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~ Recording Information Area ~

TOWN OF GROTON
Zoning Board of Appeals
Town Hall
173 Main Street
Groton, Massachusetts 01450

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

APPLICANT: 500 MG LLC, a Massachusetts Limited Liability Company
with an address of 6 Lyberty Way, Suite 203, Westford,
Massachusetts ("Applicant")

PROPERTY: 500 Main Street, Groton, Massachusetts
(the "Property" or the "Site")

ASSESSORS' MAP: Assessors Map 216, Parcel 94, 95, 96, 97 and 102

PLAN OF RECORD: As Defined in Decision

PROPERTY OWNER: 500 MG LLC

DEVELOPMENT NAME: THE GROTON FARMS

DATE: November 1, 2023

I. PROCEDURAL HISTORY

1. An application for a Comprehensive Permit was received by the Town of Groton Zoning Board of Appeals ("Board") on or about February 27, 2023. ("Application"). The Application proposes the development of two hundred (200) rental units of which one hundred and sixty-eight (168) units will be contained in three four-story multifamily buildings and thirty-two (32) units contained in eight (8) quadplex townhouses located at the Property (the "Project"). The Project

includes a clubhouse, pool and pavilion. The Project also includes a private roadway, on-site parking, stormwater management systems, and new utility connections with associated appurtenances.

2. The Board commenced a duly noticed public hearing on March 22, 2023. With appropriate extensions agreed to by the Applicant, public hearings were held on the following dates: 3/22/2023, 4/5/2023, 4/19/2023, 5/10/2023, 5/17/2023, 6/7/2023, 6/28/2023, 8/9/2023, 9/20/2023 and 10/11/2023.
3. The Applicant by a letter dated September 21, 2023, extended the Board's time to close the public hearing pursuant to 760 CMR 56.05(3) to October 13, 2023.
4. The Applicant provided various materials, reports, studies, and revised plans throughout the course of the public hearing on the Application. The documents, correspondence, reports, plans and reviews listed in Exhibit A were submitted to and considered by the Board during the public hearing. The documents thereto are incorporated herein by reference.
5. On October 13, 2023, the Board closed the public hearing.

II. GENERAL FINDINGS

6. The Project is located on the Property, which is located in the General Business Zoning District. The Property is currently improved with a vacant 128,000 square foot office building. The Property is the site of the former Deluxe Corporation. The Property consists of about 25.35 acres which is shown as Lot 2 on the Plans of Record (defined below). The abutting parcels are predominately wooded areas with a residential neighborhood to the east of the Property along Taylor Street. The area adjacent to Main Street is relatively commercial in nature.
7. During the public hearing, the Applicant was assisted primarily by its project developer, John B. Amaral of Omni Development, its engineer, Gregory S. Roy P.E. of Dillis & Roy Civil Design Group and its Attorney Robert Anctil. The Applicant was also assisted by its traffic consultant, Bayside Engineering, its Architect, Mangel DeStefano Architects, its Wetlands and Environmental Specialist Oxbow Associates, and its Landscape Architects, Radner Design Associates and Wolf Landscape Architecture.
8. The Board utilized the services of Robert J. Michaud, P.E. of MDM Transportation Consultants to peer review the Applicant's traffic report. The Board utilized the services of Nitsch Engineering to peer review the civil engineering aspects of the Applicant's proposal and to peer review the Applicant's proposal to connect to the public water and sewer services. Attorney

Christopher J. Alphen served the Board as its technical consultant through the Massachusetts Housing Partnership Technical Review program.

9. Aspects of the Project were reviewed by the departments and officials of the Town of Groton, including: Select Board, Fire Department, Police Department, Conservation Commission, Sustainability Commission, Board of Health, Groton Accessibility Committee, Earth Removal Stormwater Advisory Committee, Sewer Department and Water Department. The Board heard significant input from various town departments, Boards and Commissions.
10. The Board heard input from abutters and other interested persons throughout the hearing process.
11. The Application submitted by the Applicant complied with the Massachusetts Department of Housing and Community Development Comprehensive Permit Regulations, 760 CMR 56.05(2).

II. JURISDICTIONAL FINDINGS

12. The Applicant has demonstrated its eligibility to submit an application for a comprehensive permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:
 - a. The Applicant is a limited liability company and has indicated in the Application that it will conform to the limited dividend requirements of G. L. 40B, §§ 20-23, thus establishing it is a limited dividend entity. The Applicant has a principal address of 6 Lyberty Way, Suite 203, Westford, Massachusetts.
 - b. The Town of Groton Select Board provided a letter dated August 3, 2022, to MassHousing recommending that MassHousing issue a Project Eligibility Letter.
 - c. The Applicant has received a written determination of Project Eligibility from MassHousing acting as the subsidizing agency dated September 15, 2022, to develop two hundred (200) units of rental housing on the Property. A copy of the letter was provided to the Board with the Application.
 - d. The Applicant provided evidence that the Property is owned by 500 MG LLC. Thus, the Applicant has shown evidence of site control sufficient to qualify as an applicant for a Comprehensive Permit.

- e. The Applicant has agreed to execute an affordable housing regulatory agreement with the Town of Groton (the “Regulatory Agreement”, further defined below) that limits its annual distributions in accordance with G. L. c. 40B and the regulations (760 CMR 56.00 et seq.) and guidelines adopted thereunder by the Executive Office of Housing and Livable Communities formerly known as the Department of Housing and Community Development (EOHLC).
13. The Town of Groton (“Town”) did not meet the statutory minima set forth in G. L. c. 40B, § 20 or 760 CMR 56.03(3) to 56.03(7) at the time the Application was filed, as noted below:
- a. At the time of the filing of the Application, the number of low or moderate income housing units in the Town constituted 5.7% of the total year-round housing units in the Town, based on the available copy of the EOHLC Subsidized Housing Inventory, dated December 21, 2020. Thus, the Town does not meet the ten percent (10%) statutory minimum. Stating further, based on the most recent publicly available copy of the EOHLC Subsidized Housing Inventory, dated June 29, 2023, the number of low or moderate income housing units in the Town constituted 5.25% of the total year-round housing units in the Town.
 - b. The Town opined that there do not exist affordable housing units that are on sites that comprise more than one- and one-half percent (1.5%) of the total land area of the Town that is zoned for residential, commercial or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof).
 - c. The granting of a comprehensive permit for the Project will not result in the commencement of construction of low or moderate income housing units on a site comprising more than three tenths of one percent of land area in the Town or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.
 - d. The Town has not achieved recent progress toward its housing unit minimum pursuant to 760 CMR 56.03(5).
 - e. The Application does not constitute a “related application” pursuant to 760 CMR 56.03(7).

III. FACTUAL FINDINGS

Project

14. The Project will have 50 units of affordable housing to households earning up to 80% of Area Median Income (“AMI”) in accordance with state requirements for low- or moderate-income housing. As proposed, the Project will consist of three four-story buildings each building contains 56 units per building for a total of 168 units, in addition there are eight townhouse buildings with four townhomes each for a total of 32 units, a clubhouse, a pool and a pavilion. There will also be at least 405 parking spaces at the Site for the 200 dwelling units.

Location of Project

15. The Project is located off Main Street (Route 111 / Route 119). The existing site is made up of five parcels (Parcels 94, 95, 96, 97, 102) containing 38.12 acres. The Property used and applied for the Project is 25.35± acres. The Project is located on Lot 2 as shown on the Plans of Record (defined below).

Civil Engineering, Site Design, and Stormwater Impact

16. The Board engaged in review of potential civil engineering, site design, and stormwater impacts of the Project.
17. Nitsch Engineering issued peer review reports outlining its comments relative to the Application. During the course of the public hearing, the Board finds the Applicant satisfactorily addressed all of Nitsch Engineering’s comments.
18. By a letter dated April 19, 2023, the Town of Groton Earth Removal Stormwater Advisory Committee recommended that the Board not permit a waiver to Section 218-2.SH.1(E)[3]. After discussing the matter with the Committee, the Applicant removed their request for a waiver from Section 218-2.SH.1(E)[3]. Accordingly, the Board finds the issue now resolved.
19. By a letter dated April 13, 2023, the Groton Historical Commission opined that the buildings should be in a location to not disturb the viewshed from Common Street. As such the Groton Historical Commission did not condition its endorsement of the Project on any criteria or conditions.
20. The Project will connect to the Groton municipal water system and the Groton municipal sewer system. By a Memorandum dated June 15, 2023, the Groton Water Superintendent did not indicate any concerns regarding the Project’s proposal to connect to the municipal water system. The Water Superintendent

requested that the Applicant comply with certain conditions which are contained herein. By a Memorandum dated June 27, 2023, the Groton Sewer Commission stated that they had no concerns about the Project's connection to the sewer system and concluded that "[t]he BOSC determined there is sufficient capacity for the proposed project."

21. All fire hydrant locations have been approved by the Fire Chief. The proposed turning templates for access are also acceptable to the Fire Department.
22. The Board finds that the landscaping proposed by the Applicant, and as conditioned by this decision, is sufficient in light of the site disturbance that the Project will entail. The landscape design objective for the proposed development will be to enhance the built environment through the creation of a sustainable landscape that blends into the site's natural surroundings. The overall design will emphasize the use of low maintenance, native plantings and strive to integrate the proposed development's needs into the site's surrounding environment. The proposed landscape shall be consistent with the quantity and quality compared to other similar developments.
23. Stormwater management has been designed in compliance with the Mass Stormwater management standards in accordance with 310 CMR 10.05(6)(k) through (q) and defined in detail in the MassDEP Stormwater Management Handbook for new construction.
24. Access to the Site is to be provided by a single unsignalized driveway located along Main Street - a state jurisdiction roadway - approximately 250 feet west of Mill Street; a secondary, gated emergency-access only driveway is also proposed to connect at Taylor Street.
25. The Board's peer reviewer MDM Transportation Consultants, Inc. (MDM) found that the Applicant's Traffic Impact Study (TIS) was *"prepared in general conformance with industry standards and reasonably quantifies existing/baseline traffic conditions for study locations along Main Street, traffic generation characteristics for the Site, and traffic impacts/operations at the Site driveway and nearby study intersections"*
26. MDM also found the *"proposed parking supply adequate to accommodate anticipated peak parking demands per ITE Parking Generation (5th Edition) standards. In fact, the proposed parking supply appears to exceed potential peak demands, allowing the possibility of reducing or banking parking spaces that may not be required to support the project."*

27. The Board raised concerns about the Project's single trash collection location. Specifically, the Board was concerned with the accessibility of the trash collection area for the elderly and disabled. This issue was adequately addressed by the Applicant in conjunction with the Commission on Accessibility.
28. The Project, as conditioned herein, will add needed affordable rental units in the Town.
29. The Board finds that the conditions imposed in Section IV of this decision are necessary in order to address Local Concerns.
30. Pursuant to the revised Waiver List submitted to the Board and attached hereto as Exhibit B, the Applicant has requested, and the Board has granted, those waivers from the Groton Zoning Bylaw and other local by-laws and regulations as specified therein. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§ 20-23. No waiver of permit or inspection fees has been granted. Any subsequent revision to the Plans of Record (defined below), including but not limited to revisions in any final construction plans, that requires additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).
31. The Board finds that granting certain waivers from local by-laws and regulations is acceptable even though granting waivers may have an adverse impact on Local Concerns.
32. The Board further finds that the conditions detailed below appropriately address these matters of local concern in a manner that outweighs the regional need for affordable housing. The Board finds that the conditions imposed below address local and regional housing needs while properly protecting valid issues of local concern.
33. The Board finds that the construction of the Project, as conditioned, will be consistent with local needs.
34. On the basis of the testimony of the Applicant, the Board's technical consultants, Town officials, Town staff, and others, the Board finds that the need for the affordable housing produced by the Project outweighs the local concerns identified during the public hearing process, subject to the conditions set forth below.

DECISION

Pursuant to G.L. c.40B, the Zoning Board of Appeals of Groton, after closing the public hearing on the Application and making the findings of fact set forth above, voted at its meeting on November 1, 2023 to grant a Comprehensive Permit to the Applicant for the construction of 200 dwelling units on the Property, with associated infrastructure and improvements, subject to the conditions set forth below (this “Comprehensive Permit”).

IV. CONDITIONS

The grant of this Comprehensive Permit is subject to compliance with all of the following conditions:

A. REGULATORY CONDITIONS

- A.1 The total number of dwelling units to be constructed at the Premises shall be 200, as shown on the Plans of Record as hereinafter defined.
- A.2 As set forth in the MassHousing’s Site Approval Letter, 50 units of the dwelling units shall be affordable units. The affordable units will be marketed and rented to eligible households whose annual income may not exceed 80% of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development (the “Affordable Units”). Subject to approval by EOHLC, all of the units shall be eligible to be included in the Town’s Subsidized Housing Inventory (“SHI”), as maintained by EOHLC.
- A.3 The Applicant shall notify the Board and the Town Manager when building permits are issued and cooperate with the preparation of request forms to add the units to the SHI.
- A.4 The Applicant shall notify the Board and the Town Manager when occupancy permits are issued and cooperate with the preparation of request forms to add the units to the SHI permanently.
- A.5 The Affordable Units shall permanently remain affordable, for the longest period allowed by law, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23.
- A.6 The Applicant shall enter into the Regulatory Agreement with the Town, in a form and substance reasonably acceptable to the Subsidizing Agency, the Board and its legal counsel, and countersigned by the Subsidizing Agency as required

under G.L. c.40B, which shall be recorded with the Registry of Deeds against the Property prior to issuance of any building permit for the Project. Board endorsement of the Regulatory Agreement shall not be unreasonably withheld.

- A.7 The Applicant shall annually recertify to the Subsidizing Agency, or less frequently as may be required by the Subsidizing Agency, the continuing eligibility of any tenant in an affordable unit. If a previously eligible tenant becomes ineligible to occupy an affordable unit, the Applicant shall comply with the Subsidizing Agency's requirements for a change in the tenancy of the unit to a qualified tenant, or the Applicant will make available another affordable unit in accordance with this decision. Upon request, the Applicant shall provide the Town with all necessary information to determine whether the required affordability levels are in place.
- A.8 The Applicant shall submit annual reports to the Subsidizing Agency in accordance with the Regulatory Agreement.
- A.9 The Regulatory Agreement: (i) shall only become effective if and when the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency; (ii) shall require that all of the affordable units in the Project shall be rented in perpetuity to low and moderate income households as that term is defined in M.G.L. Chapter 40B, Sections 20-23; (iii) shall restrict or limit the dividend or profit of the Applicant only if and as required under G.L. c.40B and 760 CMR 56.00, et seq., and no independent limitation on dividends or profits is imposed hereunder; and (iv) shall restrict the number of allowed units as set forth in the Comprehensive Permit and if the Comprehensive Permit is modified in the future, then the Applicant shall request a modification of the Regulatory Agreement to conform to the Permit as modified.
- A.10 The Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the Town and shall require that the Affordable Units shall remain affordable rental units in perpetuity.
- A.11 While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible for monitoring compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency and may take any steps allowed under G.L. c. 40B and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.

- A.12 When the Regulatory Agreement takes effect, the affordability requirements shall be enforceable by the Town or its designee.
- A.13 At such time as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall provide the Town with a reasonable monitoring fee. Said monitoring fee shall be reasonably consistent with the monitoring fees required by the Subsidizing Agency.
- A.14 To the extent allowed under G.L. c. 40B and the regulations promulgated thereunder and other applicable law, with respect to at least 70% of the Affordable Units, the Applicant shall provide a preference category in the initial lease-up for Qualified Occupants, who are defined as : (i) Groton residents which shall be defined as a household in which one or more members is living in the Town of Groton at the time of the resident's application. Documentation of residency should be provided such as rent receipts, utility bills, street listing or voter registration listing; (ii) Town-employees such as teachers, janitors, firefighters, police officers, librarians, or town hall employees; (iii) Employees of businesses located within the Town of Groton; or (iv) Households with children attending the Town of Groton's schools, such as METCO students. The Town shall be responsible for providing the Applicant with all necessary information and data to support the local preference request as further detailed in paragraph 18.
- A.15 This preference shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town for compliance with the local preference set forth herein.
- A.16 The foregoing local preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. The costs associated with the marketing of units in the Project, including the advertising and processing for the Affordable Units shall be borne by the Applicant.
- A.17 The Applicant shall submit to the Board a report on marketing activity at the Project during the initial lease-up, on a quarterly basis, demonstrating compliance with the local preference requirement pursuant to the plan approved by the Subsidizing Agency as set forth below.
- A.18 The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. If the Board or its designee does not provide

such information within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency or EOHLC, then this condition shall be void.

- A.19 The Applicant shall develop an initial lease-up plan for the Affordable Units for review and approval of the Subsidizing Agency, said plan to conform to any and all affirmative action requirements or other requirements as imposed by federal or state regulation and shall conform with the local preference requirement set forth above.
- A.20 If at any time it appears that the Applicant is in violation of the Regulatory Agreement at any time when said Regulatory Agreement is in effect as described above, following a hearing of which the Applicant has been given prior notice, which notice shall be provided to the owner of record via overnight mail at the address provided in the latest deed recorded with the Middlesex South District Registry of Deeds with a copy to the Applicant's legal counsel if known to the Town at the time such notice is given, then the Board may pursue such enforcement rights as it may have under the affordable housing restriction and/or applicable law.
- A.21 Profits from the Project in excess of those allowed under applicable law and regulations shall be utilized as provided in the regulatory agreement with the Subsidizing Agency and as required and provided for under G.L. c.40B and 760 CMR 56.00.
- A.22 The Applicant shall annually provide the Board or its designee with copies of any and all documents and statements provided by the Applicant to the Subsidizing Agency or its designated auditor of the Applicant's costs and revenues for informational purposes upon request by the Town.
- A.23 The Town, by and through the Board or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Comprehensive Permit.
- A.24 Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to 760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Commissioner and the Board.
- A.25 The affordable units shall be equally distributed within the buildings. Subject to the Subsidizing Agency's review and approval, there shall be at least eight (8) affordable units located within the 8 quadplex townhouses.

- A.26 The Affordable Units shall have equal access to all common infrastructure and amenities located within the Project.

B. General Conditions

- B.1 The Applicant shall comply with all local by-laws, rules and regulations of the Town of Groton and its boards, officers and commissions, unless expressly waived hereunder.
- B.2 Except as specifically waived by this Comprehensive Permit, the Project shall conform to all applicable state and federal laws, codes, regulations, and standards including, but not limited to, the following:

- a. Massachusetts Building, Plumbing, and Electrical Codes;
- b. The Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and its associated Regulations at 310 CMR 10.00, if applicable;
- c. Massachusetts Department of Environmental Protection Sewer Extension Regulations, if applicable;
- d. DEP Stormwater requirements;
- e. Water Quality Regulations, 314 CMR 9.00, relating to stormwater, updated February 2008; and
- f. U.S. Army Corps of Engineers, Regulatory Program under Section 404 of the Clean Waters Act.

- B.3 Except as may be provided for in the following Conditions, the Project shall be constructed substantially in conformance with the plans and drawings listed below in this condition, which for purposes of this Comprehensive Permit shall be considered the approved plans for the Project (“Plans of Record”). The Plans of Record shall consist of the plan set entitled “Proposed Comprehensive Permit Plan Set, 500 Main Street” by Dillis and Roy Civil Design Group, Inc. dated June 16, 2023, “Proposed Comprehensive Permit Plan Set – Architectural, 500 Main Street” by Mangel DeStefano Architects, Inc. dated February 1, 2023, “Proposed Comprehensive Permit Plan Set – Landscape, 500 Main Street” by Radner Design Associates, Inc. and Wolf Landscape Architecture dated February 9, 2023, “Proposed Lighting Schedule for 500 Main Street” by Radner Design Associates, Inc. and Wolf Landscape Architecture dated July 15, 2023, and the “Sundance Sign Plan” last revised September 13, 2023.

The interior and exterior of all buildings and structures shall be constructed substantially as represented in the Application, as revised, and on the Plans of Record. However, changes to the interior layout of the units or minor modifications to the interior unit sizes shall not be considered “changes” to the

Plans of Record as long as the revisions do not change the number of units, bedrooms and/or bathrooms contained in the units.

- B.4 The Applicant shall provide post-permit documents and plans required in this Comprehensive Permit to the Board which shall forward such documents and plans to its peer review engineers and legal counsel, if deemed necessary. The Board's peer review engineers and legal counsel shall provide an estimated reasonable cost for a peer review to the Board and the Applicant for review of materials for completeness and compliance with this Comprehensive Permit.
- B.5 Once the Applicant has provided a completed set of post-permit documents and plans and the peer review funds are in place, the Board shall have 45 days to obtain the necessary peer review comments and to determine whether the final design submittals and plans conform to the conditions set forth in the Comprehensive Permit.
- B.6 If the Board votes to determine that deficiencies exist in the post-permit documents and plans, the Board shall notify the Applicant of the deficiencies and the Applicant shall have an opportunity to cure the deficiencies and the Applicant and the Board may mutually agree to extend the 45-day period for review to cure the deficiencies.
- B.7 If the deficiencies are not timely cured, then the Board may vote to determine that the relevant conditions of the Comprehensive Permit have not been satisfied and the Applicant may avail itself of any avenue of appeal that may exist or may take further action to make additional submissions to the Board and its peer review consultant, to try to obtain the approval required by this condition, so long as this Comprehensive Permit has not lapsed and so long as the Applicant pays the reasonable fees of the peer review consultant.
- B.8 All structures and site improvements within the Project site shall remain private in perpetuity, including any and all ways, parking areas, street lighting, drainage, sewer and water infrastructure and the Applicant shall bear the cost of maintenance, repairs, replacement, snow plowing and trash removal for same in perpetuity.

Water, Sewer and Utilities

- B.9 The Project shall be served by municipal sewer and water, at the Applicant's sole expense, in accordance with the Groton Sewer Commission and Groton Water Commission requirements. All facilities shall be installed as shown on the Plans of Record. The sewage system shall be a gravity fed system.

- B.10 The Applicant shall be required to comply with the Water Department's Rules and Regulations, latest revision. All materials used on the project must comply with the Water Departments' Rules and Regulations and Installation Specifications. The Applicant shall provide adequate gate valve control at each intersection as shown on the plans. The Water Department will provide "full time" inspection of the water system installation to be paid for by the Applicant as may be required.
- B.11 The Applicant shall install an irrigation well on the Site to serve all irrigation needs for the Project, said well to be permitted by the Groton Board of Health as required by law.
- B.12 All water and sewer infrastructure facilities for the Project shall be constructed and fully operational prior to the issuance of the first occupancy permit for the Project; provided, however, that the required water and sewer infrastructure shall not include building service tie-in infrastructure for any building that has not yet been built or for which an occupancy permit has not yet been requested.
- B.13 Fire hydrants shall be located as required by the Fire Chief for the Town of Groton and shall be operational when the first framing of any structure begins.
- B.14 The Project shall use all-electric heat pump technology for heating and cooling.
- B.15 Final drawings showing the on-site water distribution system and sewer system shall be submitted to the respective departments for their review and approval.
- B.16 All utilities within the Premises shall be installed underground, , with the exception that the connection point for the electrical service in Main Street may be on the premises and may require additional above ground infrastructure at the discretion of the Groton Electric Light Department.
- B.17 All water and sewer construction and materials shall be in accordance with the requirements of the Town of Groton Water Commission and Sewer Commission, as well as any applicable intermunicipal agreements. The Applicant shall be responsible for the design and installation of the utilities servicing the Project.
- B.18 The Applicant shall be required to comply with the Sewer Commission's Rules and Regulations including construction and design regulations. All materials used will need to comply with said regulations.

- B.19 The Applicant shall install sub-meters at each multifamily dwelling unit and separate meters at each townhome. Inspections will be made periodically during construction by the Groton Water and Sewer Commissions and any charge will be passed through to the Applicant. The Applicant shall pay the Connection Fees due in accordance with the agreements by and between the Applicant and the Sewer Commission and Water Commission.
- B.20 The Applicant shall submit final construction plans to the Sewer Commission in order to receive the required permits for the construction of the sewer and the buildings connections.

Police, Fire, and Emergency Medical Conditions

- B.21 Prior to issuance of any building permits for the Project, the Applicant shall conduct, or submit a report if completed, a hydrant flow test to determine available flow and pressure to fight a fire, and provide the results of such test to the Water Superintendent and Fire Chief. In the event that there is insufficient water pressure or volume for fire protection, plans shall include on-site improvements such as a fire pump or off-site improvements to the municipal water distribution system as required to maintain a residual pressure of 20 psi in the municipal water distribution system. The procedure for flushing, disinfecting and pressure testing of the water mains shall be approved by the Town's Water Superintendent.
- B.22 The three buildings containing 56 units each shall be sprinklered as required by Building and Fire Codes, including attics and storage spaces. The Applicant shall submit final fire alarm/sprinkler plans to the Fire Chief for review and approval. The Project shall install the sprinklers in compliance with M.G.L. c. 148, §26I.
- B.23 The Project's three apartment buildings shall have elevators and the radio intercom infrastructure or telephone as requested by public safety officials. This shall include bi-directional amplifiers for police and fire communications. The building shall be equipped with elevators that return to the ground floor when a power outage occurs.
- B.24 Compliance with all State Building Code and NFPA requirements relating to fire access and safety shall be met.
- B.25 The Project shall maintain fire access to all four sides of each residential structure at all times consistent with the Plans of Record.
- B.26 Any fences or obstructions to be constructed shall be approved by the Groton Fire Department to confirm that they do not impede access or operations.

- B.27 A split rail fence with a plastic or metal mesh base shall be installed around the proposed wet basin to prevent persons from entering as shown on the Plans of Record.
- B.28 The emergency access roadway shall be at a width shown on the Plans of Record to ensure that a ladder truck has the minimum room needed to access the Property during an emergency. The Applicant shall provide a bar across the emergency access roadway at the front of the site. The mechanism to open and close the emergency gate shall be expressly conditioned by the Groton Fire Department. The Fire Department shall have the uninterrupted ability to access the emergency road at all times.
- B.29 The Fire Department found that the Town's current hose load setups on the fire apparatus will not reach the furthest points inside the proposed buildings. In order to remedy this, the Fire Department has planned to purchase additional hoses and packs to enable firefighters to reach the furthest points of the apartment buildings at an estimated cost of \$7,925.00. In order to upgrade this municipal service necessitated by the Project, the Applicant shall contribute \$7,925.00 to the Town's general fund.
- B.30 At least 10 of the units, of which at least 2 shall be affordable units, shall be designed and built to accommodate wheelchair accessibility. These 10 units shall be located in the multifamily buildings. All the units shall be handicap adaptable and accessible.
- B.31 The buildings contained in the Project shall provide accessibility for those who are blind or have low vision by:
- a. providing ample clear headroom of 80" minimum, and warning with detectable barriers/tactile warning for cane detection where the headroom is reduced;
 - b. providing tactile handles;
 - c. providing signage in braille;
 - d. providing signage complying with character height, proportion, finish, and contrast as stated in 521 CMR 41;
 - e. the Project shall comply with 521 CMR 9.00; and
 - f. providing alarms that produce a sound exceeding the maximum sound level, but not greater than 120dbA, for each space.
- B.32 Door actuators will be provided on the multifamily building main entry and clubhouse main entry including the interior door of a vestibule.

- B.33 At least half of the townhomes shall have ground floor primary use; there shall be a bedroom, bathroom, and kitchen on the ground floor and at least one zero step entry will be provided.

Wetlands/Environmental Conditions

- B.34 The Project's wetlands boundaries are as field delineated by Oxbow Associates, Inc. of Acton, MA. An Abbreviated Notification of Resource Area Delineation (ANRAD) for the parcels was submitted on January 27, 2022 and approved by the Groton Conservation Commission under DEP # CR 169-1231. The wetlands associated with the property are a mix of Bordering Vegetative Wetlands (BVW) and isolated vegetated wetlands (IVW). Nod Brook is located to the north of the property.
- B.35 A Phase I Environmental Assessment was completed in July of 2021. Research and observations during this assessment identified previous issues and cleanup. During the demolition of the current building, a 20,000-gallon UST and a 10,000-gallon UST will be removed and an assessment of the conditions surrounding the tank will be completed.
- B.36 The Applicant shall comply with Chapter 286 of the Groton Board of Health regulations concerning hazardous materials.
- B.37 Fertilizer, pesticide and herbicide use shall be minimized to the extent consistent with good landscape maintenance practice.
- B.38 The use of road salt shall be minimized but shall be allowed to the extent necessary to protect the safety of the residents of the Project.
- B.39 Dumping of landscape debris, including leaves, grass clippings and brush, within 50 feet of any wetland shall be prohibited.
- B.40 No disturbance or construction work shall be done and no portion of any structure or any pavement shall be placed any closer to any wetland than as depicted on the Plans of Record, and any future proposal to alter this condition shall require advance approval by the Board of a modification to the plans and this Comprehensive Permit, except as expressly and clearly shown on the Plans of Record.
- B.41 Prior to issuance of any building permits for the Project, the Applicant shall:
- a. Prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit a

Notice of Intent to obtain coverage under the National Pollutant Discharge Elimination System General Permit (NPDES) from the United States Environmental Protection Agency, as necessary for construction of the Project at the Premises.

- b. Provide procedures that outline the specific operation and maintenance measures for all stormwater/drainage facilities, including any temporary facilities that shall be employed to minimize or eliminate the threat of transmission of mosquito borne diseases to the residents of the Project and nearby residents.
- B.42 The Stormwater Operation and Maintenance Manual contained in the Stormwater Report must be followed by the Applicant, present and future owners, and property management companies.
- B.43 The Applicant shall submit, at least every two weeks in which construction activity occurs on site and for as long thereafter as the ground remains unstabilized, a report certifying that, to the best of his or her knowledge and belief, based on a careful site inspection, all work is being performed in compliance with the Stormwater Operation and Maintenance Manual.
- B.44 After the project is issued a Certificate of Completion the Applicant shall submit annual BMP Inspection and Maintenance logs, and if applicable, an updated Long Term Operation and Maintenance Plan, on or before June 1st annually, as required in Section 352-6D of the Stormwater Management Regulations.

Traffic/Traffic Safety Conditions / Sidewalks

- B.45 All utility work and any other roadwork, within any public right of way shall be performed and conducted in conformance with the regulations of the Town and MassDOT, if applicable, including requirements for street opening permits and trench permits. Contractors shall be duly licensed as required by the Town of Groton. All such work shall be performed in accordance with current engineering and construction standards.
- B.46 The Applicant shall patch each trench for any work that occurs in a public way for the Project for the full length and width of the disturbance caused by each trench with a thickness of 2 inches of compacted binder course material (unless the in-situ pavement thickness is greater than 2 inches, in which case, the existing greater in-situ thickness shall be matched) and shall overlay, curb-to-curb, the full width and length of any public way along the property frontage disturbed during construction and the curb-to-curb overlay shall be a minimum of 1.5 inches of compacted thickness or appropriate roadway thickness and size as required by the

regulating authority, MassDOT District 3. This shall occur after construction of the Project is completed, at the Applicant's sole expense.

- B.47 The Applicant shall ensure that emergency vehicles can adequately maneuver through the site. The Groton Fire Department shall approve any final construction plans to ensure compliance with this condition.
- B.48 Signs, landscaping and other features located within sight triangle areas shall be designed, installed and maintained so as not to exceed 2.5-feet in height. Snow windrows located within sight triangle areas that exceed 3.5-feet in height or that would otherwise inhibit sight lines shall be promptly removed.
- B.49 Americans with Disabilities Act (ADA) compliant wheelchair ramps and crossings will be provided at all pedestrian crossings internal to the Project site in accordance with the Massachusetts Architectural Access Board (MAAB) regulations.
- B.50 The Project shall include at least 405 parking spaces. Parking spaces, including garage spaces, shall be allocated and leased in accordance with any applicable EOHLIC requirements. The Board takes no position on how the garage spaces are allocated.
- B.51 The Project shall provide at least 64 electric vehicle charging spaces on the Site, of which twenty-four (24) shall be in covered garage spaces for the apartments, thirty-two (32) shall be in the garages of the townhouses, and the remaining eight (8) shall be located in surface parking spaces.
- B.52 The Applicant shall contact the Groton Council on Aging to request that the Council consider servicing the Project with its van transportation service which provides transportation to the elderly and persons with disabilities.
- B.53 The Project shall include a pedestrian crossing of Main Street with controls that include a Rectangular Rapid Flashing Beacon (RRFB) as shown on the plan. The Applicant shall review the location and details of the crossing with MassDOT and install subject to MassDOT approval.
- B.54 The Project may include an entrance sign pursuant to the sign location depicted on the plan prepared by Sundance Sign Plan date September 13, 2023. Such sign shall not exceed the dimensions on said sign plan.
- B.55 The Board recognizes that project-related traffic increases do not independently trigger the need for capacity enhancements at area intersections; however, the Applicant shall advance design plans for signal control at the cited intersections,

subject to meeting applicable traffic signal warrant criteria. To the extent that signal warrants are met, and plans are advanced, implementation of signal improvements are the responsibility of others subject to MassDOT approvals.

- B.56 The Applicant shall develop a Traffic Monitoring Program (TMP) to begin six months after initial 85% occupancy of the site is achieved and include the following:
- a. Monitoring will include turning movement counts at the Main Street intersections with the site driveway, Main Street with Champney Street and Main Street with Mill Street. The monitoring counts for the site driveway intersection will occur between the hours of 6:00 AM and 9:00 AM, and between 4:00 PM and 7:00 PM to capture the residential peak generating periods.
 - b. The monitoring counts for the Main Street intersections with Mill Street and with Champney Street will occur between the hours of 6:00 AM and 7:00 PM to capture the residential peak generating periods, as well as to provide sufficient data for a traffic signal warrant analysis.
 - c. Automatic traffic recorder counts with classification on the site driveway to include a continuous 48-hour period over two (2) weekdays, contiguous with the monitoring counts.
 - d. Evaluate motor vehicle crash data at the Project site driveway and with the Main Street intersections with Mill Street and with Champney Street.

The results of the monitoring program will be summarized in a report to be provided to the Town of Groton upon completion of the data collection. The report will document the traffic volumes associated with the project and any delays, queuing and crash rates at the intersections.

A Highway Access Permit will be submitted to MassDOT by the Applicant for the site access and the RRFB and any work within the State Highway Layout (SHLO). A copy of such application will be sent to the Town at the same time.

Other General Conditions

- B.57 All lighting for the Project shall be maintained in such a way that lights shall be shielded and directed so as to avoid light trespass exceeding 0.5 foot candles at the property line or unshielded point sources of light visible from public ways or adjacent properties unless otherwise noted on the Plans of Record. The Project shall include Dark Sky compliant lighting.
- B.58 The Project shall comply with the Lighting Plan contained in the Project Plans by Radner Design Associates dated February 9, 2023 and as revised July 21, 2023.

- B.59 No natural gas shall be used to service the Project. Natural gas may be used for amenity features such as fire pits, grilles and generators.
- B.60 The Project shall include energy-efficient, all-electric mechanical systems, high R-Value insulation, LED lighting, lighting timers and Energy Star certified appliances.
- B.61 The Applicant shall comply with the Landscape Plan contained in the Plans of Record. As requested by the Groton Invasive Species Committee, the landscaping plan shall not include anything that is considered invasive.
- B.62 Final design plans for the storm water management system shall comply with Department of Environmental Protection regulations.
- B.63 The Applicant shall provide 24/7 monitoring of the Project, either by on-site management or an off-site management entity that is available by phone 24/7. In the event the Applicant engages a management company, the Applicant shall post the name and telephone number of the management company in the building in a prominent place and shall provide the Board and Town with a current copy of the management contract upon request.
- B.64 The hours for trucks to collect or otherwise service the solid waste and recycling containers shall occur only during daylight hours between the hours of 7:00 AM and 6:00 PM. Solid waste and recycling facilities shall be provided as shown on the Plans of Record.
- B.65 The Applicant shall provide reasonable accommodation, in accordance with both federal and state laws, if requested to assist any resident with disabilities with trash or other challenges they may face utilizing the services at Groton Farms.
- B.66 Parking lot light fixtures shall be dimmed to 70% luminosity between the hours of 11pm and 6am.
- B.67 Per the comments of the Groton Electric Light Department, the Applicant shall ensure that the property management on site stock and maintain the light fixtures.
- B.68 Prior to the issuance of the third certificate of occupancy for any of the buildings, the Applicant shall provide adequate security (meaning either a bond, cash, letter of credit or tri-party agreement with the Project's lender agreeing to withhold funds) in an amount reasonably acceptable to the Board in consultation with its consulting civil engineer, and approved as to form by the Board's legal counsel, to ensure the completion of any incomplete infrastructure or Site improvements

required by the Plans of Record, as modified by the construction plans submitted with building permit applications. No such security shall be requested until all drainage facilities and the base course of the pavement have been installed.

- B.69 All grading shall be consistent with the Plans of Record as revised and as approved by the Board during the public hearing based upon the peer review obtained during the public hearing.
- B.70 There shall be no exterior construction activity, including fueling of vehicles, on the Premises before 7:00 AM, or after 7:00 PM, Monday through Friday and before 8:30 AM or after 4:30 PM on Saturday. There shall be no construction on the Premises on the following days unless a special approval for such work has been issued by the Groton Police Department: Sundays or the following legal holidays: New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas. The Applicant agrees that the hours of operation shall be enforceable by the Groton Police Department.
- B.71 The Applicant shall obtain approval from the Nashoba Associated Boards of Health for the installation of the pool at the Aite in accordance with 105 CMR 435.

C. Construction and Performance Guarantees

- C.1 The Applicant shall provide the Board and its agents with authority to enter the Premises during construction of the Project (subject to conformance with applicable health and safety requirements, including, but not limited to hard hat, safety glasses and work boot requirements), with or without prior notice to determine conformance with this Comprehensive Permit.
- C.2 The Applicant shall pay all of the Board's and Town's prior and outstanding peer review and legal fees, if any, within 30 days of the issuance of the Comprehensive Permit. The Applicant shall pay for all post-permit peer review, post-permit inspections, and post-permit legal fees by establishing or continuing the escrow account now established pursuant to G.L. c. 44, s. 53G. No building or occupancy permit shall issue if an outstanding bill for any fee is 30 days overdue.
- C.3 The Board or its agent (which may be the Conservation Commission agent acting on behalf of the Board) shall have the right to enter the Property for inspections and to evaluate compliance with the conditions contained herein upon reasonable notice of not less than twenty-four (24) hours. Access shall be allowed without the need for advanced notice in emergency situations when necessary to prevent imminent harm to wetlands resource areas.

- C.4 The Applicant shall abide by orders issued by the Building Commissioner in conformance with applicable law in conjunction with construction of the Project, subject to the Applicant's rights of appeal under applicable law.
- C.5 Work and operations within the buffer zones within 100 feet of wetlands shall be governed by the Groton Conservation Commission unless waived herein and as denoted on the Plans of Record.
- C.6 Prior to construction, physical barriers shall be installed to provide tree protection and along the limit of the clearing line. Erosion controls and tree protection measures shall be continuously maintained throughout the course of construction. Adjacent public streets shall be swept as needed to remove sediment and debris. Disturbed areas shall be brought to final finished grade and stabilized permanently against erosion as soon as practicable. Bare ground that cannot be permanently stabilized within 60 days shall be stabilized using annual rye grass following U.S. Natural Resource Conservation Service (NRCS) procedures.
- C.7 With respect to the work to be done by Applicant on private ways within the Property, no certificates of occupancy shall be issued by the Town until the Applicant has fully completed all site drainage and utility work appurtenant to any portions of the site for which an occupancy permit is to be issued and has installed a binder course of pavement on driveways and parking areas within the Property.
- C.8 To the extent that landscaping for the Project is not completed prior to the issuance of a final certificate of occupancy for any of the buildings, the Applicant shall provide the Board a satisfactory surety instrument, as set forth above in Condition B.69, that shall not expire unless and until it is satisfactorily replaced or released, and shall be in an amount to be determined by the Board in consultation with all relevant Town boards and officials and other consultants based upon the Applicant's reasonable estimate of the costs to complete such landscaping work.
- C.9 The work to be secured shall include any landscape screening and fencing along the limit of work boundary, as required by approved Construction Plan.
- C.10 Prior to the issuance of any building permits for the Project, construction plans finalized as necessary as provided in this Comprehensive Permit, shall be signed and sealed by a Massachusetts Professional Engineer and a Massachusetts Registered Landscape Architect and filed with the Board and the Building Commissioner, and shall include the following:
 - a. Utilities, including on-site utilities and connections to utilities in adjacent public ways, which shall conform to all requirements of municipal

- departments or private utility companies having jurisdiction and to all applicable codes;
 - b. Stormwater Pollution and Prevention Plan (SWPPP) notes that address mitigation of sedimentation and erosion, including details relating to any temporary drainage basins; and
 - c. Details of any temporary construction signs.
- C.11 A surety instrument, that shall not expire until it is satisfactorily replaced or released, in an amount to be determined by the Board in consultation with Town boards and officials and other consultants shall be given to the Town by the Applicant prior to starting any activity authorized by this approval (“Authorized Activity”) within a public way, on Town property or in any Town easement to ensure the proper and timely completion of all such work that shall be held by the Town Treasurer until the Treasurer is notified by the Board to release the surety.
- C.12 Requests to reduce the surety may be submitted as work progresses and shall include the amount of requested reduction, a list of work outstanding and a cost estimate of the same. The surety retained shall be based on the work remaining.
- C.13 Prior to starting any Authorized Activity, the Applicant and the general contractor shall hold a preconstruction meeting with the Building Commissioner, Conservation Agent, and Highway Superintendent representative to review this approval.
- C.14 Prior to starting any Authorized Activity, the Applicant shall provide to the Building Commissioner:
- a. the company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on site;
 - b. a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Premises have been paid;
 - c. certification from the Applicant that all required federal, state and local licenses and permits have been obtained;
 - d. proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work;
 - e. proof that street signage is in place to ensure that emergency personnel can locate the site to provide emergency services to protect and secure the site and construction personnel; and
 - f. at least 48 hour written notice. If activity on site ceases for longer than one month, 48 hour written notice prior to restarting work.

- C.15 During construction, at the end of each workday, the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured. Upon completion of all work on site and prior to As-Built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations and the Board shall be notified in writing of the final disposition of the materials.
- C.16 The Applicant shall take effective measures to control dust and windblown erosion at all times. All topsoil shall be stockpiled on the site. Erosion control barriers shall be installed around the base of the stockpile. The stockpiles shall be seeded to prevent dust and wind-blown erosion.
- C.17 Blasting, if any, shall be performed in a manner approved by the Fire Department and Building Department so as to prevent injury or property damage to the residents of the Town and proper evidence of insurance shall be provided to the Building Commissioner before blasting begins.
- C.18 Before any occupancy permit is issued for any individual building, the Applicant shall submit to the Town of Groton Building Commissioner two sets of As-Constructed Plans for the building and all infrastructure improvements required by the individual building for which the request is being sought. The determination for “required infrastructure” shall be made by the Building Commissioner. If applicable, evidence of compliance with this Comprehensive Permit and any other permits required for the construction of the improvements contemplated by this Comprehensive Permit shall be submitted to the Building Commissioner. The As-Constructed Plans shall be provided both in paper form and as AutoCAD plans, in a version approved by the Town Engineer so as to be compatible with the Town Engineer’s software and hardware. The site engineer of record shall provide a written description of any material deviations from the construction plans submitted with the building permit application. The Board, in consultation with the peer review engineering consultant, shall approve the As-Constructed Plans.
- The Applicant shall have the As-Constructed Plans recorded with the Middlesex South Registry of Deeds to the satisfaction of the Groton Building Commissioner.
- C.19 All catch basins and detention basins shall be cleaned at the end of construction. Thereafter, the Applicant and/or Applicant's successor shall be responsible for maintaining the site's storm-water management system in accordance with generally accepted practice, as the same may, from time to time, change.
- C.20 During construction, the location of any and every infiltrating stormwater management area shall be protected to prevent compaction by heavy equipment

and to prevent contamination of the area with soils and material that may reduce infiltration rates for the existing soils.

- C.21 The Applicant shall be permanently responsible for the following within the Project:
- a. all plowing, sanding, and snow removal. Snow shall be piled in designated locations as shown on the Plans of Record or alternate locations acceptable to the Fire Chief. In the event that snow impairs roadways such that the travel area is less than eighteen feet wide, and all designated snow removal locations have been exhausted, at the direction of the Fire Chief, the Applicant shall cause snow to be transported from the Project to an off-site location for the legal disposal thereof;
 - b. all site maintenance and establishing a regular schedule for site maintenance;
 - c. repairing and maintaining all on-site roadways, including drainage structures and utilities therein and the infrastructure within the Project;
 - d. conducting annual inspection, maintenance and cleaning of all elements of the drainage system, including but not limited to catch basins, drain manholes, detention basins, swales and pipelines;
 - e. maintaining any and all easements shown on the Plans; and
 - f. site lighting.
- C.22 Prior to issuance of the first certificate of occupancy, the Applicant shall obtain approval from the U.S. Postmaster of any location to be used for mailboxes and parcel delivery areas.
- C.23 Bus stops shall be located in the areas as shown on the Plans of Record. The Property shall include pick-up and drop-off spaces at the front of the three apartment buildings and to the front of the clubhouse to accommodate short term delivery activity (parcel delivery vans, food delivery service, tenant pick-up/drop-off, etc.)
- C.24 The Applicant shall make all efforts to prohibit vehicular traffic from using Taylor Street to enter or exit the Property.
- C.25 Prior to commencing Authorized Activity, the Applicant's final construction plans shall provide that the construction of the Project shall be performed in accordance with all applicable laws and regulations regarding noise, vibration, dust, sedimentation control and blocking of Town roads and the Applicant shall install aprons at entry points and provide for dust control in the form of sweeping and spraying of water whenever necessary.

- C.26 No stumps or construction debris shall be buried or disposed of at the Property.
- C.27 The Applicant shall use all reasonable means to minimize inconvenience to residents in the general area during construction.
- C.28 The Applicant shall install a fence in the areas marked as Proposed Chain Link Fence as shown on the plan entitled “Existing Conditions Plan, 500 Main Street, Groton, Massachusetts, dated September 19, 2022, Scale 1”=80”, Dillis & Roy, Civil Design Group.”
- C.29 The Applicant shall plant and maintain barrier planting along the boundary line between the Property and the properties currently owned by John S. Franzek, Julie Franzek and Big John’s Trust.
- C.30 The Applicant shall have all leases to tenants of the Project contain the following language: “Tenant acknowledges that the 500 Main Street Property abuts private property owned by others. All tenants, their invitees and licensees shall refrain from entering onto the abutting private properties for access to the Nashua River Rail Trail or for any other reason. All tenants, their invitees and licensees shall honor the no trespassing signs which demarcate the boundary lines.”
- C.31 Any Permit granted hereunder is granted to the Applicant and may not be transferred or assigned to any party without the approval of the Subsidizing Agency and notice to the Board as required by 760 CMR 56.05(12)(b).
- C.32 Any changes to the Project after issuance of this Comprehensive Permit shall be reviewed and approved by the Board in accordance with 760 CMR 56.05 (11). The Project shall be constructed substantially in accordance with the Plans of Record. Proposed adjustments to the Plans of Record following the issuance of this Comprehensive Permit decision shall be submitted to the Building Commissioner who may determine whether the adjustment constitutes a "change". Adjustments may be approved directly by the Building Commissioner with input from appropriate department heads. Any proposed insubstantial or substantial change shall be submitted to the Board for review and authorization in accordance with applicable regulatory provisions.
- C.33 Building construction may begin simultaneously with the commencement of construction of the infrastructure, but no occupancy permit shall issue unless and until all of the infrastructure necessary for the occupancy permit shall be fully permitted and completed and have any necessary final sign offs.

- C.34 Prior to the issuance of any certificate of occupancy, the Applicant shall update the Project Plans to include street names and building numbers that have been reviewed and approved by the Groton DPW and the Groton Fire Department.

D. Lapse

- D.1 Any Comprehensive Permit granted hereunder shall lapse three years from the date that it takes final effect (i.e., the date that it is filed with the Town Clerk, subject to tolling in the event of any appeal and as provided in 760 CMR 56.05(12)(c), unless the Comprehensive Permit is duly recorded before the three year period lapses and unless construction on the Project has commenced within such period.
- D.2 Construction in accordance with this Comprehensive Permit shall be completed within five years of this Comprehensive Permit taking final effect or approval of any further construction of any unit not already begun shall lapse. The Applicant may apply to the Board for reasonable extensions of these deadlines for good cause, but must do so before any lapse occurs.

E. Waiver

- E.1 The Applicant shall comply with the State Building Code and the Town of Groton Zoning Bylaw as of the date this Application was filed with the Board, and all other local development controls as of the date of this Application, except as expressly waived and provided for herein as well as those set forth in Exhibit B. Any waiver not expressly granted or not shown on the approved Plans of Record is hereby not granted. Grant of the Comprehensive Permit and the Waivers is expressly conditioned upon compliance with all of the conditions of approval and with continued adherence to the facts and circumstances noted in the Findings of Fact.
- E.2 The Board voted to grant the waivers set forth in Exhibit B.

F. Validity of Permit

This Comprehensive Permit shall not be valid until recorded with the Registry of Deeds and evidence of such recording is provided to the Building Commissioner and the Board. Any modification of this permit shall be subject to 760 CMR 56.05(11) or any successor regulation thereto. Any Comprehensive aggrieved by this decision may appeal to a court of competent jurisdiction within 20 days as provided by M.G.L. c. 40A, § 17 or M.G.L. c. 40B, §20 et seq., as applicable.

Bruce H Easom

6 November 2023

GROTON ZONING BOARD OF APPEALS

By: Bruce Easom, Chairman

On November 1, 2023, the Zoning Board of Appeals voted to authorize Bruce Easom to execute the decision on behalf of the BOARD.

EXHIBIT A

INITIAL APPLICANT APPLICATION AND LIST OF DOCUMENTS SUBMITTED TO THE BOARD DURING THE PUBLIC HEARING

The Applicant filed its comprehensive permit application on February 23, 2023 and the application included the following elements:

Table of Contents Part I: Summary of Applicant, General Project Overview, and Permit Request

- Summary of Applicant and Development Team
- General Project Overview
- Proposed Findings
- Request for Comprehensive Permit

Part II: Groton ZBA Submittal Requirements

- Consistency with Groton Affordable Housing Plan
- Preliminary Site Development Plans
- Existing Conditions Summary
- Architectural Drawings
- Tabulation of Proposed Buildings
- Preliminary Subdivision Plans
- Utility Plans
- Jurisdictional Requirements
- Requested Waivers / Exceptions
- Financial / Ownership Interest
- Prior Affordable Housing Experience
- Housing Site Approval Conditions
- Abutters List Improvements
- Traffic Analysis
- Environmental Analysis

List of Exhibits

- Exhibit 1 – Preliminary Development Plans
- Exhibit 2 – Existing Conditions Plan
- Exhibit 3 – Architectural Drawings
- Exhibit 4 – Subdivision Plan
- Exhibit 5 – Jurisdictional Documents
- Exhibit 6 – Waivers and Exceptions

Exhibit 7 – Financial/Ownership Interest
Exhibit 8 – Affordable/Residential Experience
Exhibit 9 – Abutters List
Exhibit 10 – Stormwater Summary Report
Exhibit 11 – Traffic Impact Analysis
Exhibit 12 – Environmental Analysis

List of Plans

Civil Plans 2/9/2023

C1.1 Title Sheet
C1.2 Notes, Legends & Abbreviations Plan
C2.1 Existing Conditions Plan 1
C2.2 Existing Conditions Plan 2
C3.1 Soil Erosion and Sediment Control Plan 1
C3.2 Soil Erosion and Sediment Control Plan 2
C4.1 Layout and Materials Plan 1
C4.2 Layout and Materials Plan 2
C5.1 Grading and Drainage Plan 1
C5.2 Grading and Drainage Plan 2
C6.1 Profile Plan 1
C6.2 Profile Plan 2
C6.3 Profile Plan 3
C7.1 Utility Plan 1
C7.2 Utility Plan 2
C8.1 Construction Details Plan 1
C8.2 Construction Details Plan 2
C8.3 Construction Details Plan 3
C8.4 Construction Details Plan 4

Landscape and Lighting 2/9/2023

L1 Landscape Details, Notes and Schedule
L2 Landscape Tree Plan 1
L3 Landscape Tree Plan 2
L4 Light images, Schedule, and Elevation
L5 Lighting Plan 1
L6 Lighting Plan 2
L7 Lighting Plan 3

Architectural Plans

Clubhouse

Cover Sheet 02/01/2023
A.101 First Floor and Roof Plan
A.201 Elevations
A.301 Building Sections

Multifamily Building

Cover Sheet 02/01/2023
A.101-104 Floor Plans
A.105 Roof Plan
A.200 Elevations
A.300 Building Sections
A.601-602 Unit Plans

Townhouses

Cover Sheet 02/01/2023
A.101-104 Floor Plans
A.201-202 Elevations
A.301-302 Building Sections

Maintenance Building

Cover Sheet 02/01/2023
A.101 First Floor
A.103 Roof Plan
A.201 Elevations
A.301 Building Sections

Pavilion

Cover Sheet 02/01/2023
A.101 Roof and Floor Plan
A.201 Elevations
A.301 Building Sections

Garage

Cover Sheet 02/01/2023
A.101 First Floor
A.103 Roof Plan
A.201 Elevations
A.301 Building Sections

- a. “Prior Affordable Housing Experience 3-16-2023” submitted by Leslie French, Manager for Omni Properties, on March 23, 2023
- b. “GeneralQualspackage2023_MDM” and “Groton 40B Review PR01_MDM” submitted by Robert Michaud of MDM Transportation Consultants on April 5, 2023
- c. “2023-4-14 The Groton Farms ZBA Extension Letter” submitted by Robert W. Anctil on April 19, 2023
- d. Letter to ZBA regarding extension dated September 21, 2023 submitted by Robert Anctil
- e. “Groton Farms ZBA Letter 4.19.2023” submitted by Robert W. Anctil on April 19, 2023
- f. “2023-04-19 ZBA Presentation Arch and Land Arch”
- g. “2023-5-10 Groton ZBA_Traffic”
- h. “6842-AUTOTURN-SU30_rev1” and “6842-AUTOTURN-FIRE APPARATUS_rev1” submitted May 12, 2023 by Leslie French, Manager for Omni Properties & Kenneth Cram, Bayside Engineering
- i. “2023-5-17 ZBA Presentation – Civil” submitted May 17, 2023 by Leslie French, Manager for Omni Properties
- j. “6842-AUTOTURN-SU30-051723” and “6842-AUTOTURN-FIRE APPARATUS-05172023” submitted May 18, 2023 by Kenneth Cram, Bayside Engineering
- k. “Groton Farms ZBA Comments 230517” submitted 5/17/2023 by Andrew Scott, Sustainability Commission Member
- l. Letter to ZBA from Sustainability Commission dated June 22, 2023.
- m. Undated Letter to ZBA from Invasive Species Committee submitted circa June 5, 2023
- n. “2023-5-17 Sustainability Commission Response 23023-6-5” and “2023-5-2 s Species Letter Response 2023-6-5” submitted June 6, 2023 by Leslie French, Manager for Omni Properties
- o. “Groton ZBA 062023 F” Conceptual Improvement Plan dated June 19, 2023 and “Figure 1 CIO 6-19-2023” Response to MGM Transportation Consultants review both submitted by Kenneth Cram, Bayside Engineering on June 20, 2023
- p. 500 Main Street Waiver Requests as of 7.13.2023” submitted July 13, 2023 by Robert W. Anctil
- q. “Groton Farms response to MDM transportation comments 6/20/2023”
- r. “RE: Groton Farms 40B – Transportation Peer Review” submitted July 20, 2023 by Kenneth Cram, Bayside Engineering
- s. “L4 Light Images, Schedule and Elevation” by Radner Design Associates, Inc., dated July 15, 2023, “6842-lrt-ZBA-072123 (Sewer Comments)”, “6842-lrt-ZBA-072123 (Offsite Drainage)” and 2023-7-19 Sustainability Follow-up

- Letter (solar) response” submitted July 25, 2023 by Leslie French, Manager for Omni Properties
- t. “6842-ltr-ZBA-080723 (Stormwater) submitted August 7, 2023 by Leslie French, Manager for Omni Properties
 - u. “2023-8-4 Groton – Response letter to request for multiple trash locations” submitted August 4, 2023 by Leslie French, Manager for Omni Properties
 - v. “2023-8-9 Groton Farms Outstanding Items” submitted August 9, 2023 by Leslie French, Manager for Omni Properties
 - w. SUBMITTED June 23, 2023 by Greg Roy:
 - i. Revised Site Plans dated 6/16/2023
 - ii. Revised Stormwater Report dated 6/16/2023
 - iii. Peer Review Response Letter
 - iv. ZBA Memo Highlighting Additional Plan Changes
 - v. Cut & Fill Exhibit
 - x. “Memo to ZBA 2023-03-22” by Michelle Collette, ADA Coordinator, dated and submitted March 22, 2023.
 - y. “500 Main St” email submitted by Steele McCurdy, Groton Fire Chief, on March 28, 2023
 - z. “FW: Request for comments on Comprehensive Permit Application, Groton Farms (500 Main Street)” email submitted by Bob Garside, Building Commissioner, on April 5, 2023
 - aa. “2023-03-22 Commission on Accessibility_MDA Responses_04052023” by Mangel DeStephano Architects submitted by John Amaral, Manager of 500 MG LLC, on April 5, 2023
 - bb. “Groton Farms Comments 2023-04-19” by Michelle Collette, Stormwater Inspector, dated April 19, 2023
 - cc. “1281 LT01” submitted by Robert Michaud of MDM Transportation Consultants on May 3, 2023
 - dd. “Letter on Groton Farms Development” dated April 13, 2023 and submitted May 4, 2023 by Aubrey Theall, Chair of Historical Commission
 - ee. “500 Main St 40B” submitted May 14, 2023 by Steele McCurdy, Groton Fire Chief
 - ff. “6842-UTILITY PRESENTATION PLAN”, 6842-AUTOTURN-SU30-051723”, 6842-AUTOTURN-FIRE APPARATUS-051723” and “500 Main St Site Plan 5-17-2023” submitted May 18, 2023 by Steele McCurdy, Groton Fire Chief
 - gg. “13346.25-LT-RV-COMPREHENSIVE PLAN-2023-05-23” submitted May 24, 2023 by Alexander Cruz, Jarrett Zube and Jared Gentilucci, all with Nitsch Engineering
 - hh. “13346.25-LT-RV-SW-2023-05-31” submitted May 31, 2023 by Jared Gentilucci, Alexander Cruz and Jarrett Zube, both with Nitsch Engineering
 - ii. “Memo to ZBA – Groton Farm 2023-06-07” regarding hazardous materials from the Board of Health and submitted June 7, 2023 by Michelle Collette

- jj. “SW Comment to ZBA – Groton Farms 2023-06-07” memorandum to the ZBA from the Earth Removal Stormwater Committee dated June 7, 2023 and submitted June 7, 2023 by Michelle Collette
- kk. “Groton Farms 40B 060923” submitted June 15, 2023 by Tom Orcutt, Water Superintendent
- ll. “Letter to ZBA – follow-up on Groton Farms items” submitted June 22, 2023 by Phil Francisco, Sustainability Commission
- mm. “B of A re 500 Main St 06_28_23” dated June 27, 2023 and submitted 6/28/2023 by Jim Gmeiner on behalf of the Groton Sewer Commission
- nn. “1281 LT02” submitted July 19, 2023 by Robert Michaud of MDM Transportation Consultants
- oo. Agreement between Town of Groton Water Department and 500 MG LLC executed August 31, 2023
- pp. Town of Groton Sewer Department Meeting Minutes dated June 14, 2023
- qq. Environmental Notification Form submitted to Executive Office of Energy and Environmental Affairs MEPA office dated September 15, 2022
- rr. Sundance Sign plan Revised September 13, 2023
- ss. Memorandum from The Groton Sewer Commission dated June 27, 2023
- tt. Common Boundary Line Agreement dated September 27, 2023
- uu. The Groton Farms Open Hearing Presentation dated March 22, 2023
- vv. Memorandum from Michelle Collette, ADA Coordinator dated September 6, 2023
- ww. Letter to ZBA Regarding Outstanding Items by John Amaral, Manager for 500 Main MG LLC dated August 9, 2023
- xx. Table of Main Street Waiver Requests dated July 13, 2023
- yy. Memorandum to the ZBA from the Earth Removal Stormwater Committee dated June 7, 2023
- zz. Memorandum to the ZBA from the Board of Health regarding application for pool dated March 27, 2023.
- aaa. 500 Main Street Civil Plan Set Presentation dated February 9, 2023
- bbb. 500 Main Street – Landscape and Lighting Set Presentation February 9, 2023
- ccc. 500 Main Street – Existing Conditions Plan dated February 14, 2023
- ddd. 500 Main Street – Street Renderings dated February 3, 2023
- eee. 500 Main Street – Architectural Submission dated February 1, 2023
- fff. 500 Main Street – Subdivision Plan (ANR-1) dated February 9, 2023
- ggg. 500 Main Street – Deed – All Parcels dated September 9, 2021
- hhh. 500 Main Street – Groton Final Project Eligibility Letter (PEL) dated September 19, 2022

EXHIBIT B

DECISION ON WAIVERS

The Board voted to take the following action on the waiver requests of local rules and regulations submitted by the Applicant as it has determined necessary for the construction of the Project as approved by the Board:

Zoning Bylaw

1. **Section 218-2.5H(1)(a) Preserve Trees:** This section requires the preservation of trees twelve-inch caliper or larger unless it can be demonstrated that such removal is necessary for the location of structures, roads, driveways, and utilities and it can be further demonstrated that there were no alternatives to said removal. The Applicant seeks a waiver to the extent necessary to allow the project as shown on the Project Plan, subject to the conditions and waivers herein.

Board Action: Waiver Granted

2. **Section 218-2.5.I Performance Bond:** This section requires any applicant to post a performance bond for any project subject to site plan review. The Applicant seeks to construct a 200-unit multifamily residential development pursuant to M.G.L. c. 40B and the regulations thereunder. A waiver is sought for this section in its entirety to the extent it conflicts with M.G.L. c. 40B and said regulations, subject to the conditions herein.

Board Action: Waiver Granted

3. **Section 218-5.2.38 Schedule of Uses:** The section prohibits structures and/or uses that are not specifically or generally permitted. The Applicant seeks to construct a 200-unit multifamily residential development pursuant to M.G.L. c. 40B and the regulations thereunder. A waiver is sought for this section in its entirety to the extent it conflicts with M.G.L. c. 40B and said regulations, subject to the conditions herein.

Board Action: Waiver Granted

4. **Section 281-5.3.D(3) Trailer Bond:** The Applicant requests a waiver from the requirement for site plan review and a bond for the proposed construction/sales trailers during construction, subject to the conditions herein.

Board Action: Waiver Granted

5. **Section 218-6.2 Schedule of Intensity Regulations:** The Applicant requests a waiver from the building height/story requirements to the extent necessary to allow for the construction of the apartment buildings and townhomes as depicted on the Project Plans, to the greater of the Project Plans or 65 feet, subject to the conditions herein.

Board Action: Waiver Granted

6. **Section 218-6.3.E Density:** This Section limits the density of lots. The Applicant requests a waiver from this section to allow for the proposed project density which includes 200 residential units plus accessory buildings on the subject property as shown on the Project Plans.

Board Action: Waiver Granted

7. **Section 218-6.4 Hammerhead Lots:** This Section provides that hammerhead lots may only be permitted with a special permit from the Planning Board. The Applicant requests a waiver of this section to permit the project and the lots as shown on the Project Plans.

Board Action: Waiver Granted

8. **Section 218-8.1C(7) Parking Lot Plantings:** This Section requires a certain amount of landscaping to be provided for parking spaces. The Applicant requests a waiver to this section to allow construction of the site and proposed planting per the Project Plans.

Board Action: Waiver Granted

Miscellaneous Regulations – Comprehensive Permits

9. **Article VIII, Section 338-34.A:** Section 338 establishes procedures for applications to the Groton Zoning Board of Appeals for comprehensive permits granted under MGL C. 40B, §§ 20 through 23 and the regulations promulgated thereunder. To the extent necessary the Applicant requests a waiver from these application requirements. The Application submitted by the Applicant complied with the Massachusetts Department of Housing and Community Development Comprehensive Permit Regulations, 760 CMR 56.05(2). To the extent that the plans show additional waivers at specific locations not expressly set forth in the Applicant's written submission, these waivers are also granted.

Board Action: Waiver Granted

10. **Article VII, Section 338-34.B(2):** This section requires a detailed analysis showing why the project would be “uneconomical” without the requested waivers. Chapter 40B Regulations specifically prohibit reviewing “a pro forma in order to see whether a Project would still be economic if the number of dwelling units were reduced, unless such reduction is justified by a valid health, safety, environmental, design, open space, planning, or other local concern that directly results from the size of a project on a particular site.” (760 CMR 56.05(6)(a)(4))

Board Action: Waiver Granted

Wetlands Protection Regulation Article III Section 344

11. **Section 344-19.A(1) Disturbance of Upland Resources:** The Applicant requests a waiver from the restriction of disturbance or alteration within 50 feet of any freshwater wetland to allow for construction as depicted on the Plans of Record.

Board Action: Waiver Granted

12. **Section 344-19.A(2) Temporary disturbance area:** The Applicant requests a waiver from the restriction of disturbance or alteration within 50 feet of any freshwater wetland to allow for construction as depicted on the Plans of Record.

Board Action: Waiver Granted

13. **Section 344-19.A(3):** This section provides the limits of disturbance shall be permanently marked prior to construction.

Board Action: Waiver Granted

Chapter 215 Wetlands

14. **Section 215-7.A(1)-a:** The Applicant requests a waiver from the restriction of disturbance or alteration within 50 feet of any freshwater wetland to allow for construction as depicted on the Plans of Record.

Board Action: Waiver Granted

15. **Section 215-7.A(1)-b:** The Applicant requests a waiver from the restriction of constructing a permanent building within the 100foot wetland setback. The proposed scope of work includes the construction of a permanent building (garage) with approximately 345 S.F. located within the 100-foot wetland setback.

Board Action: Waiver Granted

16. **Section 215-7.A(1)-c:** The Applicant requests a waiver from the restriction of constructing a parking area within the 100-foot wetland setback. The proposed scope of work includes the construction of parking located within the 100-foot wetland setback.

Board Action: Waiver Granted

17. **Section 215-7.A(1)-f:** The Applicant requests a waiver from the restriction of constructing driveways within the 100-foot wetland setback. The proposed scope of work includes the construction of 24' drives located within the 100-foot wetland setback.

Board Action: Waiver Granted

18. **Section 215-7.A(1)-g:** The Applicant requests a waiver from the restriction of grading within the 100-foot wetland setback. The proposed scope of work includes grading & clearing within the 100-foot wetland setback.

Board Action: Waiver Granted

Stormwater Management – Low Impact Development Chapter 198

19. **Section 198 Full Stormwater Management Permit:** The Applicant requests a waiver from the Full Stormwater Management Permit section, Chapter 198. The ZBA will administer the review of the project pursuant to M.G.L. c. 40B. Stormwater management has been designed in compliance with the Mass Stormwater management standards in accordance with 310 CMR 10.05(6)(k) through (q) and defined in detail in the MassDEP Stormwater Management Handbook for new construction.

Board Action: Waiver Granted

20. **Section 198-10. Surety:** The Applicant requests a waiver from the requirement to post a surety given that the entirety of the work is to be performed on private land. This request has been adequately addressed through the conditions herein.

Board Action: Waiver Granted

21. **Section 198-15 Inspection:** The Applicant requests a waiver from the Inspection section, subject to the condition herein. The ZBA will administer the review of the project pursuant to M.G.L. c. 40B.

Board Action: Waiver Granted

22. **Section 198-16 Certificate of Completion:** The Applicant requests a waiver from the Certificate of Completion section. The ZBA will administer the review of the project pursuant to M.G.L. c. 40B.

Board Action: Waiver Granted

Signs – Chapter 196

23. **Section 196-7 Signage requirements & restrictions:** The Applicant requests a waiver from the design standards & restrictions from this section to permit the signs as shown on the Sundance Sign plan.

Board Action: Waiver Granted

24. **Section 196-9 Temporary Signs:** The Applicant requests a waiver from the required permit & requirements from this section, subject to the conditions hereto.

Board Action: Waiver Granted

Earth Removal Stormwater Advisory Committee – Chapter 352

25. **Section 352-24.D(1):** This section provides that all drain pipes shall be at least 12 inches inside diameter and made of reinforced concrete conforming to Massachusetts Department of Transportation specifications for Class III pipe. The Applicant requests a waiver from Section 352-24.D(1). HDPE pipe with sufficient cover for vehicle loading is proposed.

Board Action: Waiver Granted

Wells – Chapter 330

26. **Section 330-4(D) Well Construction / Deconstruction Permit:** An applicant for a well construction permit must secure a letter from the municipal water supply system stating that no public water is available within 500 feet of any lot line prior to seeking a permit. The Applicant requests a waiver from Section 330-4(D). The project proposes an irrigation well (non-potable water source) for on-site use. All proposed dwellings are to be serviced by municipal water as depicted on the Project Plans.

Board Action: Waiver Granted

Water Department – Chapter 407

27. **Section 407-5(B) – Water main construction or extension:** Water main extension(s) shall conform with the Planning Board Subdivision Regulations, Chapter 381, Part 1: "If a public water supply is located within 2,500 feet from the center line of the proposed street, the applicant shall connect all lots to the public water system. If a public system is not located within 2,500 feet, water main and appurtenances shall be installed in the new subdivision road for a future connection to a public water supply." The Applicant requests a waiver from Section 407-5(B). All proposed dwellings are to be serviced by municipal water as depicted on the Plans of Record. The project proposes an irrigation well (non-potable water source) for on-site use.

Board Action: Waiver Granted

Board Action: Waivers from the following sections of the Groton Zoning Bylaws are denied as unnecessary. The Board notes that these are procedural waivers that are not required as the comprehensive permit subsumes all local permitting requirements:

- Section 218-2.3**
- Section 218-2.5(B)**
- Section 218-2.5(C)(2)**
- Section 218-2.5(D)(2)**
- Section 218-2.5(G)(2)(e), (i) & (l)**
- Section 218-2.5(G)(2)(m)**
- Section 218-2.5(H)**
- Section 218-8.2(C)(5), (6) & (10)**
- Section 218-9.2**
- Section 218-9.3**
- Section 344-19(J)**
- Section 196-2**