. Should an appeal of the Order of Conditions result in a modification of the final plans and/or any condition herein, such modification will be subject to 760 CMR 56.05(11).
 - c. Any fill used in the Project shall be clean fill, and shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or part of any of the foregoing.
 - d. The proposed culvert/bridge wetland crossings shall meet Massachusetts Stream Crossing Standards unless directed otherwise by the Walpole Conservation Commission or MassDEP and that those crossings be shown in detail on the Final Plans.

- H.11 Fertilizers and/ or pesticides by residents or the maintenance company must be appropriate for use near wetland resource areas. Any road de-icing material used by facility management must meet regulatory requirements and OCC or SOC conditions for use near wetland resource areas.

I. Completion of Infrastructure:

- I.1 As security for completion of the infrastructure shown on the Final Site Plans, including, but not limited to the roadways, sidewalks, parking, stormwater management system, lighting, water and sewer systems, landscaping and utilities (collectively the “Infrastructure”), the Applicant shall provide security consistent with the provisions of G. L. 41, § 81U, solely for that portion of the Project for which certificates of occupancy are requested and subject to the following:
- a. No certificate of occupancy for a dwelling unit shall be issued until: (1) the portion of the roadway shown on the Final Plans providing access to the subject building has been installed, excepting the final course of pavement; and (2) all other Infrastructure necessary to serve said building, as approved by the Board’s peer review engineer or the Building Inspector has been constructed and installed so as to adequately serve said building. The final infrastructure for the Project, including, but not limited to, final course of pavement shall be installed prior to the issuance of a certificate of occupancy for the final dwelling unit. The final infrastructure shall include, but not be limited to: intermediate and final course of pavement, remaining landscaping, and any “punch list” items identified by the Board’s engineer or the Building Inspector. Alternatively, if the Applicant desires to obtain such final certificate of occupancy for the final dwelling unit before the completion of said Final Infrastructure, it shall deposit such security as permitted by M.G.L. ch. 41, section 81U with the Town securing the installation and construction of such Final Infrastructure. The amount of such security and any necessary contingency shall be determined by the Board, acting reasonably and upon the advice of its consulting engineer. The form of the security agreement binding such security shall be subject to reasonable review by Town Counsel.
 - b. The Board’s peer review engineer shall review the Project upon completion of all such Final Infrastructure as described above, and shall notify the Building Inspector that all infrastructure is complete whereupon security shall be released to Applicant.

J. Other General Conditions

Decision on Chapter 40B Comprehensive Permit Application

55 SS, LLC

51, 53, & 55 Summer Street, Walpole, MA

_____, 2021

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- J.1 In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time substantial use of the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law.
- J.2 This Decision prohibits the parking or storage of any unregistered vehicle on the Property, and likewise prohibits the service of any vehicles on the Property, except during construction.
- J.3 Trash and recycling services are not the responsibility of the Town. However, a trash and recycling management plan shall be submitted to the Board of Health for review and approval.
- J.4 Prior to the issuance of any certificates of occupancy, and prior to the execution of any purchase and sales agreement for a market rate unit, the Applicant shall submit, to the satisfaction of the Building Inspector, a copy of the Homeowner's Association which shall include an adequate plan for the operation and maintenance of the internal roadways. The internal roadways shall be maintained in perpetuity by the Homeowner's Association, which obligation shall be incorporated into the Homeowner's Association documents.
- J.5 The Applicant shall be responsible for sweeping, removal of snow, and sanding of the internal roadways permitting safe access to residents and emergency vehicles during construction and until the Homeowner's Association has been legally established and have assumed said responsibilities.
- J.6 The landscaping shall be maintained in perpetuity by the Homeowner's Association, which obligation shall be incorporated in the Association documents, as applicable, and the declaration of restrictive covenants, if any, to be executed by the Applicant. Dead or diseased plantings shall be replaced within six (6) months in accordance with growing and weather conditions.

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55 SS, LLC

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- J.7 If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (b) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

K. Off-Site Traffic Mitigation Conditions

- K.1 The Applicant shall reconfigure the intersection of Summer, Washington and Neponset Streets into a signalized “T” intersection (the “Off-Site Roadway Mitigation”) as described on Exhibit C hereto and approved by the Walpole Select Board as Road Commissioners. The Applicant shall be responsible for \$500,000.00 of the Off-Site Roadway Mitigation and shall be responsible for the construction of the intersection (with cooperation from the Town) prior to receiving an occupancy permit for the 151st unit (50% of expected total). To be revised based on Road Commissioners’ approval etc.

DECISION

In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive permit for the construction of three hundred (300) housing units pursuant to Chapter 40B, §§ 20-23, for the development described above.

SIGNATURE PAGE TO FOLLOW

Decision on Chapter 40B Comprehensive Permit Application
55 SS, LLC
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RECORD OF VOTE

The Board of Appeals voted, at its public meeting on _____, to grant a Comprehensive Permit subject to the above-stated Conditions and Waivers found on Exhibit B, with this decision as attested by the signatures below.

Members in favor:

Filed with the Town Clerk on _____, 2021.

Town Clerk

Notice: Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Walpole, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty (20) days after the filing of this notice in the Office of the Town Clerk.

Exhibit “B” – Waivers

Pursuant to the Waiver List revised and submitted to the Board, the Applicant has requested, and the Board has granted, waivers from the Walpole Zoning Bylaws and other local by-laws and regulations as specified in the attached Exhibit A. No waivers are granted from requirements that are beyond the purview of G. L. c. 40B, §§20-23, and no waivers have been granted other than those set forth in Exhibit A. No waiver of permits or inspections fees are granted.

By granting waivers from the local bylaws and regulations identified herein, it is the intention of this Decision to permit construction of the Project as shown on the Final Plan. However, if, in reviewing the Applicant’s building permit application(s), the Building Inspector determines that any additional waiver(s) from local bylaws or regulations are necessary to permit construction to proceed as shown on the Final Plans, the Building Inspector shall proceed as follows: (a) any matter of de minimis nature shall be deemed within the scope of the waivers granted by this Decision; and (b) any matter of a substantive nature, including those having a potential adverse impact on public health, safety, welfare or the environment shall be reported back to the Board for expeditious disposition of the Applicant’s request for a waiver seeking modification of this Decision in accordance with 760 CMR 56.05(11).

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Exhibit “C” – Off-Site Mitigation Plan

755822/WALP/0397

DRAFT