



Town of Bridgewater

Office of the
Town Clerk

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March 4, 2020

Murphy's Landing LLC
560 Bedford St.
Bridgewater, MA 02324

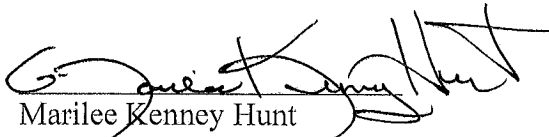
Re: **Comprehensive Permit –Granted with Conditions and Waivers**
0 Plymouth Street – Murphy's Landing
Assessor's Map 24, Parcels 50 & 51

To Whom it May Concern:

Attention of all parties is drawn to Section 15 and Section 17 of Chapter 40A of the General Laws, that No Notice of Appeal has been filed during the twenty-day next of such receipt and recording of said notice in the office of the Town Clerk.

Please be aware it is your obligation to record this appeal letter along with certified copy of your decision letter at the Registry of Deeds.

A true copy, Attest:


Marilee Kenney Hunt
Town Clerk

Decision filed: February 13, 2020

Appeal ended: March 4, 2020

CC: Zoning Board of Appeals
Inspectional Services

2020 FEB 13 A 9:03

**Record, Decision and Comprehensive Permit
Murphy's Landing, LLC – Murphy's Landing**

Subject Property: Approximately 6.75 acres of land at 0 Plymouth Street (Assessing Map 24, Parcels 50 and 51)

Name of Applicant: Murphy's Landing LLC, 560 Bedford Street, Bridgewater, MA 02324 Attn: Erin Murphy, Manager ("Applicant"). The term "Applicant" shall include Murphy's landing LLC and its agents and its successors and assigns.

Name of Record
Owner of Title
to Subject Property: Applicant owns 0 Plymouth Street.

Nature of the Petition: Application for Comprehensive Permit under G.L. c. 40B, ss. 20-23

I. BACKGROUND

A. The Application and the Proposed Project

Murphy's Landing LLC ("Applicant") is a Limited Liability Company registered in Massachusetts which agrees and intends to enter into a Regulatory Agreement with the Commonwealth of Massachusetts Department of Housing and Community Development ("DHCD"). The Applicant filed an application with the Zoning Board of Appeals ("Board") for a Comprehensive Permit under M.G.L. Chapter 40B, ss. 20-23 proposing to build 8 rental apartment units in two buildings.

The proposed project (hereinafter called the "Project") is all three-bedroom units for a total of 24 bedrooms. There will be a total of 20 residential parking spaces and an additional 5 parking spaces for public access to the Town River. The Project will also access to the Town River and a boat launch to be constructed by a nonprofit agency to be named later and to be available to Bridgewater residents.

2 of the 8 units (25%) shall be affordable for households earning up to 80% of the Area Median Income ("AMI"), adjusted for household size, for the Bridgewater area pursuant to the subsidy program of DHCD (the "Affordable Units").

The currently vacant property has become a dumping ground for among other things tires. The development will cause the cleanup of 60,000± tires and will activate a now vacant property.

B. The Subject Property

The subject property consists of approximately 6.75 acres (the "Site"). It is addressed as 0 Plymouth Street, Bridgewater and is shown on the following Assessors map: Map 24, Lots 50 & 51. The site has approximately 2.85 acres of buildable land and approximately 3.9 acres of non-buildable wetlands. Surrounding land uses are primarily single-family homes. The site also abuts the Taunton River to the North and Northeast.

The Site is zoned "Residential C" as shown on the Bridgewater Zoning Map dated January 2018, with no overlay districts applicable. Residential C zoning generally restricts development to single- and two-family housing on separate lots and imposes dimensional requirements such as setbacks. These constraints will require zoning relief to achieve the Project's goals.

C. The Board Members

Board members present and voting were Brian Heath, Chairman, Gerald Chipman, Vice Chairman and Anna Klimas, member.

D. Procedural Background and Hearings

A Comprehensive Permit application (the "Application") was filed on December 2, 2019.

Abutters were duly notified in writing and legal notice was duly published pursuant to G.L. c. 40B. The following legal notice was published in the Enterprise on December 24, 2019 and December 31, 2019.

The Zoning Board of Appeals will hold a Public Hearing on January 8, 2020 at 7:00pm in the Council Chambers located on the second floor of the Municipal Offices, 66 Central Square, Bridgewater, MA to review an application filed by Silva Engineering Associates PC, on behalf of Erin Murphy, P.O. Box 82, Bridgewater, MA 02324 for a proposed 40B Comprehensive Permit filed under MGL Chapter 40B § 20-23 for property located at '0' Plymouth Street, Map 24, Lots 50 and 51. The applicant proposes to construct 8 housing units with 6 bedrooms on approximately 6.75 acres. The subject lots are in an area zoned Residential C.

The Board opened the public hearing on the Application on January 8, 2020.

E. The Record

The Record of the Board's decision on the Application consists of the documents listed in Exhibit A attached hereto and incorporated by reference herein.

II. JURISDICTIONAL REQUIREMENTS AND JURISDICTIONAL FINDINGS

Pursuant to Chapter 40B regulations, an Applicant must satisfy three jurisdictional requirements: (1) the Applicant must be a public agency, a non-profit organization, or a limited dividend organization; (2) the Project must be fundable by a Subsidizing Agency under a low- and moderate-income housing subsidy program; and (3) the Applicant must control the Site. See 760 CMR 56.04(1).

1. Applicant's Status

Decision 2020-01, Applicant: Murphy's Landing LLC
Subject Property: 0 Plymouth Street

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Town Clerk Initials: jam

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As stated above, the Applicant is a Limited Liability Company which agrees to enter into a Regulatory Agreement with DHCD. Therefore, the Applicant qualifies as a limited dividend organization and is an eligible Applicant pursuant to 760 CMR 56.04(1)(a).

2. Fundable Project

The Applicant has submitted a Project Eligibility Letter ("PEL") dated October 16, 2019 from DHCD. Therefore, the Applicant fulfills the requirement of 760 CMR 56.04(1)(b) which states: "The project shall be fundable under a subsidizing agency under a low- and moderate-income subsidy program."

3. Site Control by Applicant

DHCD has opined in its PEL that the Applicant controls the site as required by 760 CMR 56.04(1)(c).

THIS DECISION OF THE BOARD IN NO WAY CONSTITUTES AN ADJUDICATION, LEGAL DECISION, DETERMINATION, ORDER OR JUDGMENT RELATIVE TO ANY MATTER BETWEEN PRIVATE PARTIES, INCLUDING BUT NOT LIMITED TO THOSE INVOLVING, PROPERTY LINES, BOUNDARIES, EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, COVENANTS AND ADVERSE POSSESSIONS.

Based on the foregoing, the Board finds that the Applicant meets the jurisdictional requirements under Chapter 40B.

III. FINDINGS

1. The Site consists of 6.75 acres as shown on the Town of Bridgewater's Assessors Maps as Maps 24 Parcels 50 and 51. This parcel has frontage on Plymouth Street.
2. The Site is located within the Residential C Zoning District.
3. The Site is currently vacant land.
4. According to the DHCD Subsidized Housing Inventory ("SHI"), as of November 21, 2019, only 12.4% or 1033 units of the Town of Bridgewater's housing stock (8,288 Year Round Housing Units based upon the 2010 U.S. Census) is comprised of low and moderate income housing units qualified for listing on the SHI. All 8 of the Project's rental units shall be eligible for listing on the SHI. These additional 8 units will further increase the percentage of SHI-qualified units in Bridgewater to 12.5%.
5. The Project will be constructed as shown on the elevation and floor plans entitled "New Construction for 3 Bedroom Quadplex" prepared by Custom Home Design Inc. dated September 14, 2017 submitted to the Board (the "Building Plans") consisting of the following sheets:
 - A-1 Foundation Plan – Haunched Slab Detail
 - A-2 Basement Plan
 - A-3 First Floor Plan

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- A-4 Second Floor Plan
- A-5 Front Elevation – Left Side Elevation
- A-6 Rear Elevation – Right Side Elevation
- A-7 King and Jack Stud at Openings – Building Section
- A-8 Building Section
- A-9 Garage Shear Wall Framing (front) at Double Bay – Garage Shear Wall Framing (front) at Single Bay
- S-1 First Floor Framing Plan
- S-2 Second Floor Framing Plan
- S-3 Second Floor Ceiling Framing Plan
- S-4 Roof Framing Plan
- S-5 Basement Level Shear Wall Plan
- S-6 First Floor Level Shear Wall Plan
- S-7 Second Floor Level Shear Wall Plan
- S-8 Roof Level Shear Wall Plan

6. The site development, storm drainage and utility infrastructure for the Project shall be constructed as shown on the site and engineering plans entitled “Plan of Multi-Family Dwellings ‘Murphy’s Landing’” prepared Silva Engineering Associates P.C. dated June 22, 2017 with a latest revision date of December 12, 2019 submitted to the Board (the “Site and Engineering Plans”) consisting of the following sheets:

- 1 Location Plan
- 2 Existing Conditions Plan
- 3 Site & Utilities Plan
- 4 Site Grading & Drainage Plan
- 5 Construction Details Sheet
- 6 Construction Details Sheet

7. Landscaping shall be constructed as shown on the site and engineering plans entitled “Plan of Multi-Family Dwellings ‘Murphy’s Landing’” prepared Silva Engineering Associates P.C. dated June 22, 2017 with a latest revision date of December 12, 2019 submitted to the Board (the “Site and Engineering Plans”) as shown the following sheets:

- 3 Site & Utilities Plan

8. All the Building Plans, Site and Engineering Plans and Landscaping Plan shall collectively be referred to as the “Plans of Record”. The approved Plans of Record may be altered as set forth below without returning to the Board if the Building Commissioner determines that the change is so minimal as to constitute a field change; otherwise, the Applicant shall apply to the Board under 760 CMR 56.05(11) or any successor regulation:

- a. Insubstantial shifts in building footprint, footprint locations, driveway or parking locations to avoid ledge or other subsurface issues, which shall mean movement of not more than 2 feet and provided that there shall be no increase in setback nonconformity as already allowed hereunder.
- b. Substitutions of lighting fixtures, other fixtures, equipment and/or materials having equivalent or better performance;
- c. Additions to exterior lighting for safety, security or operational reasons, provided that such additions shall not increase light levels at the Site perimeter.
- d. Additions to landscape planting at the Site perimeter for additional visual or noise screening.
- e. Insubstantial interior and exterior changes required to conform to regulatory

requirements; and

f. The addition of any subsurface infiltration system or other stormwater management components and/or revisions to the stormwater management system, provided they are reviewed and certified as provided for hereunder.

9. The Town Engineer was retained by the Board to complete a peer review of the Site and Engineering Plans. This peer review was completed by Azu Etoniru, P.E. The Project was found to be in compliance with applicable state laws and regulations and good engineering practice. The Peer Review letter[s] submitted to the Board by Mr. Etoniru is[are] listed in Exhibit A.
10. The Project has been designed to tie into the municipal sewer system and municipal water system. The Board received a review from Jonas Kazlauskas, Water and Sewer Superintendent on December 31, 2019 and February 6, 2020 that confirms the information in the documentation submitted by the Applicant regarding municipal sewer and municipal water connections.
11. The Project has been reviewed by the Bridgewater Fire Department and Police Department and both departments indicated that they are satisfied with the access for emergency vehicles as shown on the plans.
12. The Subsidizing Agency for the Project is DHCD.
13. The Applicant will enter into a Regulatory Agreement and Affordable Housing Restriction with and as required by DHCD which shall be recorded with the Plymouth County Registry of Deeds prior to the issuance of any Building Permit.
14. The Board finds that the Project is consistent with local needs and local concerns because:
 - a. the Applicant and the Project satisfy the jurisdictional requirements.
 - b. the Project is in harmony with the Town's Housing Production Plan and goals regarding the creation of affordable housing.
 - c. the Project protects and advances the health and safety of the residents of the Project because it provides 8 units of housing, 2 of which are affordable, in new construction; provides safe pedestrian and vehicular access within the Site; provides open space; addresses fire protection and other public safety concerns; and provides for adequate municipal water and sewer service;
 - d. the Project protects the natural environment because it will preserve open space including public access to the Taunton River and passive recreational space; the Project will create energy-efficient housing units; the design and construction of the stormwater system will reduce runoff and filter solids and sediment; the Site is outside the FEMA flood zones and there are no steep slopes on the Site;
 - e. the Project promotes better site and building design in relation to the surroundings and municipal and regional planning and/or preserving open spaces and will clean up the site from solid waste.
 - f. adjacent properties will be screened from the Project.
 - i. Trash and recycling will be stored within an enclosure at the Project and picked up regularly; and
 - j. the Project will create revenue for the Town through permit fees, annual property taxes, excise taxes and other local service payments.

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IV. CONDITIONS

This Comprehensive Permit is granted subject to all of the following terms and conditions and with the waiver action requirements attached hereto:

A. REGULATORY CONDITIONS

1. The total number of dwelling units that may be constructed at the Site shall be limited to a maximum of eight (8) dwelling units as shown on the Plans of Record. The maximum number of bedrooms shall be twenty-four (24).
2. As a condition of any approval hereunder, at least 80% of the units shall be and shall remain affordable and shall be marketed to eligible households whose annual income may not exceed 80% of Area Median Income (AMI), adjusted for household size as determined by the United States Department of Housing and Urban Development ("HUD") (the "Affordable Units"); and, subject to approval by the Commonwealth of Massachusetts Department of Housing and Community Development ("DHCD"), the 2 Affordable Units and the remaining 6 units shall be eligible to be included in the Town's Subsidized Housing Inventory ("SHI"), as maintained by DHCD.
3. The Applicant shall notify the Board and the Town Manager when building permits are issued and cooperate with the preparation by the Town of request forms to add the units to the SHI.
4. The Applicant shall notify the Board and the Town Manager when occupancy permits are issued and cooperate with the preparation by the Town of request forms to add the units to the SHI permanently.
5. The Affordable Units shall permanently remain affordable, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, Sections 20-23. The Project shall remain a rental project so long as the Project does not conform to local zoning requirements.
6. To the extent possible and subject to the approval of DHCD, Affordable and Market Rate units shall be allocated on a pro rata basis, including number of bedrooms, unit size, and floor location, and subject to vacancies that occur on an ongoing basis after the initial rent-up for the Project which typically change the location of an Affordable Unit, the location of the Affordable Units shall be reasonably dispersed throughout the Project buildings, subject to the approval of DHCD. The Affordable Units shall be indistinguishable in appearance from the Market Rate Units.
7. The Applicant shall execute a Regulatory Agreement that shall be countersigned by the Subsidizing Agency as required under G.L. c. 40B and submit annual financial and other reports to the Subsidizing Agency in accordance with the Regulatory Agreement. Copies of any reports submitted to the Subsidizing Agency shall also be submitted to the Board or its designee.
8. 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 may charge the tenant a market rent; however, the Applicant shall comply with the Subsidizing Agency's requirements for converting another unit to an Affordable Unit. The Applicant shall provide the Town with all necessary information to determine whether the required affordability levels are in place at the same time they submit to the Subsidizing Agency.

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9. While the Regulatory Agreement with the Subsidizing Agency (or one with a successor subsidizing agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant to the Subsidizing Agency and may take any steps allowed under G.L. c. 40B, Sections 20-23 and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.
10. Conditions A.1-9 above, shall not be used or construed or otherwise exercised in conflict with the holdings in *Board of Appeals of Amesbury v. Housing Appeals Committee*, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to G.L. c. 40B, Sections 20-23, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. 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.
11. To the extent allowed under G.L. c. 40B, Sections 20-23 and the regulations promulgated thereunder and other applicable laws, with respect to at least 70% of the Affordable Units, the Applicant shall provide local preference categories for Bridgewater residents and employees of the Town and its school district during the initial lease-up to the greatest extent allowable by the Subsidizing Agency.
12. If approved by the Subsidizing Agency, these preferences 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.
13. 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.
14. The Applicant shall submit to the Board a report on marketing activity at the Project during the initial lease-up of the Project demonstrating compliance with the local preference requirement pursuant to the plan approved by the Subsidizing Agency as set forth below.
15. 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 or DHCD, then this condition shall be void. The Applicant shall provide reasonable assistance to the Town to prepare any documentation required for approval by the Subsidizing Agency of the local preference categories.
16. The Applicant shall develop a marketing 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.
17. If at any time it appears that the Applicant is in violation of the Affordable Housing Restriction with the Town at any time when said restriction is in effect as described above, following a hearing of which the Applicant has been given prior notice, then the Board may pursue such enforcement rights as it may have under the Affordable Housing Restriction and/or applicable law.

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18. Dividends 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, Sections 20-23 and 760 CMR 56.00.
19. 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.
20. 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 Decision.
21. 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.

B. GENERAL CONDITIONS

1. The Project shall be constructed in accordance with the Plans of Record. The Plans of Record, with most recent revision dates noted, are set forth in Exhibit B. The Applicant shall comply with all local by-laws, rules and regulations of the Town of Bridgewater and its boards, officers and commissions, unless expressly waived hereunder or as provided on the approved Plans referenced herein.
2. The Project shall conform to all applicable state and federal laws, codes, regulations, and standards including, but not limited to, the following (if applicable):

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Massachusetts State Building, Plumbing and Electrical Codes.

Massachusetts Department of Environmental Protection ("MassDEP") Sewer Extension Regulations; and

MassDEP Stormwater management standards and accepted industry best management practices (except where more stringent standards are imposed herein) for construction of the drainage infrastructure.

There shall be no exterior construction activity, including fueling of vehicles, on the Site before 7:00 am or after 7:00 pm, Monday through Friday and before 8:30am or after 4:30 pm on Saturday. There shall be no construction on the Site on the following days unless a special approval for such work has been issued by the Bridgewater 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 Bridgewater Police Department.

4. All utilities located on the Site shall be installed underground, except as required by a public utility, subject to support by the Town in applications to MassDOT, if required, for any utilities that must be located within the State right of way. Further, the requirement for any such underground utilities, if located within the State right of way, shall be subject to review and approval by MassDOT, if required (as such phasing is approved below). If MassDOT does not allow such underground utilities within the State right of way, then those utilities may remain aboveground.
5. All buildings and structures shall be constructed substantially as represented in the Application, as revised, and on the Plans of Record.

6. The Project shall be served by municipal sewer and water. New service connections to the systems as shown on the Plans of Record shall be designed and installed at Applicant's sole expense, all in accordance with the requirements of the Town's Department of Public Works and Fire Department, and subject to peer review on behalf of the Town.
7. The Project shall be subject to the review and approval of the DPW as to technical requirements for the sewer and water system. The Applicant may return to the Board to request waivers in accordance with the M.G.L. c. 40B, Sections 20-23 process for any post-permit project change.
8. 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.
9. Site lighting for the Project shall be as detailed on the Plans of Record and shall minimize glare and visibility off of the Site.
10. Final design plans for the stormwater management system shall comply with MassDEP regulations (except where more stringent standards are set forth herein) and shall be constructed consistent with the Plans of Record as reviewed by the Town Engineer.
11. 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.
12. Contractors shall be duly licensed as required by the Town of Bridgewater. All such work shall be performed in accordance with current engineering and construction standards.
13. Any internal sidewalks and street trees to be planted shall be installed before issuance of the final permanent occupancy permit. All existing trees not to be removed during construction as part of the Landscaping Plan shall be adequately protected and replaced if destroyed during construction.
14. All structures and site improvements within the Site shall remain private in perpetuity, including any and all ways, parking areas, park areas, street lighting, drainage, buildings, sewer and water infrastructure and the Applicant shall bear the cost of maintenance, repairs, replacement, snow plowing and trash removal for the same in perpetuity.
15. The Applicant shall provide monitoring of the Project, during and after construction, either by on-site management or an off-site management entity, that is available by phone. In the event the Applicant engages a management company, the Applicant shall post the name and telephone number of the management company in a prominent place and shall provide the Board and Town with a current copy of the property management contract upon request. The phone number of the construction supervisor shall be provided to the Town Manager and Town Police.
16. Fire hydrants shall be located consistent with the locations shown on the Plans of Record and as required by the Fire Chief.
17. The Applicant shall equip each unit with water saving plumbing fixtures in every bathroom, kitchen, and laundry area, and all underground water pipes shall have watertight joints.
18. No permanent certificate of occupancy shall be issued until the infrastructure specified in this decision and set forth on the Plans of Record is constructed and installed so as to adequately serve said building.

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19. Final construction drawings showing on-site water distribution system, drainage and stormwater management facilities, and sewer system shall be submitted to the Engineering Department for their review and approval for compliance with this decision prior to the commencement of construction.
20. Prior to issuance of any building permit, the Applicant shall:
 - a. Provide to the Board and the Building Commissioner a final Stormwater Pollution and Prevention Plan (SWPPP) to address specific sedimentation, erosion and dust control. The general contractor will be responsible for implementing and executing the SWPPP.
 - b. Provide to the Board and the Building Commissioner procedures that outline the specific operation and maintenance measures for all stormwater/drainage facilities ("O&M Plan").
21. The Applicant shall submit to the Board a copy of the Operation and Maintenance ("O&M") Plans for:
 - a. Drainage infrastructure and all related appurtenances; and
 - b. Access ways, parking area, common areas, trash removal, and snow removal.
22. Fertilizer, pesticide and herbicide use shall be minimized to the extent consistent with good landscape maintenance practice.
23. Road salt shall not be used for vehicular areas. Environmentally friendly de-icing chemicals shall be used in the parking lot and such lot shall be swept at least twice a year, prior to May 1st.
24. The Project shall not be gated.
25. All grading shall be consistent with the Plans of Record and as approved by the Board during the public hearing based upon the peer review obtained during the public hearing.
26. The Applicant shall provide post-permit documents and plans required in this Decision to the Board which shall forward such documents and plans to its peer review engineers and/or counsel, if deemed necessary for review.
27. Once the Applicant has provided a completed set of post-permit documents and plans, the Board shall have 45 days to obtain the necessary comments from peer reviewers and Town departments and to determine whether the final design submittals and plans conform to the conditions set forth in the Comprehensive Permit.
28. 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.
29. If the deficiencies are not cured within 60 days, then the Board may vote to determine that the relevant conditions of the Comprehensive Permit have not been satisfied and that 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.
30. The Applicant shall provide the Board and the Board of Health, before any occupancy permit issues, with an adequate operations plan for the storage and collection of solid waste and recycling, to make sure that odor and nuisance problems are avoided. The hours for trucks to collect or otherwise

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service the solid waste and recycling containers shall occur only during daylight hours between the hours of 7:00 am and 4:00 pm.

31. If a landscaping irrigation system is installed, it may be done only in full compliance with the specification of the Town of Bridgewater and alternate sources of water should be explored.
32. All water and sewer construction and materials shall be in accordance with the Plans of Record, Fire Department requirements and Department of Public Works standards.
33. The Applicant shall provide five (5) additional parking spaces on site as shown on the Plans of Record and satisfactory for public access of the Town River prior to the issuance of final occupancy permit.
34. Prior to any occupancy permit, the Applicant will provide the Board with an executed Conservation Restriction or other instrument protecting the land to be used for public access to the River.

C. CONSTRUCTION AND BONDING

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 reasonable prior notice to determine conformance with this Decision.
2. The Applicant shall pay all of the Board's and Town's prior and outstanding peer review and Chapter 40B consultant fees for the Project, if any, within 30 days of the issuance of the Comprehensive Permit. The Applicant shall pay for all post-permit peer review, Chapter 40B Consultant, and post-permit inspections, by establishing or continuing the escrow account now established pursuant to G.L. c. 44, Section 53G. No occupancy permit shall issue if an outstanding bill for any fee is 30 days overdue.
3. 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.
4. Prior to construction, physical barriers denoting the limits of work (erosion control and construction fencing where applicable) 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, as determined by the Building Commissioner, 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 30 days shall be stabilized using vegetative cover following U.S. Natural Resource Conservation Service (NRCS) procedures.
5. Prior to commencing any activity authorized by this approval ("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.
6. No stumps or construction debris shall be buried or disposed of at the Site.

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7. The Applicant shall during construction use all reasonable means to minimize inconvenience to residents in the general area.
8. With respect to the work to be done by Applicant within the Site, no permanent certificates of occupancy shall be issued by the Town until the Applicant has fully completed all site drainage and utility work and has installed a binder course of pavement on driveways and parking areas within the Site.
9. Prior to the commencement of construction, the Site and Engineering Plans, finalized as necessary as provided in this Decision, shall be signed and sealed by a Massachusetts Professional Engineer and a Massachusetts Registered Landscape Architect and filed with the Board and the Building Inspector 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.
 - c. Letter from the Project architect confirming that the Project complies with applicable Architectural Access Board (AAB) Regulations; and
 - d. Details of any temporary construction signs.
10. Prior to starting any Authorized Activity, the Applicant and the general contractor shall hold a preconstruction meeting with the Building Inspector, Water & Sewer Superintendent, Highway Superintendent, Town Engineer and Community & Economic Development Director to review this approval.
11. 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 available 24/7 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 Site 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. If activity at the Site ceases for longer than 60 days, at least 48 hours' written notice prior to restarting work.
12. 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.
13. Within ninety (90) days of completion of the Authorized Activities and prior to issuance of the last permanent certificate of occupancy, the Applicant shall submit to the Board two sets of draft As-Built Plans for all infrastructure improvements and, if applicable, evidence of compliance with this Comprehensive Permit and any other permits required for the construction of the improvements

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contemplated by this Comprehensive Permit. The As-Building Plans shall, at a minimum, contain the following (1) the location, size and type of all underground drainage and stormwater management facilities, (2) the location of the new building foundation, (3) the location, size and type of all water service at the Site, including gate valves, tees and hydrants, (4) rim elevations, location, size, type and inverts for all drainage and sewer structures and pipes, including roof drains, and (5) layout of all surface driveways, parking areas and pedestrian paths.

14. The Site engineer of record, retained by the Applicant, shall provide a certification that the Project was constructed in substantial conformance with the Plans of Record and, where appropriate, shall provide a written description of any material deviations from the building permit plans along with documentation regarding how these changes satisfy the original intent of the Plans of Record. The Board, in consultation with the Town Engineer, DPW and peer review engineering consultant, shall review and approve the As-Built Plans. Once approved, the Applicant shall provide one final copy of the As-Built Plans, stamped by a Registered Professional Engineer, to the Town Engineer with one copy to the Building Department and one pdf file to the Board.
 15. All catch basins and other stormwater management facilities shall be cleaned at the end of construction. Thereafter, the Applicant shall be responsible for maintaining the Site's stormwater management system in accordance with the O&M Plan.
 16. The Applicant shall be permanently responsible for the following at the Project:
 - a. All plowing, sanding and snow removal.
 - b. All Site maintenance including repairing and maintaining all Site driveways, drainage structures and utilities.
 - c. Conducting annual inspections, maintenance and cleaning of all elements of the stormwater management system, including but not limited to catch basins, drain manholes, detention basins, swales and pipelines.
 - d. Operation and maintenance of the water and sewer service to the Site from the connection at Town-owned mains.
 - e. Site lighting.
 17. Prior to issuance of the first certificate of occupancy, the Applicant shall obtain approval from the U.S. Postmaster of any location and equipment to be used for mailboxes and parcel delivery areas.
 18. Any Permit granted hereunder is granted to the Applicant. All provisions regarding assignment or transfer of the Permit shall comply with 760 CMR 56.00.
 19. Any changes to the Project after issuance of the Permit shall be reviewed and approved by the Board in accordance with 760 CMR 56.05(11).
 20. Subject to the issuance of a building permit, building construction may begin simultaneously with the commencement of construction of the infrastructure.
- D. LAPSE**
1. Any Comprehensive Permit granted hereunder shall lapse three years from the date that it takes final effect (as provided in 760 CMR 56.05(12)(c)) unless construction on the Project has commenced within such period.
 2. In addition, construction in accordance with this Comprehensive Permit shall be completed within five (5) years of issuance of the first building permit.

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3. The Applicant may seek reasonable extensions of these deadlines from the Board for good cause but must do so before any lapse occurs.

E. WAIVERS

1. The Applicant shall comply with the State Building Code, the Town of Bridgewater Zoning Bylaw and all other local development controls as of the date the Application was filed with the Board, except as expressly waived and provided for herein. Any waiver not expressly granted or not shown on the approved Plan of Record has not been granted. Grant of the Comprehensive Permit and the Waivers is expressly conditioned upon compliance with all the conditions of approval and with continued adherence to the facts and circumstances noted in the Findings of Fact. The waivers granted by the Board are listed on Exhibit C.
2. No waivers are granted from the payment of municipal fees including, but not limited to, building permit fees, certificate of occupancy fees, inspection fees and water and sewer system fees.

F. VALIDITY OF PERMIT

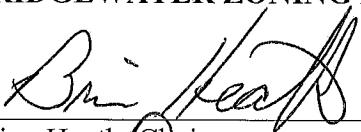
This Permit shall not be valid until recorded in the Registry of Deeds and evidence of such recording is provided to the Building Inspector and the Board. Any person aggrieved by this decision may appeal to a court of competent jurisdiction within 20 days as provided in M.G.L. Chapter 40A, Section 17 or M.G.L. Chapter 40B, Section 20 et seq., as applicable.

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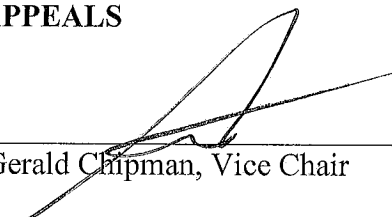
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Based on the foregoing and subject to the Conditions stated above, the Board VOTED on February 12, 2020 to grant a Comprehensive Permit pursuant to G.L. c. 40B, Sections 20-23.

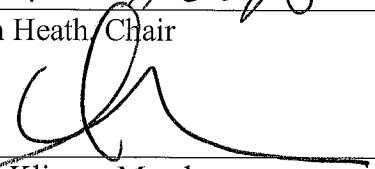
BRIDGEWATER ZONING BOARD OF APPEALS



Brian Heath, Chair




Gerald Chipman, Vice Chair



Anna Klimas, Member

Jolie Sprague Martin
I, ~~Marilee Kenney-Hunt~~, hereby do certify this is the decision of the above members of the Bridgewater Zoning Board of Appeals.



~~Marilee Kenney-Hunt~~, Town Clerk
Jolie Sprague Martin

Feb. 13, 2020
Date Filed

Mar. 4, 2020
Date Appeal Period Ends

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