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**TOWN OF WESTFORD
ZONING BOARD OF APPEALS**

TOWN OF WESTFORD
TOWN CLERK'S OFFICE

55 Main Street
Westford, Massachusetts 01886
TEL (978) 692-5524 FAX (978) 399-2732

FINDINGS and DECISION

DATE: January 18, 2012

RE: Application of Princeton Westford Apartment Homes, LLC
for a Comprehensive Permit (the "Application")

PROCEDURAL HISTORY

1. On July 18, 2011, Princeton Westford Apartment Homes, LLC, 1115 Westford Street, 4th Floor, Lowell, MA 01851 (the "Applicant"), applied for a Comprehensive Permit, pursuant to G.L. c.40B, to construct two hundred (200) apartments, on a site containing approximately 90+/- acres, located at 16 Littleton Drive, in Westford, Massachusetts, identified as Assessors Map 23, Lots 50, 51, 77, 80, 81, 82; (the "Property"). The Development consists of 200 apartments for rent and is called "Princeton Westford Apartment Homes," (hereinafter, the "Development"). As proposed, the Development has the following components:

- Five (5) four story multi-family residential structures totaling approximately 279,567 square feet and 200 apartment units;
- Five (5) 6 bay enclosed garage buildings;
- One (1) 8 bay enclosed garage building;
- Related access road, emergency access road, surface parking lots and other utilities and infrastructure;
- An approximately 3,800 square foot one story clubhouse;
- An outdoor swimming pool;
- A 6,000 square foot retail building and related parking area; and
- A Waste Water Treatment Facility (WWTF).

The Project is depicted on two plan sets: "Town of Westford Zoning Board of Appeals Comprehensive Permit and Amended Order of Conditions" prepared by Allen & Major, Inc., dated July 14, 2011 revised through November 22, 2011, as may be amended, consisting of

Forty Two (42) sheets and "Princeton Westford Apartment Homes a 200 Unit 40B Housing Complex," as may be amended, prepared by David White AIA, dated July 9, 2011, revised through August 30, 2011 consisting of twenty-four (24) sheets. A complete list of all plan sheets is included in the Conditions of approval below.

2. A duly advertised public hearing of the Westford Zoning Board of Appeals (the "Board") was opened on August 17, 2011, and continued to the following dates:
September 21, 2011
October 19, 2011
November 16, 2011
December 21, 2011
3. The public hearing was closed on December 21, 2011.
4. The documents and exhibits set forth as **Exhibit A** were received during the public hearing and constitute the record for this decision. These documents include, but are not limited to, site plans and architectural drawings illustrating the project. Throughout the duration of the public hearing, all such documents and exhibits were made available for public review during normal business hours and by appointment at the office of the Permitting Department, Westford Town Hall.
5. The list of APPROVED waivers from the Westford Zoning Bylaw, General Bylaws, Non-Zoning Wetlands Bylaw and Regulations, Board of Health Regulations, Subdivision Rules and Regulations, Water Department Rules and Regulations, and ZBA Rules and Regulations for the issuance of Comprehensive Permits as granted by the Board is attached hereto as **Exhibit B** and is hereby incorporated by reference into this Decision.

FINDINGS

1. The Applicant is qualified to make the Application pursuant to 760 CMR 56.04 in three ways:
 - a. The Applicant is a "limited dividend organization" as that term is used in M.G.L. chapter 40B, §21 and 760 CMR 56.04(1)(a);
 - b. The Applicant is fundable pursuant to 760 CMR 56.04(10)(b), as evidenced by the project eligibility letter (PEL) from Massachusetts Housing Partnership (hereinafter MHP) to the Applicant dated July 15, 2011, and
 - c. The Applicant has "control of the site" as that term is used therein in that it has a purchase and sale agreement for the locus dated March 1, 2011 as amended.
2. The Town of Westford has not met the statutory minimum percentage of affordable housing set forth in G.L. c. 40B, §20 or 760 CMR 56.03(3) nor is affordable housing

located on sites comprising one and one-half percent or more of the total land area zoned for residential, commercial or industrial use. The development of affordable units consistent with the Application will not result in the commencement of construction of such housing on sites comprising more than three tenths of one percent of such land area.

3. The Applicant proposes to construct 200 units of rental housing in five buildings. The affordable component of the project consists of a minimum of forty (40) units which is twenty percent (20%) of the total (hereinafter "Affordable Units"). The Affordable Units will be for rent for households earning fifty (50) percent or less than the area median income (AMI). In its project eligibility letter, MHP indicated that such a structure meets their eligibility requirements if such affordable units are maintained for a minimum of thirty (30) years. As conditioned within this Decision, the Affordable Units shall be affordable in perpetuity, to the extent allowed by law.
4. The Property is located adjacent to Route 110 (Littleton Road), in the Industrial Highway (IH) and Residence A (RA) District, as established in the Westford Zoning Bylaw.
5. The Development consists of the following unit mix in five (5) buildings:

Unit Type	Number Units
One Bedroom	48
Two Bedroom	152
Total	200

6. As required in this decision, the Development will be serviced by the Town of Westford's public water supply and an on-site wastewater disposal system. The Water Department has indicated that the public system has adequate capacity to serve the water needs of the dwelling units, as described in the letters from the Water Department and from peer reviewer Stantec dated November 8 and November 9, 2011, respectively.
7. The transportation impact area of the project includes Littleton Road from the intersection of Boston Road/Carlisle Road (Minot's Corner), to the Chelmsford /Westford Town Lines. The affected intersections include: Minot's Corner, Littleton Road at South Chelmsford, Littleton Road at Technology Park Drive, Littleton Road at Tadmuck Road, and Littleton Road at project driveway.

8. The Development includes parking spaces as follows:

Use	Number
Standard Surface	308
ADA	16
Covered	38
Club house	10
WWTF	3
Retail building	28
Total	403

This parking distribution equals **1.8 spaces per residential unit**.

9. The Development requires, at a minimum, the following additional permits, agreements, and approvals:
- a. Final approval and execution of a Regulatory Agreement by MHP;
 - b. Final Environmental Impact Report (FEIR) identified as EEA #14028 to be approved by the MEPA Unit of EOE;A;
 - c. NPDES Permit;
 - d. MassDOT Highway Access Permit for access onto Route 110;
 - e. DEP Hydrogeological Evaluation Approval BRP WP83;
 - f. Modification to the Order of Conditions per 310 CMR 10.00, identified as DEP File No. 334-1375A, which was issued by the Westford Conservation Commission on **December 1, 2011**;
 - g. Memorandum of Agreement with the Westford Board of Selectmen dated January 10, 2012; and
 - h. License for the secondary access road through Town Property to South Chelmsford Road from the Westford Board of Selectmen, which was executed by the Board of Selectmen on December 13, 2011.
10. During the Hearing process, the Board retained several peer review consultants to assist in the review of the Application. Each consultant provided a report or reports to the Board. The peer review consultants were:
- a. Civil Engineering, Wetlands and Stormwater: Woodard & Curran, Dedham, MA
 - b. Pro Forma: Michael Jacobs; MHJ Associates, Brookline, MA
 - c. Traffic: BETA Group, Inc., Norwood, MA
 - d. Architect: Winslow Architects, Cambridge, MA
 - e. Fiscal Impact: Larry Koff & Associates, Brookline, MA
 - f. Water System: Stantec, Westford, MA
11. The Town sent notice and materials related to the Development to the abutting Town of Chelmsford, and to the following boards, commissions, committees and departments of the Town of Westford, including:

- a. Fire Department
 - b. Police Department
 - c. Board of Selectmen
 - d. Conservation Commission
 - e. Planning Board
 - f. Water Department
 - g. Board of Health
 - h. Affordable Housing Committee
 - i. Highway Department
12. The Board received comments from its consultants, Town boards, commissions, committees, staff and the public, all of which have been made a part of the record of this proceeding and have been taken into consideration by the Board in rendering its decision.
13. If developed in accordance with the conditions set forth herein, the proposed Development will be consistent with local needs.
14. Off site transportation mitigation for this project includes improvements to be constructed by the Applicant, including without limitation the entrance driveway from Route 110 and associated pavement and striping work within the MassDOT right-of-way for Route 110, the emergency access road over Town Property, and the sidewalk along Route 110 in the vicinity of the Nashoba Technical High School; and a financial contribution to be used by the Town toward the cost of designing, permitting and/or constructing transportation infrastructure improvements to portions of the Route 110 corridor that are projected, based on evidence within the record, to experience increased traffic volumes resulting from the Development, including but not limited to the intersection of Route 110 and Tadmuck Road. The following summary outlines the steps that the Board expects will be taken to pursue the traffic signal and intersection improvements:
- Town will procure design/engineering of intersection improvements for submittal to MassDOT and review within a MassDOT public hearing process;
 - Intersection design expected to be 25% complete by Fall 2012 in order to qualify for submittal to the Northern Middlesex Council of Governments (NMCOG) for funding on the regional Transportation Improvement Program (TIP) list;
 - Town and Applicant will work with MassDOT and others as appropriate throughout project design, permitting and construction; and
 - Based on evidence within the record that this intersection currently meets multiple MassDOT warrants for signalization, and understanding that the Development will generate additional traffic affecting the intersection, the Town will recommend the project for TIP funding to accelerate the process for state funding of the intersection improvements.

15. The Town's Housing Production Plan, submitted to DHCD in December 2011 after endorsement by both the Planning Board and the Board of Selectmen, includes a demonstrated need for rental housing to accommodate, among others, projected growth in young adults and the increasing number of single-person households in Westford. The Housing Plan recommends a policy to "encourage development of more affordable rental housing." This project will provide 200 units of rental housing including 40 units of restricted affordable housing for current and future Westford residents, and these housing units are included in the projection of new units in the Housing Plan (*Table 27: Pipeline of Subsidized Housing Inventory Projects as of August 2011*). The Board recognizes that rental housing in particular is an important part of the Town's housing inventory that will be significantly enhanced by this project.

DECISION

Pursuant to G.L. c.40B, the Zoning Board of Appeals of Westford, after a public hearing and findings of fact, hereby grants a Comprehensive Permit to the Applicant for the Development as described herein and associated on- and off-site infrastructure and improvements. The Development consists of the following:

- Five (5) four story multi-family residential structures totaling approximately 279,567 square feet and 200 apartment units;
- Five (5) 6 bay enclosed garage buildings;
- One (1) 8 bay enclosed garage building;
- Related access road, emergency access road, surface parking lots and other utilities and infrastructure;
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This Comprehensive Permit is subject to compliance by the Applicant with the terms and conditions of this decision. The Board finds that the waivers granted, as conditioned or

limited, are consistent with local needs and do not render the Mass. Gen. Laws Chapter 40B Project uneconomic.

The terms and conditions of this Comprehensive Permit, together with the Regulatory Agreement to be entered into which will govern the Affordable Units, shall control the development of the Project. To the extent the Comprehensive Permit and Agreements are inconsistent with any other instrument, document, agreement or plan submitted in connection with the Project, the Comprehensive Permit shall control to the full extent permitted by law.

As used herein, the term "Applicant" shall mean the Applicant, its heirs, successors and assigns. The term "Board" as set forth herein shall mean the Westford Zoning Board of Appeals. Unless otherwise indicated herein, the Board of Appeals may designate an agent or agents to review and approve matters set forth herein.

CONDITIONS

A. ADMINISTRATIVE

1. The Comprehensive Permit is granted to Princeton Westford Apartment Homes LLC.
2. The Development shall be constructed in substantial conformance with the following plans of record (the "Record Plans"), as listed in **Table 1** and **Table 2**. As specified in Administrative condition number A.6 below, any deviation from these plans and/or documents shall require a modification of this Comprehensive Permit by the Board as set forth in 760 CMR 56.05(11) and the Rules and Regulations of the Board governing Chapter 40B as they are in effect as of the date of this Decision.

Table 1. Record Plan Sets

DRAWING TITLE	SHEET NO.	ISSUED	LAST REVISED
Existing Conditions Key Sheet	EX-1	7/14/11	-
Existing Conditions	EX-1A	7/14/11	-
Existing Conditions	EX-1B	7/14/11	-
Existing Conditions	EX-1C	7/14/11	-
Existing Conditions	EX-1D	7/14/11	-
Existing Conditions	EX-1E	7/14/11	-
Overall Layout & Materials Plan	C-1	7/14/11	11-2-11
Layout & Materials Plan	C-1A	7/14/11	11-2-11
Layout & Materials Plan	C-1B	7/14/11	11-2-11
Layout & Materials Plan	C-1C	7/14/11	11-2-11

DRAWING TITLE	SHEET NO.	ISSUED	LAST REVISED
Layout & Materials Plan	C-1D	7/14/11	11-2-11
Layout & Materials Plan	C-1E	7/14/11	11-2-11
Overall Grading & Drainage Plan	C-2	7/14/11	11-2-11
Grading & Drainage Plan	C-2A	7/14/11	11-2-11
Grading & Drainage Plan	C-2B	7/14/11	11-2-11
Grading & Drainage Plan	C-2C	7/14/11	11-2-11
Grading & Drainage Plan	C-2D	7/14/11	11-2-11
Grading & Drainage Plan	C-2E	7/14/11	11-2-11
Overall Utility Plan	C-3	7/14/11	11-2-11
Utility Plan	C-3A	7/14/11	11-2-11
Utility Plan	C-3B	7/14/11	11-2-11
Utility Plan	C-3C	7/14/11	11-2-11
Utility Plan	C-3D	7/14/11	11-2-11
Utility Plan	C-3E	7/14/11	11-2-11
Landscape Plan	C-4	7/14/11	11-2-11
Details	D-1	7/14/11	-
Details	D-2	7/14/11	11-2-11
Details	D-3	7/14/11	-
Details	D-4	7/14/11	-
Details	D-5	7/14/11	11-2-11
Details	D-6	7/14/11	-
Details	D-7	7/14/11	10/18/11
Details	D-8	7/14/11	10/18/11
Wetland Impact Plan	WR-1	7/14/11	-
Wetland Impact Plan	WR-1A	7/14/11	10/18/11
Wetland Replication Plan	WR-2	7/14/11	-
Critter Crossing	CC-1	7/14/11	-
Stormwater Pollution Prevention Plan	SP-1	7/14/11	10/18/11
Stormwater Pollution Prevention Plan	SP-2	7/14/11	10/18/11
Court Yard Section	CYS-1	7/14/11	10/18/11
Pavement Sections	PS-1	7/14/11	10/18/11

Table 2. Additional Record Plans

DRAWING TITLE	SHEET NO.	ISSUED	REVISED
Emergency Access Plan	EA-1	7/14/11	10/18/11
Conceptual Improvement Plan	FIG D	10/13/11	-
License Exhibit	-	9/9/2011	-
Route 110 Master Plan	Cover Sheet		
Route 110 Master Plan sidewalk detail	15	11/15/99	-

DRAWING TITLE	SHEET NO.	ISSUED	REVISED
Route 110 Master Plan sidewalk detail	16	11/15/99	-
Route 110 Master Plan site design detail	35	11/15/99	-
Route 110 Master Plan site design detail	36	11/15/99	-
Turn Around Exhibit	1.A	1/3/12	

3. Any proposed change from rental to unit ownership shall be considered a substantial change as per 760 CMR 56.05(11) and shall require the approval of the Board after public hearing. In its consideration of any such proposed change, the Board shall take into account without limitation whether Westford has a continued need for rental housing based on the availability of rental housing locally, the data in the then-current Westford Housing Production Plan or related local or regional plan, and any other materials related to housing demand as may be available to the Board.
4. Any transfer of the Project shall be in accordance with 760 CMR 56.05 (12)(b) and must be approved by the Board of Appeals after public hearing.
5. The Board shall have the power, after notice to the Applicant, at a public meeting and without further public hearing to modify or amend the terms and conditions of this Comprehensive Permit on the application of the Applicant, or upon its own motion, to correct technical and clerical errors in this Comprehensive Permit.
6. In the event the Applicant seeks any change in the Comprehensive Permit after this decision is final, whether deemed by the Board to be an "insubstantial change" or a "substantial change" in the Project as herein defined, all such changes must be presented to the Board for approval and for modification of this decision. Changes deemed "insubstantial" by the Board may be addressed at a public meeting of the Board. "Substantial" changes or modifications to this Comprehensive Permit shall only be made upon written request and upon the holding of a public hearing regarding the requested change after which the Board may approve or disapprove the requested modifications or amendments to this decision, in accordance with the provisions of Mass. Gen. Laws c. 40B, §21, the provisions of 760 CMR 56.05 (11), and the Rules and Regulations of the Board governing Chapter 40B as the same are in effect as of the date of this Decision.

The Board will determine whether additional information and advice is necessary from other boards, commissions and departments in the event of such a substantial change, and will then determine whether the change or requested relief is to be approved and the decision amended accordingly. "Substantial change" for the purposes of this paragraph shall include, but not be limited to, all matters defined as

substantial changes in 760 CMR 56.07(4). If it deems necessary the Board may at the Applicant's expense retain consultants to review and advise the Board regarding any proposed changes.

- 7.. All invoices generated by the Board's peer reviewers and the Town's legal counsel for preparation of the License during the Comprehensive Permit review stage shall be paid within thirty days of the filing of this decision with the Town Clerk, whether this decision is appealed or not. No post-permit reviews of documents or plans shall be conducted until such invoices have been paid in full. No building permit or certificate of occupancy shall be issued until such invoices have been paid in full.
8. The Board and its agents, and the Building Commissioner, shall have authority to enter the Premises during construction and until as-built plans are approved to determine conformance with this Decision. After completion of construction, the Town's inspection officials shall have authority to enter the common areas of the property for purposes of ensuring compliance with the conditions of this Decision and any other applicable permits, regulations, bylaws and statutes.
9. Unless construction of the Project shall have commenced, this Comprehensive Permit shall expire three (3) years after the Applicant receives any and all permits, licenses, orders or approvals necessary to construct the project as approved herein unless tolled by the filing of an appeal of this Decision or any other appeal pursuant to 760 CMR 56.05 (12). Any request for an extension of the time as set forth herein must be made in writing to the Board at least thirty days prior to the expiration date of the Comprehensive Permit. Such extension shall not be denied unless the Applicant shall fail to establish a good cause, or fail to show continued compliance with the terms and conditions of this decision, including funding for the Mass. Gen. Laws c. 40B Project.
10. The applicant must record this decision and all required legal documents with the Middlesex North Registry of Deeds and provide the Board of Appeals staff with a recorded copy of all these documents following the passage of the appeal period for the Comprehensive Permit.
11. The Applicant shall provide the Planning Department with five (5) sets of full sized and reduced copies of the final set of approved plans which incorporate site layout design changes that may be needed to satisfy these conditions of approval.
 - a. All plans and specifications must be submitted on electronic media (CD or DVD_ROM using an IBM-PC or compatible file format). Acceptable file formats include: AutoCAD *.dwg, AutoCAD *.dxf, ArcView *.shp, or ArcGIS Geodatabase *.mdb. The files must be identical to the printed plan and contain all information included on the written plan. Upon project completion a digital submission of the "as-built" plan is required prior to receiving a Certificate of Occupancy from the Building Department.

- b. All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD29.
 - c. Each feature type must be organized in the CAD or GIS data structure as a separate layer using logical layer names. For example, there must be separate CAD layers for buildings, roads, parcel lines, and wetlands. Having all these features in a single CAD layer or GIS file will not be accepted.
 - d. Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.
 - e. The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.
12. Any payment required by this Decision shall be made by bank or certified check. Any such payment shall be made within thirty (30) days of the date payment is due.

B. HOUSING

1. The Development shall not be age restricted.
2. A minimum of twenty percent (20%) of the dwelling units (the "Affordable Units"), shall be reserved for rental to households earning fifty percent (50%) or less of the area median household income.
3. To the extent permitted by law, preference for the rental of seventy percent (70%) of the Affordable Units in the initial lease up of the Development and shall be given to persons or families who are either (a) Westford residents; or (b) Parents or children of Westford residents; and (c) employees of the Town of Westford or its school system, including the regional vocational high school, and d) Westford Veterans. The local preference shall be implemented by the Applicant, which will have responsibility for managing the Development, after consultation with the Board and in conformance with the requirements of MHP. Tenants of the Affordable Units shall be selected in accordance with a tenant selection and assignment plan and an affirmative marketing plan consistent with this preference and the guidelines of MHP. No less than thirty (30) days prior to implementation, such plan shall be submitted to the Board and to the Westford Housing Authority for review and comment.
4. A Regulatory Agreement with MHP is hereby required which will include detailed restrictions in accordance with 760 CMR 56.

5. The Applicant shall provide to the Board a copy of the final executed documents with MHP. Such document(s) shall contain, at a minimum, the following terms:
 - a. An acknowledgment that the Affordable Units shall remain in perpetuity to the extent allowed by applicable laws, to households earning no more than fifty percent (50%) of the median household income for the Lowell Principal Metropolitan Statistical Area (PMSA). MHP shall comply with the requirements of 760 CMR 56.05(13).
 - b. The actual Affordable Units in the initial lease up shall be identified in the tenant location plan. The Affordable Units shall be generally scattered through out the Project.
 - c. The Affordable Units shall not be segregated from the market rate units. If the Development is phased, approximately 20% of the units in each such phase shall be Affordable Units. The Affordable Units shall not be substantially different in exterior appearance from the standard market rate units in accordance with MHP guidelines.
 - d. MHP or its successor or contractor shall oversee the profit limitations set forth in Chapter 40B.
 - e. Any excess profit, as defined in the Regulatory Agreement shall be returned to the subsidizing agency to the extent permitted by applicable laws.
6. The Applicant shall provide the Westford Housing Authority (WHA) with a copy of the annual report to the monitoring agent recertifying the continuing eligibility of the tenant of all Affordable Units. The purpose of this annual report is to enable the WHA to maintain the Town's subsidized housing inventory.
7. The Applicant shall maintain a list of eligible households for the Affordable Units and share this list with the WHA.
8. In the event of serious or repeated violations of the substantive or reporting requirements of the Regulatory Agreement or a failure by the Applicant to take appropriate actions to cure a default under the Regulatory Agreement, pursuant to 760 CMR 56.05(13) MHP or the Monitoring Agent shall have the right to take appropriate enforcement action against the Applicant, including, without limitation, legal action to compel the Applicant to comply with the requirements of the Regulatory Agreement. In addition to the foregoing, the Applicant hereby agrees and shall be obligated to pay all reasonable fees and expenses (including legal fees) of the Monitoring Agent and/or MHP in the event successful enforcement action is taken against the Applicant or the Applicant's successors or assigns.

C. CONSTRUCTION

1. No site work shall begin prior to a preconstruction conference. The Applicant shall convene a preconstruction conference with town departments at least two weeks prior to the planned commencement of construction. For the purposes of this decision, "commencement of construction" shall occur when the clearing and grubbing (removal of stumps and topsoil) has been initiated. The Applicant shall convene such conference at least fourteen (14) days prior to commencing construction by contacting the Building Commissioner and the Town Planner in writing. The Town Planner shall be responsible for arranging such conference within fourteen (14) days after receipt of the request. At the conference, a schedule of inspections shall be agreed upon by the Applicant, the Board, and other municipal officials or boards. Prior to the preconstruction conference, the Applicant shall present an earth removal plan to be approved by the Board or its agent, consistent with the Westford Earth Removal Bylaw.

2. During construction, the Applicant shall conform to all local, state and federal laws regarding noise, odor, vibration, dust and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction, other than emergency work or finishing cement, shall not commence on any day before 7:00 a.m. and shall not continue beyond 6:00 p.m; provided, however, that exterior construction shall not commence on Saturday before 8:00 a.m. and shall not continue beyond 6:00 p.m. Deliveries shall not commence before 5:30 a.m.

Except for emergency work, and/or exceptions approved in advance, in writing by the Building Commissioner, there shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforceable by the Building Department and the Police Department. For this condition, exterior construction activities shall include, but not be limited to: start-up 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; demolition of existing structures; removal of stumps and debris; and erection of new structures.

3. The construction site shall be secured by lockable gates at the two entrances to the site, which shall be secured during off-hours. Once the primary access drive is able to accommodate all construction vehicles no construction vehicles shall access the site via the Emergency Access Area, as defined below. Use of the Emergency Access road for construction is limited to the extent practicable to the first thirty (30) days of construction, which may be extended for an additional thirty (30) days upon approval of the Board or its agent, and further extended by vote of the Board at a public meeting.

4. Prior to commencement of construction, the Applicant shall provide, and update as necessary, the Board or its designee the name, address, and 24 hour contact information for an on-site construction manager who shall have primary responsibility for the oversight of day-to-day construction activities on the Site.
5. No tree stumps or other demolition and construction debris shall be buried on the Site. All tree stumps shall either be ground or removed from the Site. No burning is allowed on Site.
6. Blasting, if any, shall be performed in accordance with regulations of the Commonwealth of Massachusetts, 527 CMR. 13.00, and in accordance with any existing written regulations of the Westford Fire Department related to blasting. The Applicant shall not use explosives containing perchlorate.
7. All staging areas, including without limitation parking areas for construction personnel, portable toilets, temporary work facilities, etc. shall be on the Site. No parking shall be permitted on Town ways by Project personnel or others in connection with the construction of the Project.
8. Prior to the issuance of a building permit for any dwelling unit, the Applicant shall submit the following final construction plans for approval by the Board or its designee, for purposes of confirming that the final plans are consistent with the requirements of this decision. The approval of the Board shall not be unreasonably withheld. In the event the Board fails to act within forty-five (45) days of such submittal, such final plan shall be deemed approved. The Board may engage, at the Applicant's expense and upon prior agreement to scope and cost of services, one or more agent to review the plan(s) and make recommendations for approval or disapproval:
 - a. Lighting plan;
 - b. Landscaping Plan;
 - c. Grading plan including retaining wall systems;
 - d. Erosion control plan;
 - e. Architectural plan, including all principal and accessory structures;
 - f. Utilities plan including water and water booster station, wastewater disposal system, gas, electric, cable, and telephone;
 - g. Stormwater management plan and all other documentation to conform to the requirements of Stormwater Management, Chapter 147 of the Westford General Bylaws
 - h. Open space and recreation plan, including land not to be disturbed;
 - i. Snow storage plan consistent with the order of conditions of the Conservation Commission;
 - j. Construction schedule, including phasing plan, if any;
 - k. Maintenance plan for the site, exterior of structures, and the interior of

- dwelling units;
- l. Signage plan;

All final plans shall be stamped by a registered architect or registered professional engineer, as may be applicable.

9. In the preparation of such final plans, the Applicant shall incorporate the following required elements:
 - a. The Applicant shall conform to all applicable requirements of the Americans with Disabilities Act and the Massachusetts Architectural Access Board.
 - b. On the entrance driveway, the Applicant shall install and maintain a level 4' wide shoulder with an 4' wide grass landscape area where possible, (3' wide minimum) within the shoulder, location shown on the Record Plans, from the Development to Route 110. This area must be maintained year round. On the emergency access road, the Applicant shall also construct a concrete sidewalk illuminated with at least two (2) lights from the Development across the property owned by the Town of Westford, being Assessor's Map 23, Lot 79 (the "Town Property") per the instructions of the Board. The Board has required such sidewalk with the understanding that the Board of Selectmen has granted a license to the Applicant for such improvements and use of the Town Property.
 - c. All required sidewalks internal on-site shall be concrete. All required sidewalks associated with the emergency access shall be concrete.
 - d. It is the intent of the Board and the Applicant that the Applicant shall maintain the buildings, landscaping and other improvements within the Development, on an ongoing basis throughout project occupancy, in a reasonable manner consistent with the standard of care customary in similar luxury or Class A multi-family residential apartment complexes in the greater Westford area.
 - e. The Applicant shall pave and maintain a bus turnaround area at the area where the Emergency Access Road and South Chelmsford Road meet that will allow for a School Bus to turn around. Such turn around area shall be substantially similar to that shown on the "Turn Around" Exhibit Sheet 1.A. in the Record Plans unless a functionally equivalent alternative design is recommended by the Westford Highway Superintendent. This condition shall not require the Applicant to perform work that would impose greater expense to the Applicant than the design shown on Exhibit Sheet 1.A. nor require the Applicant to conduct work on land outside the South Chelmsford Road right-of-way.
10. The Conservation Commission's Order of Conditions pursuant to 310 CMR 10.00, or

any order of the Department of Environmental Protection (DEP), if applicable, regarding this property, shall be made a part of this comprehensive permit, and any subsequent amendment shall also be incorporated by reference. If there is any inconsistency between the plan of record for this permit and the plans as may be approved by the Conservation Commission or the DEP, the Applicant shall submit an amended plan to the Zoning Board of Appeals and to the Conservation Commission and to DEP (if applicable) for approval in order that all approvals are consistent with one another. Such submittal shall be made by certified mail or in hand at a regular meeting. Said amended plan submitted to the Board shall be accompanied by a letter setting forth any and all changes from the submitted plan of record and shall include revised drainage calculations, if applicable.

11. In accordance with 780 CMR 116.2.2, the Applicant shall make the Registered Architects and Registered Professional Engineers employed by the Applicant regularly accessible to the Town of Westford Building Commissioner and staff during vertical construction. "Regularly Accessible" shall mean that such persons will be identified to the Building Commissioner with names, addresses and cell phone numbers and same shall visit the project site generally once every two (2) weeks (or more or less frequently as construction activity may warrant as determined by the Building Commissioner) and will also be available to meet on site with the Building Commissioner as-needed with 48 hours notice. The Board expressly reserves for the Building Commissioner all rights set forth in the State Building Code including, without limitation, the provisions of 780 CMR 116.4 to 116.4.2, inclusive, concerning an On Site Project Representative.
12. The Building Department may need to hire third party inspectors to provide for timely review and inspection of building permits related to this project subject to approval by the Board or its agent. The professional services of a third party in the review of the Applicant's Building Permit applications are expressly included in this provision. The results of any such inspections shall be provided to the Board in written format. The Applicant shall establish an escrow account to assure such payment, with an initial deposit of \$20,000.00, subject to replenishment, where the Applicant and the Town agree to scope and budget.
13. If construction activity ceases for longer than 30 days, then written notice shall be provided by the Applicant to the Building Commissioner at least 48 hours before resuming work. The Building Commissioner may require that any foundation, trench, structure, equipment or other hazard be secured as necessary, in his opinion, including but not limited to installation of fencing and/or filling of trenches.
14. If construction is temporarily suspended during the growing season, all exposed areas shall be stabilized by seeding and/or mulching within 14 days of suspension of construction. If construction is temporarily suspended outside the growing season, all exposed areas shall be stabilized by mulching and tack within 14 days of

suspension of construction. Slopes steeper than 3:1 shall be stabilized by netting and pinning during suspension of construction.

15. Upon issuance, and prior to site work on the Waste Water Treatment Facility (WWTF), the Applicant shall provide the Westford Health Department with a copy of the DEP permit approving the installation of the WWTF.

D. INFRASTRUCTURE

1. The Applicant has proposed, and the Board hereby requires, that the following aspects of the Development located on the Property shall be and shall remain forever private, and that the Town of Westford shall not have, now or ever, any legal responsibility for operation, maintenance, repair or replacement of same, including without limitation:
 - All roadways, sidewalks, and parking areas
 - Apartment Buildings, garages, club house, pool and tot lot
 - Storm water management facilities, including detention basins
 - Snow plowing
 - Landscaping
 - Trash removal and recycling
 - Street lighting
 - Building repair and maintenance
 - Water services

Furthermore, thirty (30) days prior to the issuance of any certificate of occupancy, the Applicant shall provide a copy of a long term capital facilities and maintenance plan to provide for ongoing maintenance of the Development including without limitation structural and infrastructure elements. Implementation of this Plan shall be an ongoing requirement of this permit.

2. The entrance driveway within the Development shall not be dedicated to or accepted by the Town Meeting. The Developer shall be responsible for all snow plowing and proper maintenance of the emergency access road and sidewalk situated on the Town Land so that same are kept accessible year round for pedestrian and emergency access and egress satisfactory to the Town's public safety departments.
3. The water mains and hydrants on the Project site shall be maintained in accordance with the Rules and Regulations of the Board of Water Commissioners. As a condition of this permit, the Applicant shall allow the Water Department access to the Property for emergency maintenance and repair, if necessary of said mains and hydrants.

4. The Applicant shall be responsible for the installation, operation, and maintenance of all aspects of such common facilities, including the Emergency Access Area, as defined below. In the event that a management company is engaged, the Applicant shall provide the Board with a copy of the contract.
5. The proposed Waste Water Treatment Facility shall be constructed, installed and operated in accordance with all applicable State and Federal laws, rules and regulations. Copies of all submissions to state or federal agencies in connection herewith shall be submitted to the Board at the time of any such submission and the Board shall be provided copies of all notices of meeting or hearings at which the same are to be considered by such agency, and the Board or its designees shall be provided the opportunity to participate in such proceeding. There shall be an emergency backup generator for the Waste Water Treatment Facility as required by the Department of Environmental Protection (DEP).
6. The Applicant's registered professional engineer submitted guidelines for the operation and maintenance of the stormwater management system, which was incorporated as Exhibit B to the Order of Conditions issued by the Conservation Commission (DEP File # 334-1375A). In the event a management company is engaged, such guidelines shall be incorporated by reference in the management contract. In the event that the Applicant or its agent fails to maintain the stormwater management system in accordance with such guidelines for operation and maintenance, after notice to the Applicant and Applicant's failure to reasonably cure, the Town may perform necessary maintenance or repairs and the Applicant hereby authorizes the Town to enter the Property for this purpose. In such event, the Applicant shall reimburse the Town for any and all expense associated therewith; in the event of nonpayment, the Town may place a lien on the Property and any improvement thereupon.
7. No certificate of occupancy for any building shall be issued until the Board or its agent, the Town Planner, finds that all improvements required by this decision and set forth on the Record Plans have been constructed and installed so as to adequately serve said Development. If the Applicant seeks a certificate of occupancy of any building before all improvements shown on the Record Plans are completed, then the Board may require the Applicant to post security or performance guarantee in a form authorized by MGL.
8. The Applicant shall promptly pay the reasonable fee of the consulting engineer and the Board's legal counsel for review of the plans or documents related to this Comprehensive Permit process and/or for reasonable inspections that are required by the Board during the construction phase. The professional services of Woodard & Curran in the review of the Applicant's application for a groundwater discharge permit are expressly included in this provision. The results of any such inspections shall be provided to the Board in written format. The Applicant shall establish an

escrow account to assure such payment, with an initial deposit of \$20,000.00, subject to replenishment. This provision is not intended to provide for redundant review of plans or inspections which are otherwise required by the Order of Conditions issued by the Conservation Commission (DEP File # 334-1375A) or to be performed pursuant to the State Building Code.

9. No parking shall be allowed on the roadways within the Development during a snow emergency.
10. The Applicant shall provide "as-built" plans of the roads, buildings, and electrical and gas distribution systems to the Board of Appeals, Fire Department, and Building Department in accordance with the Town of Westford Subdivision Rules and Regulations applicable to private roads within four (4) months of issuance of the final certificate of occupancy, which shall be approved by the Board or its agent for consistency with this decision. Approval shall not be unreasonably withheld and shall be deemed granted if not reviewed by the Board or its Agent within thirty (30) days of submission by the Applicant. The Applicant shall provide a separate as-built plan depicting the water mains and services to the Water Department demonstrating compliance with the Department's Rules and Regulations and installation specifications except as waived herein. The Applicant shall provide the as-built plans for the Waste Water Treatment Facility to the Board of Health. The Applicant shall provide these plans in digital format acceptable to the Town including but not limited to a format compatible with the Town's Geographic Information System (GIS).

E. CONDITIONS RECOMMENDED BY PEER REVIEWERS AND OTHERS

1. The Board's peer reviewer for traffic issues, BETA Group, Inc., recommended the following conditions, and the Board hereby requires same:
 - a. The intersection of the primary site driveway with Littleton Road shall create and maintain a minimum of five hundred feet (500') of Intersection Sight Distance from either direction of travel along Littleton Road to a point 14.4 feet from the edge of Littleton Road along the site driveway. The Record plans shall be updated to reflect this condition.
 - b. The Applicant shall maintain the splitter islands shown on the revised site plan prepared by VAI dated October 20, 2011, which depicts modifications to the proposed roundabout design. Due to the horizontal curve approaching the roundabout from the north, advance intersection warning signage (W16-17p) shall be provided along this approach.
 - c. The site driveway from Littleton Road shall be augmented with horizontal

alignment advisory speed assemblies at key locations. As designed this roadway consists of three relatively sharp horizontal curves which would do not meet 30 mph design speeds. Two of these curves occur as a compounded S-Curve approximately 180 feet from Littleton Road, the other is a significant horizontal curve approximately 400 feet in advance of the proposed roundabout. Radii along these curves range from 96 to 150 feet. The maximum design speed these radii would satisfy is 20 mph. The Applicant shall install horizontal warning signs in advance of these curves in both directions (W1-4 in advance of the S-Curve, W1-2 in advance of the simple horizontal curve) supplemented with a 20 mph advisory speed sign.

- d. The Applicant shall install guard rails on both sides of the primary site driveway to meet Federal Highway Administration Standards.
 - e. The Applicant shall design, permit through MassDOT and construct a westbound left turn lane on Littleton as shown on the record plans. Applicant shall obtain all necessary permits for work within the state Right of Way as needed by MassDOT.
2. The Board's civil engineer peer reviewer, Woodard & Curran, recommended the following conditions, and the Board hereby requires same:
- a. Prior to commencing construction the Applicant shall:
 - provide a Stormwater Pollution Prevention Plan (SWPPP) narrative per the NPDES construction general permit to the Board for their review prior to Construction.
 - provide a SWPPP report to the Board for their review. In addition, provisions for dewatering both on-site and offsite shall be included in the SWPPP.
 - b. Construction sequence for the proposed primary access drive from Littleton Road to the Development shall generally be as follows:
 - Construct temporary road to approximate elevation of proposed final subgrade and apply temporary pavement binder course.
 - Monitor temporary road during construction for settlement, and repair as necessary.
 - Upon completion of construction, remove and dispose of the temporary binder course.
 - Prepare final sub grade in accordance with design plans and apply final binder and top course of pavement.
 - c. The Applicant shall be responsible to pay for any necessary peer review fees once the proposed controlled earthwork construction design documents have been submitted. The proposed design shall include at a minimum

performing monitoring throughout construction with the use of settlement points installed along the roadway and the results shall be submitted to the Town for review on a quarterly basis. If the design changes due to changing conditions in the field, the Applicant shall be required to submit the updated design documents for review and approval by the Board or its Agent. The existing gravel road has been in use for 20+ years, and settlement beyond 3-6" is not anticipated. The purpose of building the roadway using the controlled earthwork construction is to essentially pre-load the existing roadway to allow for the construction of the Development. During this time the Developer shall install settlement points along the roadway to be monitored to confirm the depth of settlement throughout the duration of construction. Upon completion of construction, the temporary binder material will be removed and the final subgrade prepared using lightweight aggregate. Then the final pavement cross section will be installed.

- d. If excessive settlement is experienced during construction the Applicant may consider other options besides the installation of geopiers to address settlement, such as the use of geogrids in the subsurface of the roadway, any such modifications subject to review and approval by the Board and the Conservation Commission.
- e. If the design changes due to changing conditions in the field the Applicant shall be required to submit the updated design documents to ensure compliance with the Woodard & Curran November 10, 2011.

F. SPECIAL CONDITIONS

- 1. The Applicant shall construct and maintain an emergency access road from South Chelmsford Road to the site, across the Town-owned land. The Applicant shall also construct and maintain a concrete sidewalk for pedestrian access between the site and South Chelmsford Road, across the Town-owned land. These improvements shall be constructed and maintained in substantial conformance with the Record Plans. Construction of these improvements shall only be required if the Applicant is granted the legal right to do so by the Town of Westford through issuance of a license, easement or otherwise. The Applicant shall establish and maintain a suitable means of emergency access from South Chelmsford Road to the site for police, fire, rescue and other emergency personnel, vehicles and equipment which the Applicant shall maintain and keep free of snow as set forth in this permit.
- 2. Prior to any certificates of occupancy, the Applicant shall design, permit and construct a sidewalk on the north side of Littleton Road, extending generally from the existing easterly sidewalk terminus on the Tech Park East property (022 0124 0004) northeasterly toward Tadmuck Road so as to tie into sidewalks anticipated to be included in the eventual reconstruction of the intersection of Route 110 and

Tadmuck Road. The Sidewalk design and construction shall conform materially to the plan set and design details that are a part of the 1999 Route 110 Master Plan, which are part of the Record Plans for this Decision.

To the extent that any such construction requires work on land not controlled by the Applicant, the completion of such work shall be subject to each such property owner's reasonable consent, including granting of permissions, temporary and/or permanent easements to the Town of Westford as may be necessary. The Applicant is responsible to obtain such easements for the construction and perpetual use of the sidewalk from private property owners. The Town agrees that it shall make reasonable efforts to assist the Applicant in obtaining any such permissions and easements. Copies of all executed easements shall be placed on file with the Westford Engineering department.

3. The 6,000 square feet of the retail component shown on the Record Plans is conceptual in nature and the Use of a 6,000 square foot building for retail is approved as part of this Comprehensive Permit. The Applicant is encouraged to construct a complementary retail component to the residential development but is not required to construct this portion of the project. Should the Applicant move forward with the retail component, the Applicant must provide more detail and study to the Board prior to the issuance of any building permits for this portion of the site and the proposed use. The additional detail that will be required for Board review includes materials required for Site Plan Review in Section 9.4 of the Zoning Bylaw including but not limited to the following: water system impact study, traffic impact scoping letter and subsequent traffic analysis, detailed civil engineering site plans including grading and erosion control, and stormwater analysis. This review shall be the sole jurisdiction of the Board of Appeals, provided however that the Board's review and approval of the development and use of this 6,000 square feet commercial building shall not be unreasonably refused or delayed.
4. The Board hereby waives the Water Department's System Development Charges for twenty (20) Affordable Units. This is a reduction of \$37,800.00, from the Water Department estimate of Water System Development Charges.
5. The Board hereby authorizes a deferral of payment of \$20,000.00 of the total Building Permit Fees such that this amount of Building Permit Fees shall not be due prior to issuance of building permits. At the time the Applicant applies for a final Certificate of Occupancy for the Development, in the event that an amount less than \$20,000.00 has been expended pursuant to Condition C.12. authorizing retention of third party building inspectors, the funding remaining in that escrow account shall be returned to the Applicant pursuant to M.G.L. c.44 § 53(g). Prior to issuance of final Certificate of Occupancy, the Applicant shall be required to pay an amount in Building Permit Fees equal to the amount returned to the Applicant pursuant to this Condition, such that the total amount paid by the Applicant, inclusive of Building

Permit Fees and third party review fees, shall equal the total amount of applicable Building Permit Fees.

6. The Applicant has requested waivers, and the Board has granted, with the limitations set forth in this decision, the waivers from local rules set forth in **Exhibit B**, attached hereto. The Board has reviewed the plan in light of all applicable Zoning Bylaws, Conservation Commission Non-Zoning Wetlands Bylaw and Regulations, Board of Health Regulations, Water Department Rules and Regulations, and all other Town of Westford rules, regulations and bylaws applicable as of the date of the Applicant's filing of its Comprehensive Permit Application and hereby grants the waivers set forth in **Exhibit B**. In the event the Applicant, the Board's consulting engineer or Agent determines, in the final design of the Development, that additional waivers not shown on **Exhibit B** are needed, the Applicant shall be required to request such additional waivers in writing from the Board. The Board may grant such additional waivers in accordance with applicable rules and regulations.
7. The Applicant and the Board of Selectmen shall execute a Memorandum of Agreement that ensures adequate mitigation of documented projects prior to the filing of this Decision with the Town Clerk. The terms of which Memorandum of Agreement are incorporated herein as if fully set forth in this Comprehensive Permit in all respects.

RECORD OF VOTE

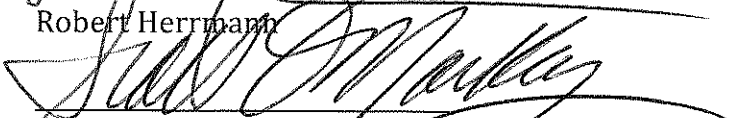
The Board, by vote of **5-0-0**, **APPROVED** the foregoing decision and hereby **APPROVES** a Comprehensive Permit to construct the Project, subject to the conditions and limitations set forth herein.

The Board has complied with all statutory requirements for the issuance of this Comprehensive Permit.

A copy of this decision will be filed with the Town Clerk. Copies of this decision have been or will be mailed to all parties, persons or boards as required by G.L. c.40B.

Any person aggrieved by this Decision may appeal pursuant to G.L. c.40B §21.


Robert Herrmann


Scott Mackay


Mark Conlon


Christopher Romeo


James Kazeniac

Filed with the Town Clerk on Janet Bernabe 1-19-12

January 18, 2012

EXHIBITS

- A. Document List
- B. List of Waivers as Granted by the Board of Appeals

Last updated: 1/12/2012		Princeton Westford Apartment Homes Correspondence List					
Record #	Date Received	Corres. Date	Type	Author	Regarding	Date to BOA	Relationships/Notes/ Action completed?
1	6/21/2011	6/6/2011	Letter	Megan Mulcahy, Mass-Housing Partnership (MHP)	Notice to BOS about PEL filing	8/17/11 packet	BOS letter to MHP sent 6/16/11
2	6/29/2011	6/16/2011	Letter	Robert Jefferies, BOS	Response to MHP with comments	8/17/11 packet	MHP referenced letter in PEL
3	4/18/2011	4/18/2011	Email	Jeff Brown, Esq. Princeton Properties	Review of 760 CMR regarding moratorium based on recent progress	8/17/11 packet	
4	6/23/2011	6/22/2011	Letter	Affordable Housing Committee (Paul Cully)	AHC support for project; Request 3 bedroom units	8/17/11 packet	BOA indicated to applicant it did not want these unit types
5	6/28/2011	6/28/2011	Email	Michael Croteau, Police Department	Police Department comments	8/17/11 packet	
6	8/2/2011	8/2/2011	Letter & attachment	Dan Endyke, Princeton Properties	Revised list of Waivers from local regulations	8/17/11 packet	Replaced by later requests
7	8/9/2011	8/4/2011	Report	Connery Associates	Fiscal Impact Analysis Residential 40B Princeton Properties LLC Westford MA	8/17/11 packet	Peer review complete
8	8/2/2011	8/2/2011	Memo	William Turner, Conservation Planner	Conservation Commission comments, request for peer review for stormwater	8/17/11 packet	Peer review complete
9	8/2/2011	7/29/2011	Letter	Paul Starratt, Town Engineer Valerie Wormell, (email and letter);	Correspondence with Peer Reviewer for Stormwater review	8/17/11 packet	Peer review complete
10	8/12/2011	8/11/2011	Email, letter and presentation	Peter Severance (Presentation)	Request for donation to Stream Team	8/17/11 packet	BOA consider as part of mitigation package
11	8/12/2011	8/11/2011	Memorandum	Finance Team, Westford	Comments on Fiscal Analysis	8/17/11 packet	Requests clarification from applicant
12	8/12/2011	8/12/2011	Letter	Robert Worhley, Water Department	Comments on Water System	8/17/11 packet	Revised utility plans, see later submittal
13	8/12/2011	8/12/2011	Memo	Board of Selectmen	Comments on application	8/17/11 packet	
14	8/12/2011	9/3/2010	Case law summary	Findlaw	Summary of BOA Amesbury vs. housing Appeals Committee	8/17/11 packet	Pertinent case law for 40B review and decisions
15	8/12/2011	8/12/2011	Memo	Chris Kluchman, AICP, BOA staff	Table of application completeness	8/17/11 packet	application deemed complete on 8/17/11

Last updated: 1/12/2012		Princeton Westford Apartment Homes Correspondence List					Relationships/Notes/ Action completed?
Record #	Date Received	Corres. Date	Type	Author	Regarding	Date to BOA	
16	8/17/2011	8/17/2011	PowerPoint	Princeton Properties	copy of presentation at 8/17/11 hearing	8/17/11 hearing	
17	8/19/2011	8/19/2011	Letter	Water Department	Technical issues letter and SDC estimate confirmed gravel road for secondary access	9/21/11 packet	review
18	8/22/2011	8/22/2011	emails	Westford staff, PP attorney	proposal for capital planning services	9/21/11 packet	review
19	8/29/2011	8/23/2011	Letter	On Site Insight		9/21/11 packet	Included in conditions of approval
20	8/29/2011	7/6/2011	Appraisal Report	Bonz and company	Appraisal for MHP	9/21/11 packet	
21	8/22/2011	8/22/2011	Letter	Winslow Architects	Proposal for architectural peer review	9/21/11 packet	to applicant 8/31/11
22	8/22/2011	8/22/2011	Memo	Stantec	Proposal for water peer review	9/21/11 packet	to applicant 8/31/11
23	9/6/2011	9/6/2011	Letter	BETA	Proposal for traffic peer review	9/21/11 packet	to applicant 9/6/11
24	9/8/2011	9/8/2011	Letter	Koff	Proposal for fiscal impact peer review	9/21/11 packet	to applicant 9/6/11
25	9/8/2011	9/8/2011	Letter	MHJ Assoc.	Proposal for pro forma peer review	9/21/11 packet	
26	9/13/2011	9/13/2011	Memo	Recycling Commission	Letter clarifying town recycling for multi family developments	9/21/11 packet	Included in conditions of approval
27	9/15/2011	9/14/2011	Letter	Affordable Housing Committee (Paul Cully)	Letter requesting consideration for 8 3 bedroom units	9/21/11 packet	See above
28	9/9/2011	9/9/2011	Exhibit/Legal Desc.	Allen & Major	Illustration for license for secondary road access and legal description	9/21/11 packet	forward to BOS for license drafting
29	9/7/2011	9/7/2011	email	Dan Endyke, Princeton Properties	Request to reduce Traffic peer review costs	9/21/11 packet	
30	9/15/2011	9/15/2011	Letter	BETA	Revised Peer Review proposal	9/21/11 packet	to applicant 9/15/11
31	9/15/2011	9/16/2011	Letter	Winslow Architects	Peer Review report	9/21/11 packet	review
32	9/20/2011	9/20/2011	Preport	Larry Koff Associates	Peer Review report	9/21/11 Hearing	
33	9/20/2011	9/20/2011	Schedule	Princeton Properties	Construction Schedule	9/21/11 Hearing handout	
34	9/21/2011	9/21/2011	Letter	David White AIA	Response to Arch. Peer review	9/21/11 Hearing handout	
35	9/21/2011	9/21/2011	Plans	Allen & Major	3 plan sheet details	9/21/11 Hearing handout	
36	9/21/2011	9/21/2011	Photo	Princeton Properties	Photo of interior lighting	9/21/11 Hearing handout	
37	9/27/2011	9/27/2011	Report	Larry Koff Associates	Final Peer Report	file only	to app 9/27/11

Last updated: 1/12/2012		Princeton Westford Apartment Homes Correspondence List					Relationships/Notes/ Action completed?
Record #	Date Received	Corres. Date	Type	Author	Regarding	Date to BOA	
38	9/29/2011	9/28/2011	Report	Westford Police	Crash Data	file and applicant only handout 10/19 hearing	to app 9/29
39	10/6/2011	10/6/2011	Letter	BETA	Traffic Peer Review	10/19/11 packet	to app 10/7
40	10/13/2011	10/12/2011	Letter	VAI	Applicant's Traffic Response to Peer review	10/19/11 packet	
41	10/13/2011	10/13/2011	Letter	Woodard & Curran	Civil Peer review	10/19/11 packet	To app 10/13/11
42	10/14/2011	10/13/2011	Report	MHJ Associates	Pro Forma Peer review	10/19/11 packet	To app 10/19/11
43	no item 43						
44	10/19/2011	10/18/2011	Full Plan Set	Allen & Major	Revised Plans 43 pages	replace by 11/9/11 plans (#57)	Reviewed by tech staff
45	10/19/2011	10/18/2011	Memo	Allen & Major	Civil Response to peer review	11/16/11 packet	CC action
46	10/18/2011	10/12/2011	Letter	GSI Inc	GeoTech Peer review	11/16/11 packet	to app 10/18
47	10/19/2011	undated	License	Princeton Properties	DRAFT License for secondary access road	Not included in 11/16 packet because it was superceded by an updated version (#54)	see #54
48	10/20/2011	10/18/2011	Report	Allen & Major	Revised Drainage Report	11/16/11 packet (cover only) to W & C for review, for CC approval	Cons Com continued to 11/9 for final review and possibly decision
49	10/19/2011	10/18/2011	FEMA Submittal/Plan	Allen & Major	Flood Plain Map Amendment sheets and plans	11/16/11 packet (cover only) to W & C for review, for CC approval	CC
50	10/24/2011	10/24/2011	Letter	Woodard & Curran	Wetlands NR Peer Review	11/16/11 Packet	For CC action, included for information only
51	10/27/2011	10/27/2011	Letter and plans	VAI	Additional information and plans in response to peer review	11/16/11 packet	continued peer review
52	10/28/2011	10/28/2011	Memo	Chris Kluchman	update of Peer Review contractor status and work products	11/16/11 packet	continued peer review
53	10/28/2011	10/28/2011	Plans	VAI	Retail turn analyses	11/16/11 packet	continued peer review
54	10/24/2011	undated	License	Jeanne McNight (Town Counsel)	Redraft of license	11/16/11 packet	BOS to consider on 11/22
55	11/4/2011	11/4/2011	letter	Chris Kluchman	Letter to abutters of South Chelmsford Road	11/16/11 packet	announcing hearing on 11/16
56	11/9/2011	undated	O&M Plan	Allen & Major	Operation & Maintenance plan for stormwater systems	11/16/11 packet	To tech review team 11/9/11
57	11/9/2011	11/2/2011	Plans	Allen & Major	Revised 43 page Plan Set	11/16/2011 packet	To tech review team 11/9/11

Last updated: 1/12/2012		Princeton Westford Apartment Homes Correspondence List						
Record #	Date Received	Corres. Date	Type	Author	Regarding	Date to BOA	Relationships/Notes/ Action completed?	
58	11/9/2011	11/8/2011	Letter	Water Department	Additional comments	11/16/11 packet	To applicant 11/9/11	
59	11/9/2011	11/9/2011	Letter	Stantec	Peer Review report Water System	11/16/11 Packet	To applicant 11/9/11	
60	11/9/2011	11/9/2011	Letter	Stantec	Water Impact Analysis report	11/16/11 packet	To applicant 11/9/11	
61	11/9/2011	11/9/2011	Letter	BETA	Supplemental Peer review traffic	11/16/11 packet	to app 11/9	
62	11/2/2011	undated	list of waivers	Princeton Properties	Revised list of waivers to local regulations	11/16/11 packet	replaced by #70	
63	11/10/2011	11/10/2011	Letter	Woodard & Curran	Supplemental Peer review Civil Eng.	11/16/11 packet	To applicant 11/10/11	
64	11/14/2011	11/14/2011	Letter	VAI	Response to Traffic Peer review supplemental	11/16/11 handout	BETA response	
65	11/16/2011	11/16/2011	Powerpoint	Chris Kluchman, AICP, BOA staff	Summary of decision materials and mitigation package	11/16/11 handout	continued discussion by BOA	
66	11/22/2011	11/22/2011	Letter	Allen & Major	Response to Water Peer Review	12/21/11 packet	continued discussion by BOA - waivers	
66a	11/22/2011	12/14/2011	Plans	Allen & Major	Revised Utility plans	12/21/11 packet	continued discussion by BOA - waivers	
67	11/22/11	11/22/2011	Plans	Allen & Major	Revised Utility plans	12/21/11 packet	continued discussion by BOA - waivers	
68	12/1/2011	12/2/2011	Letter	Kopelman & Page	Letter about BOA authority under MGL 40B	12/21/11 packet	updated by 66a	
69	12/6/2011	12/6/2011	Letter	VAI	Response to Traffic Peer review supplemental	12/21/11 packet		
69a	12/9/2011	12/9/2011	Email	BETA	confirmation of revised response	12/21/11 packet		
70	undated	12/9/2011	Waivers	Princeton Properties	Revised waiver list	12/21/11 packet	Considered as DRAFT Exhibit B	
71	11/30/2011	12/1/2011	FEIR report	Epsilon Associates, Inc.	Final Environmental Impact Report (FEIR) table of contents	12/21/11 packet	Town comments to State by 1/6/12; draft letter to be reviewed by BOS on 12/27/11	

Princeton Westford Apartment Homes Correspondence List							
Record #	Date Received	Corres. Date	Type	Author	Regarding	Date to BOA	Relationships/Notes/ Action completed?
					Route 110 master plan illustrations of sidewalk on Route 110 between Nashoba Tech and Tadmuck Road	12/21/11 packet	Included in mitigation package in DRAFT Memo of Agreement for BOA review; new sidewalk location
72	1999	12/9/2011	Plans	Geller Associates/MDM	Letter supporting proposed sidewalk along Route 110	12/21/11 packet	see comment in 72
73	12/8/2011	12/9/2011	Letter	Westford Housing Authority	Revised Architectural Plans (description of minor changes)	12/21/11 packet	see comment in 72
74	12/5/2011	12/5/2011	email / plans	Princeton Properties	BOS approved license (still to be signed by PP)	email ONLY in 12/21/11 packet	
75	12/13/2011	12/13/2011	License	BOS	Comments on proposed sidewalk on Route 110	12/21/11 packet	
76	12/15/2011	12/15/2011	email	Westford Police Department	restatement of Water Dept position on two waivers	12/21/11 packet	see comment in 72
77	12/13/2011	12/13/2011	email	Robert Wothley, Water Department	request for 3rd party inspection services	12/21/11 packet	continued discussion by BOA
78	12/16/2011	12/14/2011	Memo	Matt Hakala, Building Commissioner	presentation by Water Commission, request for changes to draft conditions and waivers	12/21/11 packet	included in draft decision
79	12/16/2011	undated	Powerpoint	Water Commissioner, Lez Denly	Memorandum in support of water commission request for water line in emergency access road	12/21/11 packet	
80	12/21/2011	12/21/2011	Memo	Fire Department	estimate of costs for off site sidewalk	12/21/11 handout	mitigation discussion
81	1/4/2012	1/4/2012	Letter	Pilot Construction	Exhibit related to bus turnaround at emergency access road at South Chelmsford Road	1/4/12 handout	mitigation discussion
82	1/3/2012	1/3/2012	Plan sheet	Allen & Major		1/4/12 handout	mitigation discussion

EXHIBIT B

Waivers from local Bylaws from the Town of Westford Zoning Board of Appeals for the Princeton Westford Apartment Homes Comprehensive Permit Westford, MA

All waivers granted by the Board are with regard to the actual location of buildings and other improvements as shown on the Record Plans, and are limited to the extent shown on the Record Plans.

Town of Westford Zoning Bylaws Chapter 173

1. Section 3.1.2 and Appendix A
 - a. Allowed: Single family detached
 - b. Requested: Multi-family attached (proposed 5 buildings of 200 units and club house)
 - c. Requested: 6,000 S.F. retail building to be occupied by retail users, including retail sales to the general public and retail sale of dairy products.

ACTION: Granted

2. Section 3.2.1.6 Accessory Use: Garage.
 - a. Allowed: A garage for not more than three (3) motor vehicles.
 - b. Requested: Five (5) six (6) car covered garages and one (1) eight (8) car covered garage.

ACTION: Granted

3. Section 3.2.1 Residential Accessory Uses:
 - a. Allowed: Uses which are accessory to single family use.
 - b. Requested: a clubhouse/rental office which is not customarily incidental to single family use.

ACTION: Granted

4. Appendix A and Appendix B and Section 3.2.3.2:
 - a. Requested: Exception to allow land in the Industrial Highway District to be used for multi-family purposes and/or for access to land zoned RA and used for multi-family purposes. Proposed access to go through the Industrial Highway District to land zoned RA at rear of site that will be used for multi-family purposes.

ACTION: Granted

5. Section 3.5.2:
 - a. Allowed: Accessory structure with 120 or more square feet of gross floor area shall be located in the side or rear yard
 - b. Requested: Clubhouse/rental office with 3,800+/- square feet of gross floor area to be located on same parcel as principal use buildings.

ACTION: Granted

6. Section 5.1 and Appendix D Table of Off Street Parking Regulations:
 - a. Allowed: There is no provision regarding parking for a multi-family use. The closest requirement is the 2 spaces per dwelling unit required under Flexible Development (which is the same requirement for a single family dwelling). Additionally there is a provision for 1 space per 180 square feet of retail sales of dairy products.
 - b. Requested: 403 total parking spaces, including 10 spaces for the clubhouse, 28 spaces for the retail, 38 covered, 16 ADA, 3 for WWTF and 308 standard surface.

ACTION: Granted

7. Section 5.1.7: Exception regarding the landscaping requirements in parking areas.
 - a. Proposed parking areas not screened with solid wall or fence at side and rear lot lines.
 - b. Proposed parking of 403 spaces does not contain curbed planting strips every 200 feet.

ACTION: Granted. The applicant shall provide landscaping as shown on Sheet C-4 of the Plans of Record.

8. Section 5.3.10:
 - a. Allowed: One (1) 32 sq.ft. sign with a 30 foot front yard setback.
 - b. Requested: Two (2) wall signs setback over 11 feet from the front lot line, which will each have a sign area of 25 square feet for a total of 50 square feet.

ACTION: Granted. The applicant shall provide detailed sign drawings to the Board of Appeals for review and approval prior to the issuance of a sign permit.

9. Section 9.4:
 - a. Allowed: Site Plan review by the Planning Board for the construction of multi-family structures and parking areas associated with multi-family structures.

January 18, 2012

- b. Requested: ZBA issues all permits and approvals.

ACTION: **Granted.** The applicant shall seek Board of Appeals approval for Site Plan Review for the Commercial Building in accordance with the Conditions of Approval in the Comprehensive Permit decision.

10. Section 8.1.7 Accessory Uses:
- a. Allowed: Above ground storage of hazardous materials and quantities greater than associated with normal household use is allowed by Special Permit of the Planning Board.
 - b. Requested: Permission from the Zoning Board of Appeals, using similar special permit criteria.

ACTION: **Granted.** The applicant shall submit all required hazardous materials sheets to the Board of Health and Fire Department and follow their procedures for storage and monitoring of such materials.

11. Section 4.1.2:
- a. Allowed: One (1) principal structure per lot.
 - b. Requested: Six (6) buildings on lot including the clubhouse.
 - c. Requested: One (1) 6,000 square foot retail building

ACTION: **Granted**

12. Appendix C and Section 4.2:
- a. Allowed: Maximum building height of 35' in Residential A District
 - b. Requested: 4-story buildings maximum height 63'-0"
 - c. Allowed: 2 ½ story maximum building area (stories)
 - d. Requested: (1) one story clubhouse, as shown in the Record Plans.
 - e. Requested: (5) four story buildings, as shown in the Record Plans.
 - f. Requested: (1) One story (6,000 S.F.) retail building, as shown in the Record Plans.

ACTION: **Granted,** as shown on the Record Plans, provided however that the Board's grant of this waiver is expressly predicated upon the unique characteristics of the building site, which is set back a considerable distance from all public ways and is not readily visible from adjacent properties. The Board's waiver shall not be construed to constitute an endorsement of this building height at other sites.

13. Section 8.1.7:
- a. Allowed: Special Permit Required for Wastewater treatment works for sanitary wastewaters that are subject to 314 CMR 5.00, including privately owned facilities in the Water Resource Protection Overlay District III.

- b. Requested: Grant a special permit for a waste water treatment facility of 39,220 GPD within the Water Resource Protection Overlay District III.

ACTION: Granted.

Westford Board of Health Regulations; Requirements for the Subsurface Disposal of Sanitary Sewage

14. Section 6.2:

- a. Allowed: 150 G.P.D. per bedroom.
Requested: Proposed sewage treatment will be 110 G.P.D.
Proposed sewage treatment is 39,220 GPD
200 units with 352 total bedrooms @ 110 GPD/Bedroom =
38,720 GPD + 500 GPD for club house

ACTION: Granted, pending Massachusetts Department of Environmental Protection approval of the WWTF and Board of Health approval of the WWTF installation.

15. Section 6.5:

- a. Allowed: Sewer lines, tanks and leaching fields must not be placed within 100' of the Bordering Vegetated Wetland (BVW)
- b. Requested: Proposed septic field and tanks to be setback 50' from BVW and proposed sewer lines to be setback 5' from BVW

ACTION: Granted

Town of Westford Wetlands Rules and Regulations

16. Section 235-1:

- a. Allowed: 50' Limit of Work Setback;
- b. Requested: Proposed disturbance is 0' at closest point to BVW

ACTION: Granted

17. Section 235-1:

- a. Allowed: 75' Limit of Building Setback
- b. Requested: Proposed secondary buildings (garages) are 3' at closest point to BVW and proposed primary buildings are setback 50' at closest point to BVW

ACTION: Granted

Town of Westford Chapter 171 Wetlands Bylaw

18. Section 171.9:
- a. Allowed: Freshwater wetland shall be defined as wet meadows, marshes, swamps, bogs, areas where ground-water, flowing or standing surface water or ice provides a significant part of the supporting substrate for plant community for at least 5 months of the year; emergent and submergent plant communities in inland waters; that portion of any bank which touches any inland waters.
 - b. Requested: Exception from above local definition of freshwater wetlands. Applicant proposes the adoption of definition of freshwater wetlands in accordance with M.G.L. c. 131, § 7, para. 7.

ACTION: Granted

19. Section 171.2(A):
- a. Allowed: No filling without an Order of Conditions from Conservation Commission.
 - b. Requested: Filling up to 5,000 State Jurisdictional Wetlands

ACTION: Granted

20. Section 171.2(B):
- c. Allowed: Sewer lines, tanks and leaching field must not be placed within 100' of the BVW.
 - d. Requested: Septic field and tanks to be setback 50' from BVW and sewer lines to be setback 5' from BVW.

ACTION: Granted

Chapter 40B Development Guidelines for the Town of Westford, MA

21. Section 5.0:
- e. Allowed: Apartments are not to exceed 10-12 units per acre; 20-24 effective bedrooms.
 - f. Requested: 200 total units; 40 units per building 33 acres total Buildable which equals 6 units per acre.

ACTION: Granted, provided however that the Board's grant of this waiver is expressly predicated upon the unique characteristics of the building site, which is set back a considerable distance from all public ways and is not readily visible from adjacent properties. The Board's waiver shall not be construed to constitute an endorsement of this density at other sites.

Westford Subdivision Regulations

22. Section 218-13: Specific design requirements

Section A; Streets (1) Design Standards

- a. Exception requested from 27' wide subdivision roadway width
- b. Proposed entry roadway to be 24' wide

ACTION: Granted

23. Section 218-13: Specific design requirements

Section F: Sidewalks (1) & (2)

- a. Exception requested from (2) 5' wide sidewalks
- b. Propose no sidewalk along entrance road.
- c. Propose a 4' wide level landscaped area along entrance road, unless where conditions warrant it to be 3'.

ACTION: Granted, in accordance with Condition C.9. in the Decision.

24. Section 218-13: Specific design requirements .

Section F: Sidewalks (1)

- a. Exception requested from (2) 5' wide planting strips along roadway
- b. Proposed entry roadway has no planting strips

ACTION: Granted

25. Section 218-13: Specific design requirements

Section E: Curbing (2)

- a. Exception requested from vertical granite curbing and sloped granite curbing
- b. Proposed Concrete Curbing

ACTION: Granted

Other General Waiver Requests

26. Proposed waiver to allow additional waivers to be requested for additional land development opportunities.

ACTION: Denied

27. Request waiver to be exempt from any fees normally assessed as part of the Westford Water Department's System Development Charge that are related to the construction of the affordable housing units within this development (20% of total residential development).

ACTION: Partially granted. The Board waives the System Development Charge for fifty percent (50%) of the Affordable Units, which equals 10% of the residential development.

28. Waiver from all conditions listed under *The General Bylaws for the Town of Westford, Chapter 90: Earth Removal (90.1-90.11)*

ACTION: Denied

29. General waiver for any waiver not requested and deemed to be necessary for the development of this project as presented in the plans listed in the Comprehensive Permit issued for Princeton Westford Apartment Homes.

ACTION: Denied

Town of Westford Water Department Waivers

30. Waiver to stub line approximately 76 feet off Chelmsford Property line in lieu of running water line down Licensed Emergency Access Road to South Chelmsford Road.

ACTION: Granted

31. Waiver to stub water line approximately 306 linear feet past western property line along Littleton Road in lieu of extending to 420 linear feet to midpoint of Littleton Road frontage.

ACTION: Granted. Applicant to provide water line to a point in Littleton Road near the entrance driveway as shown in Utility plans.