



Town of Boxborough, Massachusetts
Planning Department
REVISED Staff Report – Site Plan Approval and Stone Wall Alteration

Prepared by: Adam Duchesneau, AICP, Town Planner

September 28, 2017

Site: 700, 750, & 800 Massachusetts Avenue

Applicant and Owner 1 Name: Boxborough Town Center, LLC
Applicant and Owner 1 Address: P.O. Box 985, Acton, MA 01720
Owner 2 Name: Mane Realty Trust, John J. Lyons, Trustee
Owner 2 Address: 571 Burroughs Road, Boxborough, MA 01719
Engineer Name: Stamski and McNary, Inc.
Engineer Address: 1000 Main Street, Acton, MA 01720

Legal Notice: In accordance with Boxborough Zoning Bylaw Section 8000 Site Plan Approval, Section 4800 Special Permit for Alternate Access, Section 6103 Multiple Buildings on One Lot, Section 9200 Special Permits, the Site Plan Approval Rules & Regulations, MGL Chapter 40 Section 15C, and the Boxborough Stone Walls Bylaw, the Planning Board will conduct a public hearing on Monday, January 23, 2017 at 7:45 PM in the Upstairs Meeting Room in the Boxborough Town Hall, 29 Middle Road, to review the application submitted by Boxborough Town Center, LLC for Site Plan Approval, Stone Wall Alteration, and a Special Permit to construct approximately 50 two-family dwellings (100 units of housing) reserved exclusively for elderly occupancy with an associated clubhouse with amenities, signage, private driveways, public water supply, wastewater treatment, drainage, and site grading.

The subject properties are located on the south side of Massachusetts Avenue and are addressed as 700, 750, and 800 Massachusetts Avenue; Assessor's Parcel Numbers 14-208-000, 14-210-000, and 14-209-000.

Zoning District(s): Town Center and Wetlands and Watershed Protection District
Zoning Approval Sought: Multiple Buildings on One Lot under Section 6103, Site Plan Approval under Section 8000, and a Stone Wall Alteration Permit under the Stone Walls Bylaw
Date of Application: December 23, 2016
Date(s) of Public Hearing: January 23, 2017, February 27, 2017, March 20, 2017, May 15, 2017, June 26, 2017, September 11, 2017, **and October 2, 2017.**

I. Project Description

1. Subject Property: The project site is located in central Boxborough on the south side of Route 111/Massachusetts Avenue just west of its intersection with Stow Road, primarily within the Town Center Zoning District. The site involves three existing parcels where the construction would occur. These parcels total approximately 59 acres and roughly 785 feet of frontage along Route 111/Massachusetts Avenue. One of the parcels also has approximately 50 feet of frontage on Priest Lane on its southern boundary (where a stone wall is also located) and another parcel has almost 150 feet of

frontage on Burroughs Road. The frontage along Burroughs Road is actually within an Agricultural-Residential Zoning District which extends back from the roadway approximately 150 feet before turning into the Town Center Zoning District.

The project site also involves what is being called Parcel A, an approximately five-acre piece of land on the west side of the subject property which the Applicant/Owner has under agreement with the current owner to acquire and incorporate into the proposal. The Applicant/Owner also has a 50-foot-wide easement which connects the eastern portion of the subject property to Stow Road between the Tisbury Meadow and Sheriff's Meadow senior housing developments. There is currently one single-family dwelling on the site on the parcel known as 700 Massachusetts Avenue which has a private well and direct access onto Route 111/Massachusetts Avenue. There is also a detached barn located in the southeastern portion of the site near the rear property boundary of 145 Stow Road. A second curb cut and driveway on the property are located in the northwest portion of the site and provide access onto Route 111/Massachusetts Avenue. A significant wetland area with a sizeable fire pond covers much of the eastern side and central portion of the property beginning along Route 111/Massachusetts Avenue and stretching well back into the site. A small piece of the wetland area actually extends further west to the property boundary, bisecting the subject site. The remainder of the property outside of the wetland area is primarily covered with forested vegetation.

2. Proposal: The project involves razing the existing single-family dwelling and barn on the property, and constructing 50 two-family dwellings (100 units) reserved exclusively for elderly occupancy (55 years of age and older), a clubhouse, a water treatment building, and a wastewater treatment facility. The development would be a condominium served by a private roadway network. Primary access would be from the site's legal frontage on Route 111/Massachusetts Avenue and two emergency access driveways are proposed, one from Priest Lane and one from Stow Road. Residents of the project would be served by the development's own public water supply, private wastewater treatment facility, and private clubhouse. Clubhouse amenities would include an outdoor swimming pool, pickleball court, bocce court, and mail center. Each dwelling unit would have a two-car garage and a driveway roughly two car widths wide and one car length deep. The Applicant/Owner is proposing 36 parking spaces for the clubhouse parking area, along with 14 banked spaces for future potential usage to the east of the main roadway. The project would also contain a sidewalk network throughout the development which would lead out to Route 111/Massachusetts Avenue. The Applicant/Owner would also be providing a five-foot-wide sidewalk along Route 111/Massachusetts Avenue eastward from the project's entrance/exit drive to Stow Road. The entrance/exit drive would be doubled barreled with an island in the center where a free standing sign identifying the development would be located. A portion of the embankment along Route 111/Massachusetts Avenue to the east of the entrance/exit drive would be removed to create better sight lines for vehicles exiting the development.

3. Nature of Application: Section 8002 of the Boxborough Zoning Bylaw states that no permit for construction or occupancy which results in the substantial alteration of an existing building or lot shall be issued for multiple dwelling residential structures (as well as many other uses) unless Site Plan Approval has been granted by the Planning Board. Section 6103 of the Zoning Bylaw indicates that where one or more than one building is proposed to be built upon a lot, the plan shall be reviewed by the Planning Board who shall make a finding with respect to the adequacy of ways furnishing access to each building site, and make recommendations to the Inspector of Buildings to provide for access in the same manner as otherwise required for lots in a subdivision. Lastly, the Stone Walls Bylaw indicates the removal, tearing down, or destruction of stone walls within or on the boundary of Town ways requires approval from the Planning Board.

4. Surrounding Neighborhood: The project site is located primarily within the Town Center Zoning District on the south side of Route 111/Massachusetts Avenue approximately 300 feet west of its intersection with Stow Road. To the north across Route 111/Massachusetts Avenue is the multi-family Carriage House condominium building, auto motive repair businesses, and a landscaping company. To

the west are single-family dwellings with access directly onto Route 111/Massachusetts Avenue and some which are part of the Hughes Lane subdivision roadway. Along the project site's southern boundary are multiple single-family dwellings on Burroughs Road and Priest Lane. To the subject property's east are additional single-family dwellings along Stow Road as well as 20 units of senior housing in two-family buildings in the Tisbury Meadow and Sheriff's Meadow developments. There is also a commercial property which abuts the project site with three small buildings and two associated parking lots. Across Route 111/Massachusetts Avenue to the northeast is the United Church of Christ Congregational and Town Hall.

5. Comments:

Board of Selectmen: The Board of Selectmen has not provided any comments regarding the proposed project.

Board of Health: In two emails to the Town Planner on January 19, 2017, the Board of Health Agent provided the following comments and questions:

- 1) The proposed pool will be considered a semi-public pool and its construction will require prior approval from the Board of Health. Once construction, and prior to use, it will need a permit to operate from the Board of Health.
- 2) The treatment plant building should be constructed of materials that will not require the major reconstruction of the plant and possibly affect the treatment works contained within. The plant must have appropriate odor controls to prevent the migration of odors to the abutting properties.
- 3) The drainage areas should be designed to minimize standing water to reduce potential mosquito breeding.
- 4) Only non-perchlorate blasting materials should be used on site.
- 5) All wood waste (stumps/slash) generated from the site must be disposed of properly (no on site disposal).
- 6) The applicant must obtain an approved Groundwater Discharge permit from DEP prior to the approval of building permits for the site.
- 7) The applicant must obtain an approved water supply from the DEP prior to the issuance of building permits for the site.
- 8) In order to determine the potential effects of the proposed water supply on the abutting wells, the pump testing done on the abutting wells, and interpretation of the results, should be submitted for review.
- 9) I would not recommend additional wells (irrigation) be approved for the site.

Most senior housing development units have been limited to two bedrooms and have had language limiting their occupancy (in part this was done because of the reduced sewage flow Title 5 allows for these units (150 gallons/day versus 220 gallons/day for a normal two bedroom unit)). There are 30 three bedroom units proposed in the development, will their occupancy be limited? The sewage flow calculations for these units accounts for a normal three bedroom flow (330gpd).

Building Department: In an email to the Town Planner on January 4, 2017, the Building Inspector indicated he had the following questions and comments about the proposed project:

- 1) Is the proposed stone wall over four feet from the bottom of footing to the top of the wall? If so they would require the wall to be engineered by a design professional to protect against overturning.
- 2) If the wall is retaining in [excess] of 24" inches of unbalance fill this shall be engineered by a design professional to ensure stability against overturning.
- 3) Will any of the buildings/units accommodate handicapped?
- 4) Will there be accessory structures such as garages or sheds?

- 5) What methods of construction will be used, assumed roof truss? (meaning stick build or panelized wall system, exterior walls only).
- 6) It is not required that they sprinkle the units as they propose duplex homes. But how close will the individual homes be to one another?
- 7) Will they have a model unit?
- 8) I noted that they are using Silver line Andersen Windows, this is typically a low grade vinyl window.

Conservation Commission: The Commission discussed the proposed project at their meeting on January 4, 2017 and indicated an NOI filing will be required for the wetland crossing.

Additionally, in an email to the Planning Board Chair on February 5, 2017, the Conservation Commission Chair stated the following:

“Please enter this comment and question into the record at the PB continuation of the Public Hearing on the proposed Town Center development.

The Conservation Commission is aware of the proposed Town Center development and that it includes a proposed swimming pool. Although the proposed swimming pool is presumed to be located outside of any wetland resource areas (and be beyond our jurisdiction), we are concerned about the proper management of any pool water discharge that is necessary for the operation and maintenance of the pool. This water cannot be allowed to discharge directly into a wetland resource area, and similar to other development generated surface runoff, we assume this chemically altered water must be collected and properly recharged into the ground.

How does the Applicant propose to manage the pool wastewater?”

Consulting Engineer: The Town’s Consulting Engineer, Places Associates, Inc., submitted an initial comment letter on January 23, 2017, which was followed by a second comment letter on August 9, 2017 when a revised set of plans were submitted by the Applicant/Owner. However, Places Associates, Inc. has not yet provided comments on the most recently submitted plans from September 5, 2017.

Design Review Board: At the Design Review Board meeting on January 18, 2017, the Board provided the following comments about the proposed project:

- The proposed project name of “Regency at Boxborough” should be changed as it will cause confusion and potentially create a public safety issue as the Holiday Inn was recently renamed the “Boxboro Regency.”
- It is recommended the staggering depth of adjacent dwellings units from front to back be more pronounced.
- Lighting for the project should comply with the requirements of the Zoning Bylaw and not spill onto the adjacent properties.
- More variation in the proposed color schemes for the horizontal siding was requested. There should be a distinct color differentiation between each of the two-family buildings.
- The garage doors should incorporate additional detailing or design which helps to create the appearance of two separate doors as opposed to one large door.

Fire Department: In a memorandum to the Town Planner on January 19, 2017, the Fire Chief provided the following comments:

“After reviewing the purposed Senior Housing Development at 700, 750, & 800 Massachusetts Avenue, I have a couple public safety issues and concerns.

1. A single means of open ingress and egress for a development of this size with two gated emergency access is an undesirable solution that could have significant consequences to life and property. In the event of a fire, the roadway would most likely be closed, due to apparatus placement, and laying of hose. This would greatly impact the safety and wellbeing of residents within this development. Also, given the density of the project and the proximity of the houses, mutual aid would be requested to help protect adjacent structures during a fire. If the proposed emergency access gates are chained or padlocked, this would require emergency responder's to exit their vehicle, unlock a Knox Box to access the keys, and then open the gate creating a significant delayed in mutual aid. This further emphasizes why only one entrance is undesirable. I recommend that all proposed emergency gated access roads be constructed as fully functional roadways.
2. Are vehicles going to be allowed to be parked within roadway? If so, to the density of the project and the close proximity of the units, vehicles parking in the roadway pose safety issues for emergency vehicles, especially during winter months.

These are my concerns for now but, reserve my right to address any other issues that might arise as this project progresses.”

In a subsequent email to the Town Planner on September 7, 2017, the Fire Chief provided the following comments:

“After meetings with the Applicant, Town Planner, Planning Board members, and reviewing the submitted Site Plan Revision #2 dated September 1, 2017 for the proposed two-family dwellings exclusive for a Senior Housing Development at 700, 750, & 800 Massachusetts Avenue, I offer the following recommendations.

1. The proposed Fire Department access and water supply shall be constructed and maintained per NFPA Chapter 18 *Fire Department Access and Water Supply*. The emergency access roads shall be accessible with an approved Emergency Vehicle Access Control System per NFPA 18.2.4.2.1 *Closure of Accessways*. The Applicant/Owner shall work with and obtain approval from the Police, Fire, and Public Works Departments to implement a controlled access device to restrict vehicular access through the emergency access roadways which lead to Stow Road and Priest Lane. This controlled access device shall be owned and maintained by the condominium/homeowners association for the development. Additionally, the condominium/homeowners association shall submit annual inspection reports to the Fire Department regarding the maintenance and upkeep of the Emergency Vehicle Access Control System for each emergency access roadway.
2. Due to the density of the project and the close proximity of the units, vehicles parking in the roadway pose safety issues for emergency vehicles, especially during winter months. I am requesting the Applicant/Owner implement off-street visitor parking spaces throughout the project to alleviate this public safety concern.

These are my concerns for now, but I reserve my right to address any other issues that might arise as this project progresses.”

Historical Commission: The Historical Commission has not provided any comments regarding the proposed project.

Housing Board: The Housing Board has not provided any comments regarding the proposed project.

Littleton Electric Light Department (LELD): In two emails to the Town Planner on January 17, 2017, LELD indicated the following, including providing preliminary plans for the proposed transformer locations:

“Please see the attached drawings of LELD’s proposed design. Please note that this is only a preliminary design and may change before the site work begins. Also, in a few locations throughout the development LELD is requesting that the gas service flips to the opposite side of the proposed underground electrical secondary locations. Those locations are shown on the drawing.



We also will need to reconstruct the Sheriff’s Meadow Condo entry off of Stow Rd. so that we can bring three-phase power to the wastewater treatment facility. This design is not shown on the drawings.

The transformers are approximately 3’ by 3’ by a little over 2’ tall. The transformers will sit on a buried pad similar to the image below. Unfortunately, the transformers cannot be placed underground and there is no way around the eyesore.”

In a subsequent email to the Town Planner on February 2, 2017, LELD indicated the following:

“I’ve confirmed that there is existing empty conduit installed throughout Sheriff’s Meadow. This means that we would not have to trench through the existing roadway as long as the existing conduit is not damaged. Our plan is to use that existing conduit to pull in the three phase cable and to upgrade the existing junction boxes.

There will be a few minor outages involved in doing this work, but we would communicate that with the residents when the time comes. Let me know what your thoughts are.”

In another email to the Town Planner on August 10, 2017, LELD indicated the following:

“After reviewing the new drawings and specifications LELD has the below comments:

- Our proposed design has not changed, however we noticed that the site plan design did not change to reflect our design. We understand that it is early in the process to make design changes, but if this project were to move forward we would like to coordinate with the designer/builder.
- Are the street lights going to be Boxborough town lights or development lights metered and maintained by the development. If the lights are town lights we would like to use the Town and Country fixture that we stock. Also, we will need to figure out how to feed power to the lights regardless of ownership.”

In another email exchange with the Town Planner on August 15, 2017, LELD indicated the following:

“I’d like to follow up our conversation today with an email reiterating some important points. To summarize, we discussed using the existing infrastructure in the Sheriffs Meadow Condo Association lot to provide a diverse single phase loop feed into the new development. Below are a few bullet points of what this would entail:

- Currently, LELD owns an existing spare conduit that runs from the riser pole on Stow Road (pole 7) to the first junction box in the Sheriffs Meadow property. LELD also owns an existing spare conduit from the first junction box in the Sheriffs Meadow property to a junction box bordering the new development's property. This means that the Sheriffs Meadow property would hardly be disturbed by LELD adding a loop.
- No digging would be required in the Sheriffs Meadow property.
- LELD's scope of work would include pulling new wire from the riser pole on Stow Road (pole 7) to the two junctions on the Sheriffs Meadow property. Pulling and terminating the new wire would only be a few days of work and would provide more reliability to the Sheriffs Meadow residents. For example, if the loop was existing during the March wind storm that knocked trees and utility poles down then the customer of Sheriffs Meadow would not have experienced the 10+ power outage that they had to withstand.
- This plan would also have a positive impact aesthetically on the new development. If we are unable to bring three-phase power off of Stow Road then we would need to pull three phase wire throughout the development from Mass Ave. That would require us to add multiple junction boxes to pull in wire to the proposed privately owned wastewater treatment facility. If we bring three-phase power to that location from Stow Road, the infrastructure is already in place.
- The one caveat: this plan is assuming the existing conduit is not damaged or broken. LELD would make sure of this if this plan were to be accepted."

Police Department: In a memorandum to the Town Planner on January 19, 2017, the Police Chief provided the following comments:

"Attached to this memo you will find my 2013 response to a proposed access road named Patriot Lane for this same area. I wish to echo my continued public safety concerns with introducing access points into a roadway (Massachusetts Avenue – Rte. 111) that has limited visibility. Additional signage will not be enough and significant roadway improvements will be necessary. I am also concerned about the access point through Sheriffs Meadow and how pedestrian traffic will be mitigated.

It would be helpful if the architects of this proposal could meet with my team to explain the plans as submitted."

The attached 2013 memorandum read as follows:

"I would like to express my public safety concerns with the proposed plans. I have visited this site and I felt that the access road (Patriot Lane) off of Massachusetts Avenue poses a serious risk to motoring public as is exposed to blind incline to the west and an incline and curve to east. From a public safety standpoint, I would like to see significant site improvements to the roadway that would improve the sight distance of both the vehicles entering and exited the proposed roadway and vehicles travelling on Massachusetts Avenue."

In a subsequent memorandum to the Town Planner on September 28, 2017, the Police Chief provided the following comments:

"I wish to echo my continued public safety concerns with proposed development at 700, 750, & 800 Massachusetts Avenue.

1. ***I have serious public safety concerns with introducing access points into a roadway (Massachusetts Avenue – Rte. 111) that has limited visibility.***
 - a. ***Additional signage will not be enough.***
 - b. ***Significant roadway improvements will be necessary.***

2. ***I am also apprehensive about the additional access points through Sheriffs Meadow and Priest Lane in regards to how emergency traffic will be mitigated.***
 - a. ***If the access gates are to remain locked;***
 - i. ***Public safety personnel will need immediate access by way of vehicular transponders.***
 - ii. ***Access to mutual aid responders will need to be granted by way of an offsite control at Boxborough Dispatch.***
 - b. ***Access points must remain accessible and clear of snow and parked vehicles.***

3. ***My last concern is in regards parking and capacity.***
 - a. ***I would like to see additional designated parking along the roadway to accommodate overflow visitors.”***

Public Works Department: In an email to the Town Planner on January 3, 2017, the Public Works Director indicated the following:

“I have two concerns one is the water runoff from the Private drive (C) on to Priest lane and will all Emergency gates be plowed out after every storm.”

School Committee: The School Committee has not provided any comments regarding the proposed project.

II. Compliance with Section 6103 Multiple Buildings on One Lot

Where one or more than one building is proposed to be built upon a lot, the plan shall be reviewed by the Planning Board who shall make a finding with respect to the adequacy of ways furnishing access to each building site, and make recommendations to the Inspector of Buildings to provide for access in the same manner as otherwise required for lots in a subdivision.

The proposed project calls for the internal private roadways of the project to be 24 feet in width. This is the same minimum pavement width called for in the Town’s Rules & Regulations Governing the Subdivision of Land for the construction of new roadways which serve between 51 and 120 units. Additionally, the two emergency access roadways would allow for a total of three access points for emergency service vehicles to use during an incident. Therefore, the ways providing access to each building site are adequate for the project.

III. Compliance with Section 8007 (Site Plan Approval) Decision

The Applicant/Owner has submitted plans consistent with Sections 8005 and 8006 of the May 2012 Boxborough Zoning Bylaw and the Site Plan Approval Rules & Regulations. Site Plan Approval shall be granted upon determination by the Planning Board that new buildings or other site alterations have been designed in the following manner, after considering the qualities of the specific location, the proposed land use, the proposed building form, grading, egress points, and other aspects of the development. The Planning Board should review the proposed project for consistency with the following Site Plan Approval Requirements of the Zoning Bylaw:

1. The proposal shall comply with the purpose and intent of the Zoning Bylaw and with existing local and regional plans.

The Applicant/Owner has achieved a zoning freeze of the May 2012 Zoning Bylaw per a Definitive Subdivision Plan Decision filing with the Town Clerk in April of 2014. As such, the May 2012 version of the Zoning Bylaw is being used to review this project for compliance.

The Planning Board's report to the 1989 Annual Town Meeting regarding the initial proposal for the creation of a Town Center Zoning District indicated the Planning Board preferred "the development of a Town Center where buildings are clustered around a common open area." The report goes on to state the Planning Board believed the proposed "bylaw provides a workable framework for the establishment of a Town Center with small scale buildings incorporating a mix of uses from housing to office and commercial establishments." The Town Center Zoning District in the 2012 Zoning Bylaw calls for the densest development of any zoning district in Boxborough. This is clearly evident as the Town Center Zoning District has the smallest minimum lot size requirement, the shortest amount of minimum frontage, the narrowest amount of minimum lot width, and the smallest minimum setback requirements of any zoning district. All of these dimensional requirements are intended to create more dense development than in other parts of the community. However, the Town Center Zoning District is also the only zoning district which calls for a minimum amount of open space; a metric which is not required in any other zoning district. The proposed project achieves this type of development style by clustering buildings together on the property while maintaining larger tracks of open space. It should also be noted here the large portions of open space proposed to be preserved are primarily wetland areas and their buffers, which, due to the Town's Wetland Bylaw, cannot be disturbed for the most part. Therefore, the Applicant/Owner did not necessarily choose to preserve these areas as open space, but was essentially required to do so per the Town's Wetland Bylaw.

The Town's Master Plan (Boxborough2030) and Housing Production Plan both identify a need for moderately priced senior housing units in the community. At an earlier public meeting for the proposal, a member of the project team indicated each unit would sell for approximately \$500,000. This pricing falls closer to the "high priced" senior housing category, but is providing a type of housing which is needed in the community. Additionally, while not required, the project does not provide any deed restricted affordable units. If these items still hold true, they would not be entirely consistent with Boxborough2030 or the Housing Production Plan, which call for much more moderately priced senior housing units in the community. However, it should also be noted here that the Boxborough2030 Conceptual Future Land Use map in the Recommendations and Implementation Plan identifies this area as being designated for "Town Center and Compact Multi-Family Housing." The proposed project is in line with this designation as it does provide numerous compact housing units in the central part of town. MetroFuture, the Metropolitan Area Planning Council's (MAPC) Regional Plan for greater Boston, has one of its housing goals state that "the region's seniors will have more housing choices and opportunities to downsize while staying in their own community." The proposed project would provide additional senior housing choices to Boxborough residents and the surrounding communities. However, on the flip side, the project is not consistent with another housing goal in MetroFuture which states "an increasing share of housing in each municipality will be affordable to working families and fixed-income seniors." The \$500,000 price point for units in the project would not be readily affordable to many fixed-income seniors in the area. Based upon the above, the Town Planner finds the proposal complies with the purposes of the Zoning Bylaw and existing local and regional plans, but not necessarily their intent.

2. The development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties and community amenities. To the extent possible, building sites shall be designed to minimize the use of wetlands, steep slopes, floodplains, hilltops; minimize obstruction of scenic vistas from publicly accessible locations; preserve unique natural, scenic and historic features; minimize tree, soil and vegetation removal; and maximize open space retention.

The proposed development has been designed to locate the dwellings in the upland area of the property, which is primarily in the south, southwestern, and southeastern portions of the project site. The proposed project would only disturb small portions of the wetland and 100 foot buffer to provide access from Route 111/Massachusetts Avenue to the southern portion of the project site. Other smaller disturbances of the 100 foot buffer area would be necessary for some of the grading for the stormwater management areas. Only 20% of the project site would become impervious surface and the remaining 80% would allow for water to infiltrate the lot (with the exception of sidewalks). The large wetland areas and their vegetation

would remain primarily undisturbed, except for the roadway crossing of a small portion of wetland area. Of the approximately 60 acre site, roughly 25 acres of wetland and buffer area would be left untouched. Furthermore, the existing terrain elevations have been used as much as possible to help minimize the amount of grading which would need to occur at the property.

Vegetative removal on the site would not be minimized as large swaths of the existing vegetation, primarily trees, would be removed to make way for construction of the project. In the south, southwestern, and southeastern portions of the project site, vegetation would be cleared almost up to the property line. Some site grading and even some blasting would be required to achieve the necessary topography required to construct the roadway and dwelling units on the property. However, since an earlier version of the plan set, the Applicant/Owner has increased the amount of new vegetative plantings and added fencing at the perimeter of the property in order to protect abutting parcels. This is most evident along the western and southern property boundaries of the project site. Additionally, proposed grading at the perimeter of the property should also help to create visual barriers between the proposed dwelling units and existing abutting homes. Therefore, based on the above, the Town Planner finds the development would be sufficiently integrated into the existing terrain and surrounding landscape, and is designed to protect abutting properties.

3. Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in the roof and wall lines, and other architectural techniques. Proposed buildings shall relate harmoniously to each other.

The proposed buildings, in terms of massing and roof pitch, would be in keeping with other structures in the Town Center Zoning District which are also primarily one- and two-story, gable roofed buildings. Additionally, the proposed location of the vast majority of the dwellings and the large wetland area and its vegetation which would be retained, should make most of the development minimally visible from any public roadway. The colonial-like style of the proposed buildings with architectural roof shingles, clapboard style siding, and stone veneer relate well to other buildings in the Town Center Zoning District. While not ideal, the vinyl material siding does mimic a clapboard style and also would contain an appropriate exposure of around 4.5". The structures themselves have adequate variation in materials and depth to provide a quality appearance. The variety of architectural styles of the proposed two-family dwellings available to purchasers (five different options) would also help to create more of a "town center" feel to the project. However, as was noted by the Design Review Board, the proposed color palettes for the project should have a wider discrepancy between the primary colors for the horizontal siding, which would make up vast majority of the facades. The proposed windows, while low grade, do call for a colonial grill pattern which should enhance the project's aesthetics. Therefore, the Town Planner finds the architectural style would be in harmony with the prevailing character and scale of the existing buildings in the Town Center Zoning District.

4. Adequate measures shall be proposed to prevent pollution of surface and ground water, to minimize erosion and sedimentation, to prevent changes in groundwater levels, to minimize potential for flooding, and to provide for stormwater drainage consistent with the functional equivalent of the Planning Board's Subdivision Rules & Regulations.

The Applicant/Owner has submitted an updated Stormwater Management Report and a Stormwater Management Operation and Maintenance Manual. The Applicant/Owner has indicated the project has been designed to meet the contemporary standards and safeguards related to protection of water resources. They contend the potential impacts associated with stormwater runoff shall be mitigated by fulfilling the design standards outlined in the Massachusetts Stormwater Handbook. The stormwater runoff produced from the parking area and access driveways would be collected in deep sump/hooded catch basins. The runoff would then be directed to multiple infiltration basins and/or subsurface infiltration chambers for partial recharge. A private wastewater treatment facility would be constructed on

the site and in accordance with 310 CMR 5.00. A Drainage System Operation and Maintenance Plan, as well as Erosion and Sediment Control Notes have been included in the design to mitigate potential erosion during and post construction. The Applicant/Owner contends the water table shall be maintained with recharge being provided through the sewage disposal system, and subsurface infiltration basins and chambers. The Applicant/Owner also claims adjacent properties would not be affected by stormwater runoff from the site as the design meets Stormwater Management Policy standards. However, at this time, the Town Planner ***is recommending the Planning Board review the remaining outstanding items listed in the Town's Consulting Engineer's most recent memorandum dated September 11, 2017*** prior to issuing a decision on the application.

5. Roadways and circulation system shall be designed to promote convenience and safety for both pedestrians and vehicles. Access roads by which the proposed development is reached shall be adequate in width, grade and construction to carry, without danger or congestion, the additional traffic that is generated from the development.

The Applicant/Owner has submitted responses to the initial traffic peer review letter which was prepared by the Town's Traffic Consulting Engineer, Green International Affiliates, Inc. (Green). Green has also provided a revised peer review letter based upon the responses from the project team and all but three of their comments have been resolved. Each of these unresolved comments were simply pending approval from the Town's Fire and/or Police Departments. The roadway layout for the development has been designed to take vehicles off of Route 111/Massachusetts Avenue and filter them back into the loops and spurs of the interior roadways of the project. The plan set for the internal private roadways of the project calls for a paved roadway width of 24 feet. This is the same minimum pavement width called for in the Town's Rules & Regulations Governing the Subdivision of Land for the construction of new roadways which serve between 51 and 120 units.

The proposed location of the entrance/exit drive may conflict with the driveway of the landscaping business directly across Route 111/Massachusetts Avenue to the north. Just 60 feet further to the east is another driveway for a highly active automotive repair and towing business. Each of these businesses may have a significant amount of traffic going to and from their properties each day. Additionally, the Police Chief expressed concerns about the location of the proposed entrance/exit drive in the memorandum he submitted to the Town Planner. The Police Chief feels there are public safety concerns related to introducing a new access point on Route 111/Massachusetts Avenue with limited visibility. However, unfortunately, because Route 111/Massachusetts Avenue is a state road, the Massachusetts Department of Transportation (MassDOT) has the final say over approval for the driveway location and required modifications to the roadway.

The proposed project also calls for a sidewalk on one side of all roadways in the development, however, there appear to be some deficiencies in the design. Where sidewalks intersect with driveways, there is no delineation on the asphalt as to where pedestrians should be walking. A 5 foot wide stamped asphalt area or other pavement texture distinction should be implemented where sidewalks traverse this 40 plus feet of unmarked pavement area. As such, the Town Planner is recommending a condition which would require this element to be installed. The Applicant/Owner is also proposing to extend the sidewalk from the entrance/exit roadway eastward to Stow Road along Route 111/Massachusetts Avenue, and westward to the property boundary. This will help to further the Town's goal of creating a sidewalk for the entire length of Route 111/Massachusetts Avenue between the Harvard and Acton town lines. Additionally, the Applicant/Owner should implement an easement over the roadway between Route 111/Massachusetts Avenue and Priest Lane to allow the public to use this sidewalk network as a pedestrian pathway to Route 111/Massachusetts Avenue. The Town Planner is recommending a condition be included which would require this element be implemented as well. Therefore, the Town Planner finds the roadways and circulation system are designed to promote convenience and safety for both pedestrians and vehicles.

6. Adequate buffers shall be provided to protect abutting properties from lighting, sight, sound, dust, and vibration.

Vegetative removal on the site would not be minimized as large swaths of the existing vegetation, primarily trees, would be removed to make way for construction of the project. In the south, southwestern, and southeastern portions of the project site, vegetation would be cleared almost up to the property line. However, since an earlier version of the plan set, the Applicant/Owner has increased the amount of new vegetative plantings and added fencing at the perimeter of the property in order to protect abutting parcels. This is most evident along the western and southern property boundaries of the project site. Additionally, proposed grading at the perimeter of the property should also help to create visual barriers between the proposed dwelling units and existing abutting homes.

Six street lights on ten foot high poles have been proposed for the project. However, no other exterior light fixtures or their locations have been displayed in the plan set. The Town Planner is recommending a condition that would require the Applicant/Owner to provide the proposed locations for all exterior light fixtures around the perimeter of the property or at the rear of each building, and to show the extent of each light fixture's illumination, prior to the issuance of a Building Permit to ensure the light fixtures do not cast light beyond the property lines. Additionally, the Town Planner is recommending a condition which would require all exterior lighting to be confined to the subject property and must not intrude, interfere, or spill onto neighboring properties. Therefore, based on the above, the Town Planner finds adequate buffers would be provided to protect abutting properties from lighting, sight, sound, dust, and vibration.

7. Adequate facilities shall be provided for water supply and for handling and disposal of waste and other production by-products.

As proposed, the project would have its own water treatment building and wastewater treatment facility on-site. The Applicant/Owner has initiated the approval process for a proposed public water supply on-site with the Massachusetts Department of Environmental Protection (MassDEP). Two wells have been installed along the northwesterly lot line just north of the intermittent stream which crosses the property. The Applicant/Owner has also entered into a Purchase and Sale Agreement for Parcel A with the abutter, relative to the future Zone 1 protections adjacent to these wells. The Board of Health Agent has proposed a number of conditions for the project including requiring the Applicant/Owner to submit evidence of an approved Groundwater Discharge Permit and water supply from MassDEP. All conditions proposed by the Board of Health Agent are recommended for inclusion by the Town Planner. Assuming the Applicant/Owner obtains the necessary approvals from MassDEP, the Town Planner finds there are adequate facilities provided for water supply and for handling and disposal of waste and other production by-products.

8. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment.

The Fire Chief has indicated that one primary entrance/exit roadway and two emergency access roadways for a project of this size would be sufficient for fire prevention and emergency response service measures. After reviewing the most recent version of the project plan set, the Fire Chief is requiring the proposed Fire Department access and water supply be constructed and maintained per NFPA Chapter 18 Fire Department Access and Water Supply. The Fire Chief is also requiring the emergency access roads shall be accessible with an approved Emergency Vehicle Access Control System per NFPA 18.2.4.2.1 Closure of Accessways. The Applicant/Owner shall work with and obtain approval from the Police, Fire, and Public Works Departments to implement a controlled access device to restrict vehicular access through the emergency access roadways which lead to Stow Road and Priest Lane. This controlled access device shall be owned and maintained by the condominium/homeowners association for the development. Additionally, the condominium/homeowners association shall submit annual inspection reports to the Fire

Department regarding the maintenance and upkeep of the Emergency Vehicle Access Control System for each emergency access roadway.

Additionally, due to the density of the project and the close proximity of the units, vehicles parking in the roadway pose safety issues for emergency vehicles, especially during winter months. As such, the Fire Chief is requesting a condition that the Applicant/Owner implement off-street visitor parking spaces throughout the project to alleviate this public safety concern. The Town Planner is recommending conditions for each of the items discussed in this section. Based upon the above, the Town Planner finds the project would provide adequate access to each structure for fire and service equipment.

9. Architectural Standards in the Town Center District Only. Materials shall be harmonious with existing buildings. In the interest of maintaining a sense of history, vertical siding shall be discouraged and synthetic siding shall imitate the character and dimensions of traditional clapboards. Masonry block buildings should be faced in an appropriate material, such as horizontal wooden siding or brick of a traditional red color. Buildings shall fit in with existing architecture in terms of height, massing, roof shapes, and window proportions.

The proposed buildings, in terms of massing and roof pitch, would be in keeping with other structures in the Town Center Zoning District which are also primarily one- and two-story, gable roofed buildings. The colonial-like style of the proposed buildings with architectural roof shingles, clapboard style siding, and stone veneer relate well to other buildings in the Town Center Zoning District. While not ideal, the vinyl material siding does mimic a clapboard style and also would contain an appropriate exposure of around 4.5”. The structures themselves have adequate variation in materials and depth to provide a quality appearance. The variety of architectural styles of the proposed two-family dwellings available to purchasers (five different options) would also help to create more of a “town center” feel to the project. However, as was noted by the Design Review Board, the proposed color palettes for the project should have a wider discrepancy between the primary colors for the horizontal siding, which would make up vast majority of the facades. The proposed windows, while low grade, do call for a colonial grill pattern which should enhance the project’s aesthetics. Therefore, the Town Planner finds the materials would be in harmony with the existing buildings in the Town Center Zoning District.

IV. Compliance with the Stone Walls Bylaw

The Applicant/Owner has noted they will be removing a portion of the stone wall along the subject property’s frontage on Priest Lane. Approximately 30 feet of the stone wall will be disturbed but the proposal calls for a final opening to be reset just outside the grass shoulder, a width of roughly 28 feet. While this is a fairly substantial opening for an emergency access roadway, the required pavement width is 20 feet. The Town Planner is recommending the final width of the opening in the stone wall be kept to 28 feet and that any stones which are removed should be reincorporated into the remaining wall. The Town Planner is recommending a condition reflecting these items.

V. Recommendation

Multiple Buildings on One Lot under Section 6103, Site Plan Approval under Section 8000, and a Stone Wall Alteration Permit under the Stone Walls Bylaw

The Town Planner is recommending the Planning Board *review the outstanding* comments *received* from the Town’s Consulting Engineer, Places Associates, Inc., *from their most recently submitted memorandum dated September 11, 2017*, prior to rendering a decision on the application. The Town Planner is also recommending the following draft conditions be considered for inclusion by the Planning Board when a final decision is rendered for the application:

1. Approval is based upon the following Plans and Documents:
 - a. Site Plan for Enclave at Boxborough, 700 – 800 Massachusetts Avenue, Boxborough, Massachusetts (Sheets 1 through 30) dated December 22, 2016 and revised through August 30, 2017, prepared by Stamski and McNary, Inc. with Planning Department date stamps of September 5, 2017.
 - b. Landscape Plan, Enclave at Boxborough (Sheets 1 through 9) dated December 22, 2016 and revised through August 30, 2017, prepared by ESE Consultants, Inc. with Planning Department date stamps of September 5, 2017.
 - c. Highlight Plan, Landscape Revision, Enclave at Boxborough dated September 1, 2017, prepared by ESE Planning with a Planning Department date stamp of September 5, 2017.
 - d. Fire Truck Turning Plan (Sheets 1 and 2) dated August 30, 2017, prepared by Stamski and McNary, Inc. with Planning Department date stamps of September 5, 2017.
 - e. Color Schemes and Elevations (Six Sheets) dated April 6, 2017, prepared by Toll Architecture with Planning Department date stamps of June 1, 2017.
 - f. Wastewater Treatment Building (Sheet A-3) dated February 13, 2013 prepared by Roth & Seelen, Inc. with a Planning Department date stamp of June 1, 2017.
 - g. Water Facility (Sheet A-1) dated February 2017 prepared by Wright-Pierce with a Planning Department date stamp of June 1, 2017.
 - h. Boxborough Town Center Project, Exterior Lighting Schedule (11 Sheets) dated April 21, 2017 with a Planning Department date stamp of June 1, 2017.
 - i. Boxboro Street Lighting (Sheets 1 through 4) dated May 1, 2017, prepared by Phillips with a Planning Department date stamp of June 1, 2017.
 - j. ***Boxborough Town Center Exterior Building Lighting dated September 8, 2017, prepared by Progress Commercial Lighting with a Planning Department date stamp of September 8, 2017.***
2. ***The Applicant/Owner shall notify the Town Planner within 48 hours after a curb cut/road access permit application has been filed with the Massachusetts Department of Transportation (MassDOT) to access Route 111/Massachusetts Avenue.***
3. **Prior to the commencement of any site work**, the Applicant/Owner shall obtain an Earth Removal Permit from the Planning Board if necessary under the Earth Removal Bylaw.
4. **Prior to the commencement of any site work**, the areas of vegetation to be preserved shall be flagged and verified by Town staff or their designee, ***such as a Massachusetts Licensed Arborist, to ensure healthy trees and viable areas will remain. After the completion of clearing operations, all tree lines and tree “islands” to remain shall be reviewed by a Massachusetts Licensed Arborist and the recommendations of the Arborist shall be implemented.***
5. ***Prior to the commencement of any site work, the Applicant/Owner shall submit a plan showing 20 off-street visitor parking spaces to be reviewed and approved by the Police Chief, Fire Chief, and Town Planner. These off-street visitor parking spaces shall be implemented and labeled as visitor parking spaces on the pavement in the field.***
6. **Prior to the commencement of any blasting**, per Section 65.9.15, the Applicant/Owner shall offer a free Preblast Inspection Survey to all ***abutters within 300 feet of the project site. Preblast Inspection Surveys shall be conducted as outlined in 527 CMR 13.09 (10) Preblast Surveys.*** The Applicant/Owner shall provide written proof with signatures to the Town Planner that ***abutters within 300 feet of the project site*** were at least offered a Preblast Inspection Survey.
7. ***Blasting at the project site shall only occur Monday through Friday between the hours of 8:00 AM and 4:00 PM. Blasting is not permitted on holidays.***

8. **Prior to the issuance of any Building Permit**, the Applicant/Owner shall record the Decision with the Middlesex South Registry of Deeds and provide verification of recording to the Town Planner.
9. **Prior to the issuance of any Building Permit**, the Applicant/Owner shall submit written confirmation from the Tax Collector that all taxes, including any roll back taxes, have been paid in full for the properties.
10. **Prior to the issuance of any Building Permit**, the Applicant/Owner shall receive an Order of Conditions, or Superseding Order of Conditions, issued under the Wetlands Protection Act and be subject to any conditions placed on the project and provide a copy of a recorded Order of Conditions, or Superseding Order of Conditions to the Building Inspector.
11. **Prior to the issuance of any Building Permit**, the Applicant/Owner shall install any erosion control barriers as may be required by the Order of Conditions or Superseding Order of Conditions.
12. **Prior to the issuance of any Building Permit**, the Applicant/Owner shall submit a revised Site Plan which relocates the Wastewater Treatment Facility deeper into the project site, separating it with residential buildings from the existing abutting residences on Stow Road to provide a buffer to the abutting properties from possible noise, odor, and visibility nuisances which could be created by this building.
13. **Prior to the issuance of any Building Permit**, the Applicant/Owner shall receive a Driveway Approach Permit from the Public Works Director for the Priest Lane emergency access roadway.
14. **Prior to the issuance of any Building Permit**, the Applicant/Owner shall implement a Performance Guarantee covering all the roadways in the project in accordance with the forms listed in Section III.C.9. of the Town of Boxborough Rules & Regulations Governing the Subdivision of Land.
15. **Prior to the issuance of any Building Permit**, the Applicant/Owner shall address the following Board of Health conditions:
 - a. The Applicant/Owner must obtain an approved Groundwater Discharge Permit from MassDEP and submit evidence of this approved permit to the Board of Health.
 - b. The Applicant/Owner must obtain an approved water supply from the MassDEP and submit evidence of this approval to the Board of Health.
 - c. The proposed pool will be considered a semi-public pool and its construction will require prior approval from the Board of Health. Once construction, and prior to use, it will need a permit to operate from the Board of Health.
 - d. The treatment plant building should be constructed of materials that will not require the major reconstruction of the plant and possibly affect the treatment works contained within. The plant must have appropriate odor controls to prevent the migration of odors to the abutting properties.
 - e. Drainage areas should be designed to minimize standing water to reduce potential mosquito breeding.
 - f. In order to determine the potential effects of the proposed water supply on the abutting wells, the pump testing completed on the abutting wells and interpretation of the results should be submitted to the Board of Health for review.

- g. The Applicant/Owner shall submit documentation to the Board of Health *for review and approval* as to how the wastewater from the pool will be managed, how it will be treated, and where it will be discharged. ***Wastewater from the pool shall not be placed in the wastewater treatment system for the development.***
16. **Prior to the installation of the roadway binder course for the emergency access roadway to Priest Lane**, the Town Planner shall confirm the following:
 - a. A maximum roadway width of 20 feet;
 - b. A maximum of 28 feet of stone wall removal, and;
 - c. Any stones removed from the stone wall shall be reincorporated into the remaining stone wall.
17. All traffic traveling to and from the subject properties during the construction process, construction vehicles or otherwise, shall only be from Route 111/Massachusetts Avenue. If access is absolutely necessary through Stow Road or Priest Lane, the Building Inspector must be notified at least 48 hours (2 business days) in advance and approve of the usage of the alternate access. Alternate access shall only be permitted for a specified amount of time as determined by the Building Inspector.
18. On-site construction trailers shall comply with Section 7602 of the May 2012 Zoning Bylaw.
19. All utilities for the project shall be located underground.
20. All utilities for the project, with the exception of electricity from the Littleton Electric Light Department (LELD), shall come from Route 111/Massachusetts Avenue. LELD shall be permitted to run their utilities from Stow Road using the existing conduit through the Sheriff's Meadow easement.
21. ***To the extent possible, all exterior lighting must be confined to the subject property, cast light downward at least 15 degrees below horizontal, and must not intrude, interfere or spill onto neighboring properties. All outdoor lighting shall comply with Section 6204 of the 2012 Zoning Bylaw.***
22. The occupancy of each dwelling unit within the project shall be restricted to persons 55 years of age or older, or to a person 55 years of age or older and their spouse and/or live-in aid. Language indicating this shall be included in the Master Deed for the development.
23. ***The Applicant/Owner and/or condominium/homeowners association shall submit to the Town Planner on an annual basis verification that all occupants of the development meet the age restriction requirements for the project. Language indicating this shall be included in the Master Deed for the development.***
24. **Prior to the issuance of any Certificate of Occupancy**, the Applicant/Owner shall submit to the Town Planner and Town Counsel for review and approval documents which indicate the occupancy of each unit is deed restricted to persons 55 years of age or older, or to a person 55 years of age or older and their spouse and/or live-in aid. Once approved, these documents shall be recorded with the Middlesex South Registry of Deeds.
25. **Prior to the issuance of any Certificate of Occupancy**, the Applicant/Owner shall submit to the Town Planner and Town Counsel for review and approval draft condominium documents *discussing* the long term maintenance of the development's roadways and emergency access roadways to Priest Lane and Stow Road (including over the easement access area) (repair, paving, snow removal, etc.), wells, sewage disposal system, and drainage infrastructure. These items shall be the responsibility of

the Applicant/Owner or condominium/homeowners association in perpetuity. Language indicating this shall be included in the Master Deed for the development. Once approved, these documents shall be recorded with the Middlesex South Registry of Deeds.

26. **Prior to the issuance of any Certificate of Occupancy**, the Applicant/Owner shall install an Emergency Vehicle Access Control System restricting access through the emergency access roadways to Stow Road and Priest Lane. Prior to installation, the Applicant/Owner shall work with and obtain approval for a system from the Police, Fire, and Public Works Departments to implement the controlled access device to restrict vehicular access through the emergency access roadways which lead to Stow Road and Priest Lane. Pedestrian access shall be provided around the Emergency Vehicle Access Control System which leads to Priest Lane. This controlled access device shall be owned and maintained by the condominium/homeowners association for the development. The condominium/homeowners association shall also submit annual inspection reports to the Fire Department regarding the maintenance and upkeep of the Emergency Vehicle Access Control System for each emergency access roadway.
27. The emergency access roadways leading to Stow Road and Priest Lane shall only be used by emergency vehicles (Police/Fire/EMT), Department of Public Works vehicles, and other vehicles necessary to maintain these roadways (ex. plow vehicles). These roadways are not for vehicle usage by condominium residents, their guests, or the public. Language indicating this shall be included in the Master Deed for the development.
28. ***The barriers/gates for the Emergency Vehicle Access Control System restricting access through the emergency access roadways to Stow Road and Priest Lane shall remained closed at all times except when they are being accessed by emergency vehicles (Police/Fire/EMT), Department of Public Works vehicles, and other vehicles necessary to maintain these roadways (ex. plow vehicles).***
29. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, the Applicant/Owner shall construct a sidewalk along Route 111/Massachusetts Avenue from the intersection of Route 111/Massachusetts Avenue and Stow Road to the western property boundary of the project site. The sidewalk shall be located within the Route 111/Massachusetts Avenue right-of-way or, if constructed on the subject property, the Applicant/Owner shall grant an easement to the Town of Boxborough to allow public access along this sidewalk.
30. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, the Applicant/Owner shall implement the following additional pedestrian improvements, all of which are located in the Route 111/Massachusetts Avenue layout and will require MassDOT approval, as the roadway is under state jurisdiction:
 - a. Reconstruct the curb ramps on the southwest, southeast, and northeast corners of the intersection at the intersection of Massachusetts Avenue/Stow Road/Middle Road to be ADA compliant.
 - b. Restripe the marked crosswalk across the east leg of Route 111/Massachusetts Avenue at the intersection with Stow Road and stripe a crosswalk across Stow Road to provide high-visibility ladder-style markings.
 - c. Provide pedestrian crossing warning signage at the marked crosswalk across the east leg of the intersection facing each direction of Route 111/Massachusetts Avenue traffic.
 - d. Remove the existing pedestrian crossing warning sign assembly currently located approximately 90 feet west of the Massachusetts Avenue/Stow Road/Middle Road intersection since there is no marked crosswalk at that location.

31. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, in all locations where a sidewalk crosses a driveway, the sidewalk shall be delineated with stamped asphalt or some type of textured equivalent *in a color different from the driveway*.
32. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, the Town Planner shall verify that all plantings shown on the approved Landscape Plan have been installed. Any minor modification or substitutions shall be reviewed and approved by the Town Planner. However, if the Applicant/Owner provides documentation to the Planning Board that it would be detrimental to plant prior to occupancy due to weather conditions, then a bond covering the cost of such work shall be submitted to and approved by the Planning Board.
33. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, a Landscape Maintenance Guide shall be provided to the condominium/homeowners association and provide verification it was provided to the association to the Town Planner.
34. **Prior to the issuance of the final ten (10) Certificates of Occupancy**, the Applicant/Owner shall file an Approval Not Required Application with the Planning Board for review and endorsement which consolidates all of the subject parcels, including Parcel A, into a single lot and provide verification of the recording of the plan with the Middlesex South Registry of Deeds to the Town Planner.
35. ***The Applicant/Owner has agreed to grant the Town an easement which provides public access through the development between Route 111/Massachusetts Avenue and Priest Lane.*** **Prior to the issuance of the final ten (10) Certificates of Occupancy**, the Applicant/Owner shall submit to the Town Planner and Town Counsel for review and approval an easement plan and document which provides public access through the development between Route 111/Massachusetts Avenue and Priest Lane. Once approved, these documents shall be recorded with the Middlesex South Registry of Deeds.
36. **Prior to the erection of a freestanding sign at the property**, the Applicant/Owner shall obtain a Special Permit from the Zoning Board of Appeals in accordance with Section 6308(6) of the May 2012 Zoning Bylaw.
37. **Prior to the issuance of the final Certificate of Occupancy**, the Applicant/Owner shall pay all outstanding fees incurred for the Board's consultants including Town Counsel, the Consulting Engineer, and Traffic Consulting Engineer, for the performance of any of the review and inspection services contemplated herein, and including any such fees incurred prior to the date of this Decision. This shall also include an Outside Consultant Building Inspector to assist the Building Department with inspections, as needed, during the construction and initial occupancy process.
38. **Prior to the issuance of the final Certificate of Occupancy**, the Applicant/Owner shall provide to the Building Inspector final As Built plans showing the location of all buildings and structures, utilities, including the septic system, leaching area, underground piping, and drainage facilities.
39. The Applicant/Owner shall adhere to the following Board of Health conditions:
 - a. The site must be in compliance with the Boxborough Board of Health's Stormwater Bylaws.
 - b. No odor, dust, or noise shall be generated from the site that would cause "a condition of air pollution," as defined by 310 CMR 7.00, Air Pollution Control regulations."
 - c. Any hazardous materials/wastes must be handled in accordance with all Local, State, and Federal laws.

- d. Wood waste (stumps/slash) generated from the development project must be handled in accordance with the Department of Environmental Protection's Wood Waste Policy and Site Assignment regulations, and shall not be disposed of on-site.
 - e. Any blasting done on-site shall be with non-perchlorate based blasting materials.
 - f. No installation of an irrigation well is allowed unless it can be proven there will be no detrimental effect to adjacent drinking water wells due to the installation of the irrigation well. Evidence to prove this shall be submitted to the Board of Health and approved/verified.
40. If installed, an irrigation system shall contain the appropriate backflow preventers and rain sensors for water conservation. The Applicant/Owner shall provide the irrigation system plan, **including backflow devices**, to the Town Planner for the project file.
41. There shall be no exterior trash **or recycling** storage anywhere within the project. Trash **or recycling** shall be removed regularly and shall only be placed outside during days when pickup is occurring. Language indicating this shall be included in the Master Deed for the development.
42. On-street parking within the project shall only be permitted on one side of each roadway. The specifics of this shall be laid out in the condominium/homeowners association documents. Following construction, appropriate signage restricting parking shall be provided if deemed necessary by the Zoning Enforcement Officer or public safety officials. Language indicating this shall be included in the Master Deed for the development.
43. ***After the issuance of the Certificate of Occupancy for the clubhouse building, if the Police Chief or Fire Chief determines there is insufficient parking near the clubhouse to accommodate the needs of residents, employees, and visitors, the Applicant/Owner or condominium/homeowners association shall provide up to an additional 14 parking spaces in the area shown on the Site Plan for Enclave at Boxborough, 700 – 800 Massachusetts Avenue, Boxborough, Massachusetts (Sheets 2, 5, 10, and 11) dated December 22, 2016 and revised through August 30, 2017, prepared by Stamski and McNary, Inc. with Planning Department date stamps of September 5, 2017.***
44. Gutters and downspouts shall be installed on all buildings within the development.
45. All existing and proposed landscaping shown on the landscaping plan shall be maintained in a healthy state. Any landscaping found by the Town Planner to be diseased or dying shall be replaced by the condominium/**homeowners** association during the next growing season.
46. Violation of any of the conditions of this Decision shall be grounds for revocation of this Decision, or of any Building or Occupancy Permit granted hereunder. In case of any violation of the continuing obligations of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to correct the violation and to enforce the conditions of this Decision. The Town may enforce compliance with the conditions of this Decision by any action of injunctive relief before any court of competent jurisdiction.