



**TOWN OF BOLTON
ZONING BOARD OF APPEALS**

Town Hall, 663 Main Street, Bolton, MA 01740
Phone: 978-779-3308 Fax: 978-779-5461

**DECISION ON APPLICATION
FOR
COMPREHENSIVE PERMIT**

Date Application Filed: October 14, 2021

Applicant: Limited Dividend Affiliate of WP East Acquisitions, LLC (the
"Applicant")
c/o Jim Lambert
91 Hartwell Avenue
Lexington, MA 02421
The Applicant shall include its successors and assigns.

Owner: Bolton Office Park LLC
c/o Jeffrey O'Neill
100 Grandview Road, Suite 312
Braintree, MA 02184

Premises: The property is located at 580 Main Street, identified on the Bolton Assessor's Map 4.C as Parcel 24. The property is comprised of +/- 39 acres in Bolton, MA (the "Property" or "Project Site"). The Property is located in the Limited Business District and Mixed Use Village Overlay District.

Approval Requested: Comprehensive Permit, M.G.L. c. 40B, §§ 20-23

Members Participating: Gerard Ahearn (Chair), Bryan Holmes, Andy Kischitz, Bradley Reed, Elisabeth Hutchins, and Gabrielle Lomanno (Associate) (collectively the "Zoning Board of Appeals", "ZBA" and/or "Board").

Members Voting: Gerard Ahearn (Chair), Bryan Holmes, Andy Kischitz, Bradley Reed, and Gabrielle Lomanno (Associate).

Hearing Opened: November 8, 2021

Hearing Closed: July 21, 2022

Date of Vote: August 4, 2022

I. PROCEDURAL HISTORY

1. On October 14, 2021, the Applicant submitted an application for Comprehensive Permit, pursuant to M.G.L. c.40B, §§ 20 - 23 (“Chapter 40B”), to construct two hundred and twenty-nine (229) dwelling units of rental housing consisting of four (4), three- story residential buildings, a clubhouse, a mail center, an access road, parking areas, amenities and all supporting site features and infrastructure required to support the proposed development (“Development”). Fifty-eight (58) dwelling units will be affordable to 80% of Area Median Income (“AMI”) to be distributed between the four (4) proposed residential buildings. The subject property contains approximately 32.4 acres of land located along Main Street in Bolton, Massachusetts and is a portion of the property described in a deed dated June 30, 2012 to Bolton Office Park LLC recorded with the Worcester County Registry of Deeds (the “Registry”), at Book 49223, Page 19 and shown as “Proposed Lot 2” on the plan titled “Approval Not Required Plan of Land in Bolton, MA” dated September 9, 2021 and revised through March 2, 2022 prepared by Hanlon Land Surveying, Inc., to be recorded with the Registry (the “Site” or “Property”).
2. The site plans referenced herein are entitled “Application for Comprehensive Permit, Alta Nashoba Valley, 580 Main Street, Bolton, MA” (the “Site Plans”) prepared by Allen & Major Associates, Inc. dated May 3, 2021, as revised on September 3, 2021, September 10, 2021, and April 13, 2022.
3. A public hearing on the Comprehensive Permit was noticed for November 8, 2021. Notice of the public hearing was published in The Independent, a newspaper with general circulation in the Town of Bolton, on October 20, 2021 and October 27, 2021. Both notices were posted for 14 days on the Town of Bolton website and mailed to parties of interest at least 14 days before the public hearing, all as required by G.L. c. 40A, §11.
4. The Board commenced the public hearing on the Comprehensive Permit on November 8, 2021 at 7:00 p.m. via Zoom Video Communication, Inc. in accordance with Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18 and Chapter 107 of the Acts of 2022. All those opposed or in favor were provided the opportunity to be heard using their telephone, cell phone and/or computer. The hearing was continued to the following dates: November 30, 2021, December 13, 2021, January 18, 2022, February 10, 2022, March 8, 2022, March 16, 2022, April 12, 2022, May 12, 2022, May 16, 2022, June 14, 2022, July 12, 2022 and July 21, 2022. The Board closed the public hearing on July 21, 2022. The Board secured all appropriate extensions to continue the hearings and to extend the time to act pursuant to 760 CMR 56.05(3) & (8).
5. Members of the Board attending all of the public hearing, deliberating and voting on the Comprehensive Permit were Chairman Gerard Ahearn and Members Bryan Holmes, Andy Kischitz, Bradley Reed, and Gabrielle Lomanno (Associate).

6. With technical assistance provided by the Massachusetts Housing Partnership, the Board retained the services of Joseph D. Peznola, PE of Hancock Associates, 185 Centre Street, Danvers, MA 01923, to provide guidance and technical assistance under M.G.L. c. 40B.
7. The Board retained Horsley Witten Group, of 112 Water Street, Boston, MA 02109 (“Horsley Witten”), to serve as the Board’s engineering and wetland science peer review consultant. Horsley Witten provided engineering peer review services with respect to wetlands, water and sewer capacity, stormwater and overall civil design services.
8. The Board also retained Vanasse & Associates, Inc. (“Vanasse & Associates”), of 35 New England Business Center Drive, Andover, MA 01810 to provide traffic engineering peer review of the proposed Development.
9. The Applicant funded an escrow account to pay for all of the peer review expenses of the Board pursuant to M.G.L c.44, § 53G.
10. The Board notified Town departments, boards, and committees of this application. The Board received comments from the Board of Health, Building Department, Assessors’ Office, Council on Aging, Fire Department, Police Department, Select Board, Tax Collector, Department of Public Works, Conservation Agent, Town Administrator’s Office, Public Ways Safety Committee, Parks & Recreation Commission, Design Review Board, and Planning Board. Comments received were made part of the public record.
11. The Board received comments from abutters and residents throughout the course of the public hearing and were made part of the public record. The abutters/residents expressed concerns relating to density of housing, fire and safety, landscaping, stormwater management, impact to wetland resource areas, implications to waiving local bylaws and regulations, groundwater protection, sewage disposal system design, traffic, noise, construction, energy efficiency and architectural design, among other issues.
12. The Board conducted a duly noticed site visit on Wednesday, December 1, 2021, with Phil Cordeiro, P.E., of Allen & Major Associates, Inc. and Jim Lambert of Wood Partners to observe the existing conditions of the Property.
13. Staff conducted a site visit on Wednesday March 16, 2022 with Amy Ball, PWS, of Horsley Witten Group and Phil Cordeiro, P.E., of Allen & Major Associates, Inc. to review wetlands resources at the Property.
14. Throughout its deliberations, the Board was mindful of the statements of the Applicant, the Applicant’s representatives, and the comments of the general public, all as made or received at the public hearing.
15. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeals’ files and listed in Exhibit A.

II. FINDINGS

In making its findings and reaching the decision described herein, the Board is guided by M.G.L. c. 40B, §§ 20-23 and its implementing regulations, 760 CMR 56.00 et seq., the Board's Rules and Regulations, and by the Town of Bolton Zoning Bylaw. The Board also considered evidence and testimony presented at the public hearings and comments submitted by Town departments, boards and committees as well as the Board's peer review consultants and residents placed in the public record during the course of the hearings.

1. Jurisdictional Requirements

The Board finds that the Development satisfies the requirements set forth in Chapter 40B and 760 CMR 56.04(1) for eligibility to submit the Application:

- The Applicant has produced evidence representing that it has met the jurisdictional requirements to apply for and obtain a Comprehensive Permit as evidenced by the Determination of Project Eligibility under the Local Initiative Program (LIP) issued by the Department of Housing and Community Development in a letter dated August 17, 2021.
- The Applicant asserts that it is a "limited dividend affiliate" of WP East Acquisitions, LLC, as that term is used in M.G.L. c.40B, §21 and 760 CMR 56.04(1)(a), and that the Project is fundable pursuant to 760 CMR 56.04(10)(b), by virtue of Determination of Project Eligibility under the Local Initiative Program (LIP) issued by the Department of Housing and Community Development in a letter dated August 17, 2021.
- The Applicant asserts that it has control of the site pursuant to the Agreement for Purchase and Sale of Property dated December 11, 2020.

2. Statutory Minima for Low and Moderate Income Housing

Based on the most recent Subsidized Housing Inventory maintained by the Department of Housing and Community Development, the Town of Bolton has approximately 69 subsidized housing units, or 3.99% of its available housing units dedicated to low and moderate-income households. Therefore, Bolton does not meet the 10% requirement, as defined by M.G.L. c. 40B. The Board finds that the Town of Bolton has not otherwise satisfied any of the statutory minima set forth under M.G.L. c. 40B.

3. Affordable Housing/Local Initiative Program

M.G.L. c. 40B requires the Board to balance local concerns with the need to provide low and moderate income housing.

The Board finds that there is a critical, unmet need for affordable housing in the Town of Bolton. The needs assessment included in Bolton's 2021 Housing Production Plan indicated that Bolton is in need of housing suitable for smaller families and households, regional school district and Town employees, and seniors. The Housing Production Plan assessment further highlighted the need for rental housing that could meet the needs of many of these demographic groups, indicating that most residents of Bolton own a home rather than rent; in 2017, only 7% of households were renters.

The Bolton Select Board voted to join in the application for this Comprehensive Permit as a Local Initiative Project, confirming the Select Board's determination that the Development will help fulfill the affordable housing needs of the Town of Bolton.

Subject to the conditions set forth in this Decision, the Development is "Consistent with Local Needs" within the meaning of M.G.L. c. 40B, §20, and Section 56.02 of DHCD's Chapter 40B Regulations (760 CMR 56.02).

4. The multifamily rental Development known as "Alta Nashoba Valley" consists of four (4) three-story apartment buildings located on a single lot containing 32.4 acres (the "Development"). In total, the Development includes 88 one-bedroom units, 117 two-bedroom units, and 24 three-bedroom units, totaling 394 bedrooms. The Applicant is additionally proposing 382 parking spaces both in garages and at grade. An approximately 5,491 square foot clubhouse is proposed as well as an approximately 835 square foot mail and package building and approximately 8,898 square feet of garage space, distributed between three free standing garage buildings.
5. The Development will be served by a private on-site Public Water Supply distribution system. Wastewater from the Development will be collected and treated by a private on-site wastewater treatment plant.
6. Twenty-five percent (25%) or 58 of the 229 rental units (the "Affordable Units") shall be reserved in perpetuity for rent to households earning no more than eighty percent (80%) of the Median Family Income for the Eastern Worcester County, MA HUD Metro FMR Area, as determined by the U.S. Department of Housing and Urban Development (HUD) and as adjusted for household size. All 229 rental units will count towards the Town of Bolton's Subsidized Housing Inventory.
7. The Property is located in the Limited Business District and Mixed Use Village Overlay District. The Property is bounded by Great Brook to the east with bordering land subject to flooding and bordering vegetated wetlands along the south side of the Property. These areas are wetland resource areas jurisdictional to the Bolton Conservation Commission under the state Wetlands Protection Act. The Applicant has applied to the Bolton Conservation Commission for certification of these resource areas.
8. Portions of the Property are located within a Special Flood Hazard Area as outlined on the Federal Emergency Management Act most recent Flood Insurance Rate Maps (FIRM) for Community 25027 C0486F with an effective date of July 16, 2014.
9. No portion of the Property is located in a Natural Heritage Endangered Species Program (NHESP) Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species as shown by the Natural Heritage Atlas dated August 1, 2021.
10. The Property has frontage on Main Street and access to the Development will be from Main Street via the existing Bolton Office Park Driveway. A traffic impact and access study and supporting documentation were presented and discussed between the Applicant

and the Board's peer review traffic engineering consultant regarding the adequacy of the roadways and their connections with the Development. The Study Area consisted of the intersections of Main Street with the Bolton Office Park Driveway, the I-495 Northbound and Southbound Ramps, and Wattaquodock Hill Road. The traffic impact and access study concluded that the traffic generated by the proposed Development will have little to no impact on the operations and levels of service at the study locations. The sight distances at the Bolton Office Park Driveway exceed the requirements for safe operations for vehicles exiting the Driveway. The Driveway will be restriped to provide a left turn lane and a right turn lane.

11. The Bolton Fire Department provided comments at a March 7, 2022 staff level meeting. The Fire Chief noted the Applicant should submit a report on the site from a Fire Protection Engineer so that the Bolton Fire Department may review calculations to understand site needs. The Fire Chief noted that a Radio Report should be submitted for the Town's review and approval prior to occupancy.
12. The Bolton Police Department provided comments in an email dated October 25, 2021 and at a March 7, 2022 staff level meeting. The Police Chief noted concern for traffic mitigation and acknowledged the increase in population will impact the Police Department and needed services. The Police Chief stated the Applicant should consider the installation of a 'Do Not Block Driveway' sign to alert drivers along Route 117, as associated road striping is not enforceable, and therefore not a favored implementation measure.
13. The Bolton Department of Public Works provided comments at a March 7, 2022 staff level meeting. The DPW Director noted that service vehicles access the Town-owned waste water infrastructure located on Assessor's Map 4.C Parcel 38 through the Project Site. Due to the proposed redevelopment of the Project Site, trucks will be rerouted through Mechanic Street and would need to cross an existing culvert in disrepair. The DPW Director stated that a design and engineering estimate has been obtained for the work to repair the culvert. The DPW Director stated the Town's intention of completing a corridor study to understand existing conditions along Route 117 and consider future improvements. The Applicant agreed to provide traffic signal timing optimization improvement at the intersection of Route 117 and Wattaquodock Hill Road post-occupancy.
14. The Bolton Conservation Agent stated the need for the Applicant to apply for an Abbreviated Notice of Resource Area Delineation and a Notice of Intent and confirmed the Applicant provided a complete application for the ANRAD and NOI as of March 14, 2022.
15. The Bolton Design Review Board met on March 10, 2022 and June 1, 2022 to discuss the architectural, landscaping, and site plans for the Project. The Design Review Board issued a final letter on June 6, 2022. The Design Review Board stated the Applicant should consider the addition of two over one windows to the mail building's east and west elevations and the addition of an exterior light at all bike room entrances in the

garage buildings. The Applicant should consider using 42” doors for bike room entrances in garage buildings. The Design Review Board requested the opportunity to review any forthcoming plans for signage.

III. REQUESTED WAIVERS AND EXEMPTIONS

The Applicant submitted an updated list of requested waivers and exemptions on June 23, 2022, which list is attached to this Decision as Exhibit B (the “Waivers”). Through votes taken at their meeting of July 21, 2022, the Board granted relief from all requested waivers and exemptions.

IV. DECISION

During a public meeting held on August 4, 2022, Andy Kischitz made a motion, seconded by Bradley Reed, that the Board Approve the Comprehensive Permit for Alta Nashoba Valley contingent upon the conditions outlined in Section V.

V. CONDITIONS

1. Non-Substantial Changes. The Board shall have the power, at a public meeting and without further public hearing to modify or amend the terms and conditions of this Comprehensive Permit on the application of the Applicant, or upon its own motion, for non-substantial changes requested by the Applicant or to correct technical errors in this Comprehensive Permit.
2. Damage to Town Ways. Any damage to Town ways in the vicinity of the Project Site occurring from construction activity for the Development will be repaired to the Town's reasonable satisfaction at the Applicant's expense. The existing condition of that area of Main Street will be documented by both the Town and the Applicant during the Pre-Construction Meeting.
3. Subsidizing Agency. The Subsidizing Agency for the project shall be the Department of Housing and Community Development (DHCD) which shall perform administration, monitoring and enforcement services, as applicable, regarding compliance with this Comprehensive Permit as it relates to the terms of the Regulatory Agreement in accordance with the requirements of M.G.L. c. 184, §§ 31-33.
4. Regulatory Agreement. At least ten (10) days before execution and prior to the grant of a building permit, the Applicant shall submit the Regulatory Agreement to the Board for its review.
5. Wetlands Review. In addition to this Comprehensive Permit, the Development shall comply with the requirements of the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40, the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00, and the Applicant is applying for and will be required to obtain an Order of Conditions from the Town of Bolton Conservation Commission thereunder. Any additional changes, alterations, modifications, conditions or amendments, as required during the process of

applying for and obtaining an Order of Conditions, shall be further conditions to this Decision and attached to the building permit(s), and no occupancy permit(s) shall be issued until the Applicant has complied with all such conditions.

6. Construction Plans. Not less than thirty days prior to the anticipated start of any construction of work on site for which a building permit is required, the Applicant shall submit final construction plans to the Board and Building Department, for review and approval for purposes of confirming that the construction plans are consistent with the requirements of this Decision. The approval of the Building Department shall not be unreasonably withheld. All plans shall be stamped by a registered architect and/or registered professional engineer as appropriate, as may be applicable under the Town of Bolton Building Department's usual requirement for obtaining a Building Permit. The Board may engage, at the Applicant's expense, a qualified engineering firm to provide peer review of the plan(s) and make recommendations for approval or disapproval. The Zoning Board of Appeals intends to utilize Horsley Witten Group. The Applicant shall establish an escrow account in accordance with M.G.L. c. 44, §53G to pay for such costs, described further in Condition 10a.
7. Affordable Units. The affordable units shall be identical in exterior appearance and materials to the market-rate units within the Development.
8. Construction in Accordance with the Site Plans and All Applicable Laws. The Applicant shall be required to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction and maintenance of the Development, except to the extent included in the Waivers. Construction of all structures on the Property will be in accordance with all applicable Building Codes in effect in the Town of Bolton and the Commonwealth of Massachusetts, and shall be built according to the Site Plans and any building permit issued by the Building Inspector for the Town of Bolton.
9. Construction Hours of Operation. Construction activities shall be conducted Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m. Construction activities shall not occur on Sundays or federal holidays. The Building Inspector may grant the Applicant permission to perform various construction activities at other times than otherwise permitted under this Condition.
10. Inspections and Fees
 - a) The Board shall require, at the expense of the Applicant, reasonable construction inspection services by its consultant engineer. This does not include inspection of private utilities. The Applicant shall establish an escrow account in accordance with M.G.L. c.44 §53G in order to assure such contracted services are covered, with an initial deposit of \$10,000.00 made payable to the Town of Bolton. The deposit shall be required prior to the commencement of any of the improvements and/or work shown on the Site Plans. The Applicant shall be responsible for replenishing these funds on an as-needed basis during the course of construction. The results of any such inspection shall be provided to the Planning Department in written format.

- b) The Building Department plans to provide additional hours to existing Town inspectors to provide for timely review and inspection of building permits related to the Project. The Applicant shall establish an escrow account in accordance with M.G.L c.44 §53G in order to assure such services are covered, with an initial deposit of the difference between the building permit application fee due under the current fee structure and the actual building permit application fee paid under Condition 10.c., made payable to the Town of Bolton. The deposit shall be required prior to the issuance of the first building permit. The Applicant shall be responsible for replenishing these funds on an as-needed basis during the course of construction. The results of any such inspections shall be provided to the Building Department in written format. Any remaining amount of the initial deposit remaining in the account after issuance of the final occupancy permit shall be retained by the Building Department.
 - c) The building permit application fees applicable to the Project shall be those in effect at the time of filing the Comprehensive Permit application.
11. Pre-Construction Meeting. Prior to commencement of construction, a pre-construction meeting with the site superintendent, Building Inspector, Town Planner, Conservation Agent and the Board's consultant engineer shall be required on-site.
12. No construction activity shall occur on the Project, and no building permit shall be issued, until the Applicant shall have:
- a) Executed and recorded the standard form Regulatory Agreement, and provided evidence of same to the Board and the Building Inspector.
 - b) Obtained an individual Groundwater Discharge Permit from MassDEP for treatment and discharge of wastewater from the Project and a Public Water Supply, Water Treatment and Distribution System issued by MassDEP. Copies of both permits shall be provided to the Bolton Board of Health for its records.
 - c) Submitted to the Board and the Building Inspector a Construction Management Plan (CMP), as well as a Construction Management Schedule (CMS), that will collectively include a sequencing plan for construction and occupancy that otherwise generally conforms to industry standard practice. Additional copies of the proposed CMP shall be provided to the Board of Health, Fire Chief, and Police Chief.
 - d) The Applicant shall ensure that its site superintendent during construction of the Project is competent in stormwater and erosion control management. The Applicant shall apply for and obtain coverage under the National Pollutant Discharge Elimination System ("NPDES") stormwater Construction General Permit (CGP) for the Project at least 14 days in advance of initiating construction activities on site. A Stormwater Pollution Prevention Plan ("SWPPP") prepared in concurrence with the CGP shall be provided to the Board, Department of Public Works, and Building Inspector. The SWPPP shall outline specific site controls to minimize sedimentation, erosion, mosquitos, invasive species, and dust control during construction. The erosion control plan shall illustrate, at a minimum, the locations of erosion barriers that may include hay socks, silt fences, sedimentation basins, and other erosion control measures determined necessary for the construction control of the Site. The

erosion control plan will outline the Project's intended construction sequencing and methods to protect areas identified for stormwater management/infiltration recharge to prevent fouling of the underlying soils and shall not receive discharge until upstream areas have been stabilized. The erosion control plan will be routinely updated throughout construction as areas of the Project are temporarily or permanently stabilized. At no time shall sediment be deposited in a wetland or waterbody. During construction, the Applicant or its designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediment as needed in accordance with the SWPPP. The Applicant shall immediately control any erosion problems that occur at the Site and shall also notify the Building Inspector and Conservation Agent of such problems.

- e) Provide procedures to the Board of Health, Conservation Commission, and Building Inspector 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.
 - f) Provide an invasive species management plan, including provisions for removal/treatment of invasive species at the time of soil disturbance on site and for a three-year period following the completion of the Development under the oversight of a qualified individual. Prior to commencement of construction, the Conservation Agent shall be provided with the name and contact of the qualified pesticide applicator who will be overseeing the removal of invasive species.
13. Prior to commencement of construction on Site, the Applicant shall provide, and update as necessary, to the Board and Building Department:
- a) the company affiliation, name, address and business telephone number including 24-hour contact information of the construction manager 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) confirmation from the Applicant that it has obtained all required federal and state permits for construction of the Development, including an Order of Conditions for the Project issued by the Bolton Conservation Commission;
 - d) proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work;
 - e) proof that 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 (if determined necessary by the Fire Department and/or Police Department);
 - f) evidence of demarcation of the property boundaries of the Site by concrete monuments, iron pins or the like; and
 - g) at least 48 hour written notice. If construction activity on the Site ceases for longer than thirty days, 48 hour written notice is required prior to restarting work.

14. Existing Trees. In order to provide protection for existing trees on the Site, the Applicant shall establish a Limit of Work Line and shall install construction fencing just inside of the Limit of Work Line.
15. Staging Areas. All staging areas, including without limitation parking areas for construction personnel, portable toilets, temporary work facilities, etc. shall be on the Property. No parking shall be permitted on town ways by project personnel or others in connection with the construction of the Development.
16. Street sweeping. During construction of the Development, all common drives on the Project Site and Main Street in the vicinity of the Site shall be swept as needed to remove sediment and debris caused by construction of the Project.
17. Fill Material. Any fill used in connection with this Development shall be clean fill, debris-free, and devoid of invasive plants or their parts or seeds. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
18. Construction Debris. No tree stumps or other demolition and construction debris shall be buried on the Property. All tree stumps shall either be ground or removed from the Site. No burning is allowed on Site.
19. Occupancy. No dwelling shall be occupied until the improvements specified in this Comprehensive Permit and set forth on the Site Plan to serve the applicable dwelling unit are constructed and installed to adequately serve said dwelling to the satisfaction of the Police, Fire, and Building Departments or until adequate security acceptable to the Board to ensure such completion has been provided. The Applicant intends to stage construction of the Project in a manner such that some buildings or some but not all units in a building will be completed and will request occupancy permits for units within a building on rolling basis. In connection with occupying portions of the Project while construction is ongoing, the Applicant will comply with the construction sequencing plan described in Condition 12(d) to separate the early residents from the ongoing construction.
20. Signal Timing. the Applicant shall provide traffic signal timing optimization improvements at the intersection of Main Street (Route 117) and Wattaquaddock Hill Road. The optimization shall be conducted in the field upon attaining tenant occupancy of at least 80% and no later than one year of issuance of the final occupancy permit. The Applicant shall make the necessary signal adjustments under the guidance and supervision of the Town or its appointed agent. The Applicant shall, in advance of the issuance of the first building permit, enter into a performance agreement with the Town in the amount of \$10,000 for this work, secured by cash, letter of credit, or a bond, acceptable to the Town.

21. Impact to Town Services. Prior to the issuance of the final occupancy permit, the Applicant shall provide a detailed narrative statement with supporting documentation of the fiscal impact of the project on town services, including a specific quantitative projection of the fiscal impact on schools, traffic, transportation, recreation, open space, roads and road maintenance, solid waste, police and safety services and utilities.
22. Fire Protection. Prior to the issuance of the first occupancy permit, the Applicant shall submit a Radio Report provided by a Fire Protection Engineer to the Bolton Fire Department for review and approval.
23. Linkage. The Applicant has agreed with the Bolton Select Board to provide the following additional mitigation as part of the LIP endorsement prior to the issuance of the first occupancy permit:
 - a. The Applicant will replace the existing stone culvert near the Florence Sawyer school used for vehicular use to use as a crossing;
 - b. The Applicant will construct 16 spaces on the Bolton Country Manor property (in substantial conformance to the plan attached as Exhibit C hereto) for use by the Council on Aging (including during construction), subject to receipt of consent and access rights from all applicable third parties, the Zoning Board's waiver of any and all permits and approvals necessary from the Town of Bolton for the portion of any such spaces located on the Project Site, and any and all other permits and approvals necessary from Town of Bolton departments (which will be the Town's obligation to obtain);
 - c. The Applicant shall provide an easement for emergency vehicle access across the Project Site over the existing path in its as is condition that crosses through a MassDEP Drinking Water Supply Zone 1 area. Access to the path will be gated (with either a breakthrough gate or with a lock only operable by first responders as determined by the Bolton Fire Chief) to prevent any other vehicular access, which shall be specifically prohibited. In addition, the Applicant shall provide an easement for continued pedestrian access (with no public parking on the Premises) from the existing cart path west of the Premises at Assessor's Map 4.C Parcel 38 and passing along the northwestern property line to connect to the Bolton Country Manor/ Council on Aging building with an address of 600 Main Street, Bolton. The Applicant shall provide to the Board all necessary easement plans and documents for the two areas described above prior to the issuance of the first occupancy permit as required for acceptance by the Select Board;
 - d. The Applicant will contribute \$50,000 to the Town for its use in making improvements of the Select Board's determination to Derby Field (adjacent to Florence Sawyer School);
 - e. The Applicant will contribute \$10,000 to the Town for its use in relocating the existing Community Garden between Florence Sawyer school and the Project Site;

f. The Applicant will contribute \$10,000 to the Town for its use in making improvements of the Select Board's determination to the existing playground at Memorial Field; and

g. The Applicant will construct a sidewalk from the Project Site's access drive along Main Street to the existing sidewalk at 562 Main Street, as shown on the approved Site Plan. Work shall be coordinated with the Bolton Department of Public Works.

24. Post-Construction Meeting. Prior to the issuance of the final certificate of occupancy, an on-site construction meeting with the site superintendent, Building Inspector, Town Planner, Conservation Agent, and Board's consultant engineer shall be required to review any outstanding site items and to establish a timeline for project completion.
25. As-Built Plans. Within sixty days of issuance of the final certificate of occupancy, the Applicant shall provide "as-built" plans of the roads, buildings, wastewater treatment facility, water, and electrical distribution systems to the Board of Appeals, Fire Department, Building Department and Department of Public Works. The Board may engage a consulting engineer to review the as-built plans to ensure their completeness and consistency with this decision and the cost of such review will be paid out of the M.G.L. c.44, § 53G escrow established above. Approval shall not be unreasonably withheld and shall be deemed granted if not reviewed by the Board or its Agent within thirty days of submission by the Applicant. The Applicant shall provide the as-built plans for the Groundwater Discharge System to the Board of Health. The Applicant shall provide these plans in digital format acceptable to the Town including but not limited to a format compatible with the Town's Geographic Information System (GIS). The digital copy of the final set of approved as-built plans must follow the five requirements listed below unless waived by the Building Department:
- a) All plans and specifications must be submitted on electronic media (CD or DVD_ROM) using an IBM-PC or compatible file format). Acceptable file formats include: Arc View *.shp, or ArcGIS Geodatabase *.mdb. The files must be identical to the printed plan and contain all information included on the written plan. Upon project completion a digital submission of the "as-built" plan is required prior to receiving a Certificate of Completion from the Building Department.
 - b) All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD88.
 - c) Each feature type must be organized in the GIS data structure as a separate layer using logical layer names. For example, there must be separate layers for buildings, roads, parcel lines, and wetlands. Having all these features in a single GIS file will not be accepted.
 - d) Documentation of the data format must be provided with a description of the layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.

- e) The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.
26. The Applicant and/or the Rental/Property Management Company shall be permanently responsible for the following at the Project:
- a) all plowing, sanding, and snow removal. Snow shall be piled in designated locations as shown on the Approved Plans or alternate locations acceptable to the Fire Chief. In the event that the snow impairs ways 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 ways, including drainage structures and utilities therein;
 - 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; and
 - e) site lighting and landscaping.
27. To the extent allowed under M.G.L. c. 40B and the regulations promulgated thereunder and other applicable law, the Applicant shall provide a preference category for Bolton residents, and their parents and children, and for employees of the Town of Bolton in the initial rental of up to seventy percent (70%) of the Affordable Units. 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 Board for compliance with the local preference set forth herein, to the extent such local preference has been allowed by the Subsidizing Agency. 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. The Board acknowledges that the Town 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. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence.
28. The Applicant shall submit its Cost Certification to the Board simultaneously with submission of the same to the Subsidizing Agency.
29. The Applicant shall notify the Board and the Town Planner when building permits are issued for Affordable Units and cooperate with the preparation of request forms to add

the Affordable Units to the Town's SHI. The Affordable Units shall permanently remain affordable units, 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, §§ 20-23.

30. Recording of Decision. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant, at its expense shall record this Comprehensive Permit in the Registry after the Town Clerk has certified that the twenty-day (20) period for appealing this Comprehensive Permit has elapsed with no appeal having been filed, and before the Applicant commences construction of the Development. Upon recording, the Applicant shall forthwith provide a copy of the recorded Comprehensive Permit to the Town Planner's office, the Building Department and Town Counsel.
31. Subsidizing Agency Final Approval. Prior to commencement of construction, the Applicant shall provide the Subsidizing Agency's Final Approval for the Development to the Town Planner's Office, the Building Department, and Town Counsel.
32. Lapse. 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 elapses and unless construction on the Project has commenced within such period. The Applicant may apply to the Board for reasonable extensions of this deadline for good cause, but shall do so before any lapse occurs.

This comprehensive permit shall not be valid until it is duly recorded with the Registry of Deeds and evidence of such recording is provided to the Building Inspector and the Board. Any modification of this comprehensive permit shall be subject to 760 CMR 56 or any successor regulation thereto.

33. The Applicant shall grant permission to agents of the Town of Bolton, as said agency is determined by the Zoning Board of Appeals, to enter, inspect, and take whatever related actions are necessary to ensure compliance with the terms of this Comprehensive Permit decision.

VI. WAIVERS

1. With respect to the Applicant's request for waivers from local bylaws and regulations submitted with its Application, the ZBA only approves those waivers specifically listed in Exhibit B. The Project and Applicant must comply with all Bolton bylaws and regulations not waived, and all Conditions.
2. If any conflict arises between waivers granted and Conditions, these Conditions shall take precedence and govern the Project.

3. Except as specifically waived by this Decision, the Project shall conform to all applicable local, state and federal laws, codes, regulations and standards including, but not limited to, the following:

- a) International and Massachusetts Building, Plumbing, Fire Protection, Elevator, Access and Electrical Codes, including payment of all fees of the Town of Bolton imposed generally in respect to construction projects and for the purposes of monitoring compliance of the Project's building construction and occupancy in accordance with this Comprehensive Permit;
- b) The Massachusetts Wetlands Protection Act and Rivers Protection Act (M.G.L. c. 131, §40) and the associated State Wetlands Protection Regulations (310 CMR 10.00);
- c) Massachusetts Department of Environmental Protection (DEP) regulations regarding the Wastewater Treatment System and Public Water Supply, Water Treatment and Distribution System serving the Project; and EPA and DEP Stormwater requirements and accepted industry best management practices for construction of the drainage infrastructure as designed and approved herein;
- d) Regulations governing the Massachusetts Environmental Policy Act (MEPA), compliance with which shall be a condition precedent to the commencement of work authorized under this Comprehensive Permit and no grading, and disturbance, issuance of any building permit or construction of any structure or infrastructure shall commence until any applicable requirements of MEPA have been complied with in full;
- e) All rules, regulations, filing and permit requirements and certifications required by regulations issued pursuant to 401 Water Quality Certification (314 CMR 9.00).
- f) The rules, regulations, filing and permit requirements and certifications of the DEP, compliance with which shall be a condition precedent to the commencement of work authorized by this Comprehensive Permit and no grading, land disturbance, issuance of any building permit or construction of any structure or infrastructure shall commence until the requirements of DEP have been complied with in full.

4. The Applicant submitted a revised list of requested waivers to the Board following the hearing on June 23, 2022. The Waiver list is attached as Exhibit B and incorporated herein. Through votes taken at their meeting of July 21, 2022, the Board granted relief from all requested waivers and exemptions.

VII. RECORD VOTE

On August 4, 2022 the Board, on a motion made by Andy Kischitz and seconded by Bradley Reed, voted unanimously (Gerard Ahearn- Yes, Andy Kischitz- Yes, Bradley Reed- Yes, Bryan Holmes- Yes, Gabrielle Lomanno (Associate)- Yes) to approve the **Comprehensive Permit** application of Limited Dividend Affiliate of WP East Acquisitions, LLC or its nominee to allow for development

as conditioned herein at 580 Main Street, identified on the Bolton Assessor's Map 4.C as Parcel 24.

The Board has complied with all statutory requirements for the issuance of this Comprehensive Permit. A copy of this decision will be filed with the Town Clerk. Copies of this decision have been, or will be mailed, to all parties, persons or boards as required by M.G.L. c. 40B.

The grant of this comprehensive permit hereunder is dependent upon compliance with all of the conditions set forth above and upon the following additional terms and conditions.

This Comprehensive Permit Decision shall be a master permit which shall subsume all local permits and approvals normally issued by local boards, as that term is defined in 760 CMR 56.00 et seq. Upon presentation of this Comprehensive Permit and subsequent more detailed final plans as required pursuant to this Decision and in order to obtain other relevant approvals, together with final approval from the Department of Housing and Community Development pursuant to 760 CMR 56.04(7), all Local Boards shall take all actions necessary, including but not limited to issuing all necessary permits, approvals, waivers, consents, and affirmative action such as plan endorsements and requests for waivers, after reviewing such plans only to ensure that they are consistent with this Comprehensive Permit (including any waivers or lack of waivers set forth herein), the final approval of the Subsidizing Agency, and in compliance with applicable state and federal laws, regulations, and codes.

On August 4, 2022, the Board voted to authorize the Chairman, Gerard Ahearn, to sign this decision on behalf of the Board.

Appeals, if any, to this Decision must be made pursuant to M.G.L. c. 40B, § 22 & M.G.L. c.40A, §17 and must be filed within twenty (20) days after the date of filing of this Decision in the office of the Bolton Town Clerk.

This Decision shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after this Decision has been filed in the office of the Town Clerk, and that no appeal has been filed within said twenty (20) days; or that, if such appeal has been filed, that it has been dismissed or denied.



Gerard Ahearn, Chairman
On behalf of the Zoning Board of Appeals



Dated

VIII. FILED WITH THE TOWN CLERK

Filed with the Town Clerk on August 5, 2022.

Pamela Powell

Pamela Powell, Town Clerk

IX. CERTIFICATE OF NO APPEAL

The undersigned, being the Town Clerk of the Town of Bolton, certifies that the 20-day appeal period on this Decision has passed and there have been no appeals made to this office.

Date: August 26, 2022.

Pamela A. Powell

Pamela Powell, Town Clerk

**BOLTON TOWN CLERK
2022 AUG 26 AM 10:24**

EXHIBIT A: RECORD DOCUMENTS

1. Project Narrative & Drainage Report to Accompany Comprehensive Permit Application, dated September 10, 2021
 - Section 1.0 Project Summary
 - Section 2.0 Existing Conditions
 - Section 3.0 Proposed Conditions
 - Section 4.0 Stormwater Management
 - Section 5.0 Waivers
 - Appendix A: Support Documents to Comprehensive Permit Application
 - Appendix B: Wetland Report
 - Appendix C: Water Supply & Wastewater
 - Appendix D: Traffic Impact Assessment
 - Appendix E: Architectural
 - Appendix F: Geotechnical Report
 - Appendix G: HydroCAD
 - Appendix H: Supporting Information
 - Appendix I: Operation & Maintenance Plan
 - Appendix J: Watershed Plans
2. The following plans prepared by Allen & Major Associates titled, “Preliminary Application for Comprehensive Permit Alta Nashoba Valley, 580 Main Street, Bolton, MA”
 - Title Sheet dated September 10, 2021
 - Sheet V-101 Existing Conditions dated May 3, 2021 with revisions on September 3, 2021, September 10, 2021, and April 13, 2022
 - Sheet V-102 Existing Conditions dated May 3, 2021 with revisions on September 3, 2021, September 10, 2021, and April 13, 2022
 - Sheet V-103 Existing Conditions dated May 3, 2021 with revisions on September 3, 2021, September 10, 2021, and April 13, 2022
 - Sheet V-104 Existing Conditions dated May 3, 2021 with revisions on September 3, 2021, September 10, 2021, and April 13, 2022
 - Sheet C-001 Abbreviations & Notes dated September 10, 2021 and revised April 12, 2022
 - Sheet C-002 Abbreviations & Notes dated September 10, 2021 and revised April 12, 2022
 - Sheet C-003 Conceptual Property Line Modification Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-100 Erosion Control Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-101 Overall Layout & Materials Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-102 Layout & Materials Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-103 Layout & Materials Plan, dated September 10, 2021 and revised April 12, 2022

- Sheet C-104 Layout & Materials Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-105 Grading & Drainage Overview Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-106 Grading & Drainage Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-107 Grading & Drainage Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-108 Grading & Drainage Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-109 Utilities Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-110 Utilities Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-111 Utilities Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-112 Utilities Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-501 Details, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-502 Details, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-503 Details, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-504 Details, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-505 Details, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-506 Details, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-507 Details, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-601 Emergency Apparatus Vehicle Movement Plan, dated September 10, 2021 and revised April 12, 2022
 - Sheet C-602 SU-40 Service/Delivery Vehicle Movement Plan, dated September 10, 2021 and revised April 12, 2022
3. Landscape Plan, prepared by Grady Consulting, LLC, dated September 10, 2021 and revised April 12, 2022
 4. Waiver Request Letter, dated June 23, 2022
 5. Landscape Plan showing Main Entrance Elevation, prepared by Grady Consulting, LLC, dated July 15, 2022
 6. The following plans prepared by Market Square Architects, titled “Alta Nashoba Valley”, dated April 12, 2022
 - Sheet B1.A1.01 Overall 1st Floor Plan – Building 1
 - Sheet B1.A1.02 Overall 2nd Floor Plan – Building 1
 - Sheet B1.A1.03 Overall 3rd Floor Plan – Building 1
 - Sheet B1.A1.04 Overall Roof Plan – Building 1
 - Sheet B1.A2.00 Ext. Elevations – Building 1, revised July 19, 2022
 - Sheet B2.A1.01 Overall 1st Floor Plan – Building 2
 - Sheet B2.A1.02 Overall 2nd Floor Plan – Building 2
 - Sheet B2.A1.03 Overall 3rd Floor Plan – Building 2
 - Sheet B2.A1.04 Overall Roof Plan – Building 2

- Sheet B2.A2.00 Ext. Elevations – Building 2, revised July 19, 2022
 - Sheet B3.A1.01 Overall 1st Floor Plan – Building 3
 - Sheet B3.A1.02 Overall 2nd Floor Plan – Building 3
 - Sheet B3.A1.03 Overall 3rd Floor Plan – Building 3
 - Sheet B3.A1.04 Overall Roof Plan – Building 3
 - Sheet B3.A2.00 Ext. Elevations – Building 3, revised July 19, 2022
 - Sheet B4.A1.01 Overall 1st Floor Plan – Building 4
 - Sheet B4.A1.02 Overall 2nd Floor Plan – Building 4
 - Sheet B4.A1.03 Overall 3rd Floor Plan – Building 4
 - Sheet B4.A1.04 Overall Roof Plan – Building 4
 - Sheet B4.A2.00 Ext. Elevations – Building 4, revised July 19, 2022
 - Sheet CH.A1.01 Overall Floor Plan – Clubhouse
 - Sheet CH.A1.02 Overall Roof Plan – Clubhouse
 - Sheet CH.A2.00 Ext. Elevations – Clubhouse, revised July 19, 2022
 - Sheet GA.A1.01 Overall Floor Plans – Garage A
 - Sheet GA.A2.01 Ext. Elevations – Garage A
 - Sheet GB.A1.01 Overall Floor Plans – Garage B
 - Sheet GB.A2.01 Ext. Elevations – Garage B
 - Sheet GC.A1.01 Overall Floor Plans – Garage C
 - Sheet GC.A2.01 Ext. Elevations – Garage C
 - Sheet MP.A1.01 Overall Floor Plan – Mail & Parcel Building
 - Sheet MP.A2.01 Ext. Elevation – Mail & Parcel Building, revised July 19, 2022
7. Presentation slides, titled “Alta Nashoba Valley”, undated, received December 16, 2021
 8. Letter from The Engineering Corp., RE: Response to Traffic Engineering Peer Review, dated April 8, 2022
 9. Plan titled “Conceptual Off-Site Parking Addition Plan” prepared by Allen & Major Associates, Inc., dated May 12, 2022
 10. Email Correspondence from Jim Lambert, Wood Partners, Re: 580 Main St. – Wood Partners Response to Town of Bolton Requests, dated May 27, 2022
 11. The following correspondence from Town Departments, Boards, and Committees:
 - a. Correspondence from Rebecca Longvall, Conservation Agent, dated October 20, 2021
 - b. Email Correspondence from Warren Nelson, Police Chief, dated October 25, 2021
 - c. Email Correspondence from Kristen Zina, Health and Permitting Assistant, dated October 27, 2021
 - d. Email Correspondence from Parks and Recreation Commission, dated November 4, 2021
 - e. Memorandum from Valerie Oorthuys, Town Planner, Dated November 5, 2021 and revised March 15, 2022
 - f. Correspondence from Bolton Public Ways Safety Committee, dated November 11, 2021
 - g. Email Correspondence from Jenny Jacobsen, Select Board Administrative Assistant, dated March 1, 2022

- h. Email Correspondence from Warren Nelson, Police Chief, dated March 23, 2022
 - i. Email Correspondence from Rebecca Longvall, Conservation Agent, dated April 20, 2022
 - j. Email Correspondence from Rebecca Longvall, Conservation Agent, dated May 5, 2022
 - k. Letter from Design Review Board, dated June 6, 2022
12. The following correspondence from the Zoning Board of Appeals' peer reviewers:
- a. Peer Review letter from Hancock Associates, dated December 1, 2021
 - b. Peer Review letter from Horsley Witten Group, dated February 4, 2022
 - c. Peer Review letter from Vanasse & Associates, dated February 9, 2022
 - d. Peer Review letter from Hancock Associates, dated April 8, 2022
 - e. Peer Review letter from Vanasse & Associates, dated April 15, 2022
 - f. Peer Review letter from Horsley Witten Group, dated April 20, 2022
 - g. Peer Review letter from Hancock Associates, dated May 16, 2022
13. The following correspondence from Bolton residents:
- a. Email Correspondence from Ed Sterling, dated November 2, 2021
 - b. Email Correspondence from Larry Cedrone, dated November 8, 2021
 - c. Email Correspondence from Anthony Jagodnik, dated November 8, 2021
 - d. Email Correspondence from Florence Sawyer School Robotics Team, dated November 8, 2021
 - e. Email Correspondence from Ted Barten, dated November 30, 2021
 - f. Email Correspondence from Jeff Messore, dated December 1, 2021
 - g. Email Correspondence from Brian Boyle, dated December 8, 2021
 - h. Email Correspondence from Anthony Jagodnik, dated December 21, 2021
 - i. Email Correspondence from Anthony Jagodnik, dated December 21, 2021
 - j. Email Correspondence from Lynn Dischler, dated March 16, 2022
 - k. Email Correspondence from Cia Boynton Ochsenbein, dated May 5, 2022

EXHIBIT B: WAIVERS

Application for a Comprehensive Permit through the Zoning Board of Appeals (Section 6.1.1.) requires an Applicant to comply with all local requirements and regulations including local codes, ordinances, Bylaws or regulations unless and exemption or variance is requested and listed in the application or modification to the application. This will include, but not limited to:

- Town of Bolton Bylaws;
- Planning Board Rules and Regulations;
- Conservation Commission Rules and Regulations;
- Rules and Regulations of the Board of Health.

The Applicant's requested waivers are based on the Plans entitled "Preliminary Application for Comprehensive Permit ALTA Nashoba Valley 580 Main Street Bolton, MA dated September 10, 2021 revised through April 12, 2022 prepared by Allen & Major Associates, Inc. ("Site Development Plans").

1.0 Wetlands Bylaw

1.1 Section 1.18 Wetlands Bylaw

The proposed development will be done in accordance with the Wetlands Protection Act. The Applicant requests a waiver from this bylaw to the extent that it requires a separate permit from the Bolton Conservation Commission. It is requested that the Board of Appeals approve any permit on behalf of the Bolton Conservation Commission necessary to construct the project as shown on the Project plans as part of the Chapter 40B Comprehensive Permit for this project.

In addition, waiver is requested with specificity to the sections outlined below:

1.1.1 Section 1.18.2 – Jurisdiction

"...and land within twenty-five (25') of the [above] resource areas . . . and adjacent upland resource areas (collectively the "adjacent upland resource areas". "Adjacent upland resource areas shall include all lands within seventy-five feet (75') protected under this bylaw)".

1.1.2 Section 1.18.4 – Applications for Wetlands Bylaw permit and Requests for Determination.

2.0 Wetlands Bylaw Regulations

The proposed development will be permitted and constructed in accordance with the Wetlands Protection Act. The Applicant requests a waiver from this bylaw to the extent that it requires a separate permit from the Bolton Conservation Commission. It is requested that the Board of Appeals approve any permit on behalf of the Bolton Conservation Commission necessary to construct the project as shown on the Project plans as part of the Chapter 40B Comprehensive Permit for this project

In addition, waiver is requested with specificity to the sections outlined below:

2.1 Section 1.02 – Jurisdiction

2.1.1 (1) Resource Areas Under the Bylaw.

2.1.2 (2) Activities Regulated by the Commission

- (a) Alteration of Resource Area under the bylaw

2.2 Section 1.05 – Definitions

- 2.2.1 Adjacent Upland Resource Area
 - 2.2.2 Land Subject to Flooding or Inundation by Groundwater or Surfacewater
 - 2.3 Part Three: Performance Standards for Areas Protected Under the Bylaw
 - 2.4 Part Four: Filing and Site Visit Requirements
 - 2.4.1 Section 4.02 – Filing Fees
- 3.0 Board of Health Regulations, Protection to Groundwater
 The proposed development will be done in accordance with the MassDEP Groundwater Discharge Permit program requirements for siting and design. The Applicant requests a waiver from these regulations in their entirety with specificity to the sections outlined below:
- 3.1 Section 1.11.2 Performance Standards, d)
 Applicant requests a waiver from this section in its entirety as the underground tanks located onsite shall be subject to MassDEP permitting review and inspection requirements for wastewater and drinking water supply.
 - 3.2 Section 1.11.2 Performance Standards, g)
 Applicant requests a waiver from this section in its entirety. An erosion and sediment control plan shall be implemented in conformance with the regulations of the EPA NPDES program and the Wetlands Protection Act requirements for erosion protection.
- 4.0 Board of Health Regulations, Requirements for the subsurface Disposal of Sanitary Sewage
 The proposed development will be done in accordance with the MassDEP Groundwater Discharge Permit program requirements for siting and design. The Applicant requests a waiver from this regulation in its entirety with specificity to the sections outlined below:
- 4.1 Regulation 4: Distances
 Applicant requests a waiver from this section in its entirety. Setback distances for onsite sewage treatment shall be dictated by the setbacks published by MassDEP imposed in conjunction with the issuance of a Groundwater Discharge Permit (WP 79 or other).
- 5.0 Board of Health Regulations, Well Regulations
 The proposed development will be done in accordance with the MassDEP Public Water Supply program requirements for siting and design. The Applicant requests a waiver from this local regulation in its entirety.
- 6.0 Subdivision Rules and Regulations
 The application does not constitute a subdivision of land, however, the Applicant requests a waiver from the entirety of the Subdivision Rules and Regulations with specificity to the sections outlined below as may be applicable to site design elements within the Town of Bolton:
- 6.1 Section 5230.3 Stormwater Management
 - 6.1.1 10.f All drains line shall be reinforced concrete (Class three or stronger) and a minimum of 12 inches in diameter and should be laid on a slope of not less than 0.5%.

- 6.1.2 10.g. The minimum earth cover on top of drain lines and culvert pipes is three feet.
- 6.1.3 10.h. Where applicable backwater effects shall be taken into account in the design of the storm drain system.
- 6.2 Section 6000.0 Construction Specifications
- 7.0 Bolton Code, Chapter 147 Groundwater Protection
The proposed development will be done in accordance with the MassDEP Groundwater Discharge Permit program requirements for siting and design. The Applicant requests a waiver from these regulations in their entirety.
- 8.0 Bolton Code, Chapter 250, Zoning
 - 8.1 §250-12, Schedule of Permitted Uses
 - 8.1.1 Applicant requests a waiver so that residential use is allowed within the Limited Business District as shown on the Site Development Plans.
 - 8.2 §250-13, Dimensional Regulations, C. One building per lot.
 - 8.2.1 Applicant requests the four residential structures, clubhouse, mail center, garages and other necessary buildings as shown on the Site Development Plans be permitted to be located on a single lot.
 - 8.3 §250-13, Dimensional Regulations, F. Building Height (2).
 - 8.3.1 Applicant requests a waiver from building height restrictions and calculations to construct the four three-story residential structures with heights as shown on the architectural elevation drawings as prepared by Market Square Architects dated September 10, 2021 as revised.
 - 8.4 §250-17, Driveways and Parking, C. Parking. (7) Schedule of Minimum Parking
 - 8.4.1 Residential use parking demand is not specified on the Schedule of Minimum Parking. The Applicant requests a waiver from the parking section that requires “the most nearly comparable use specified shall apply” to provide parking as shown on the Site Development Drawings.
 - 8.5 §250-18, Driveways and Parking, C. Parking. (8)(d) Off-Site parking.
 - 8.5.1 Applicant requests a waiver from this section as sixteen (16) parking spaces are being provided on the property of Bolton Country Manor at 600 Main Street as an agreement between property owners. The parking shall be for the exclusive use of the residents of Bolton Country Manor with shared parking use intended.
 - 8.6 §250-17, Driveways and Parking, C. Parking. (11) Standard Parking Dimensional Regulations
 - 8.6.1 Applicant requests a waiver in providing an additional 2 feet where parking abuts a sidewalk.
 - 8.7 §250-17, Driveways and Parking, C. Parking. (12) Off-Street Parking and Loading Area Design Requirements, (b) Setbacks.
 - 8.7.1 Applicant requests a waiver to provide parking less than 10 feet to a proposed side lot line.
 - 8.8 §250-17, Driveways and Parking, C. Parking. (12) Off-Street Parking and Loading Area Design Requirements, (d) Perimeter Landscaping Requirements.
 - 8.8.1 Applicant requests a waiver from the requirement of a 10 foot wide perimeter buffer strip for the common lot line with the property at 580 Main

- Street (shown as Lot 1 on the Conceptual Property Line Modification Plan and as recorded via Approval Not Required “ANR” at the Worcester County Registry of Deeds at Book 965 Page 50
- 8.9 §250-17, Driveways and Parking, C. Parking. (12) Off-Street Parking and Loading Area Design Requirements, (e) Interior Landscaping Requirements.
 - 8.9.1 Applicant requests a waiver from this section in its entirety to provide parking fields as shown on the Site Development Plans with landscaping as shown on the project landscape drawings.
 - 8.10 §250-18, Sign Regulations,
 - 8.10.1 Applicant requests acceptance of the site signage location as shown on the Site Development Drawings as part of any Comprehensive Permit issued by the Zoning Board of Appeals in lieu of a permit issued by the Board of Selectmen or other local Board.
 - 8.11 §250-18, Sign Regulations, A
 - 8.11.1 Applicant requests waiver to provide signage in excess of 36 square feet.
 - 8.12 §250-19.1, Firefighting Water Supply, B
 - 8.12.1 Applicant requests a waiver on requirement of a separate approval of a firefighting system via the Planning Board. Final system design shall be subject to issue of a Building Permit subsequent to full review of the Fire Protection systems by the Bolton Fire Department.
 - 8.13 §250-23, Business, Commercial, and Industrial Regulations
 - 8.13.1 Applicant requests a waiver from this section in its entirety for any applicable design standards for lots within the Limited Business District with overlays.
 - 8.14 §250-23.2, Mixed Use Village Overlay District
 - 8.14.1 Applicant requests a waiver from this section in its entirety for any applicable design standards for lots within the Mixed Use Village Overlay District.
- 9.0 Zoning Board of Appeals Rules & Regulations
- 9.1 Section 6.3.18
 - 9.1.1 Applicant requests a waiver from including preliminary foundation plan, wall sections, electrical, plumbing and mechanical plans. These plans will be included as part of the construction set, which will be submitted for the Building Permit.
 - 9.2 Section 6.3.26
 - 9.2.1 Applicant requests a waiver from providing the funding source information, projections, and market projections with the application.
 - 9.3 Section 6.3.31
 - 9.3.1 Applicant requests a waiver from providing a detail narrative statement of the impact of the project on town services, including a specific quantitative projection of the impact on schools, traffic, transportation, recreation, open space, roads and road maintenance, solid waste, police and safety services and utilities (including water, electric and natural gas) with this application.

10. 1986 Special Permit Conditions

The existing business park received a limited Business Special Permit from the Board of Selectmen on October 25, 1986 (the "Old Special Permit"). The permit was issued to the Flatley Company for a 100,000 sf office building. The Applicant requests a waiver from all of the provisions of the Old Special Permit such that the Project Site and the proposed Comprehensive Permit development are not subject to the terms and conditions of the Old Special Permit.

11. Linkage Conditions

The Applicant requests a waiver from any local bylaw, rule or regulation that may be necessary to permit Applicant to comply with the Linkage Condition contained in the Comprehensive Permit, to the extent such conditions work on or improvements to the Project Site.

EXHIBIT C: OFFSITE PARKING

NOTES:


1. THE INTENT OF THIS PLAN IS TO DEPICT THE POTENTIAL ADDITION OF PARKING ON THE PROPERTY AT 580 MAIN STREET. 10 SPACES AS SHOWN.
2. SPACES SHOWN ARE SCHEMATIC BASED ON AERIAL LOCATION AND DIGITAL INFORMATION OF PROPERTY.
3. PRELIMINARY SURVEY AND ENGINEERING DESIGN IS REQUIRED PRIOR TO CONSTRUCTION OF THE SPACES AS SHOWN.
4. POTENTIAL SPACES ARE SHOWN WHERE THERE IS NO EXISTING UTILITY OR LANDSCAPED AREAS. EXISTING DRAINAGE, UTILITY LOCATIONS HAVE NOT BEEN VERIFIED.
5. DIMENSIONS DO NOT REFLECT PERMITS THAT MAY BE REQUIRED FOR CONSTRUCTION.

APPLICANT/OWNER:
WP EAST ACQUISITIONS, LLC
 91 HARTWELL AVENUE, 3RD FLOOR
 LEXINGTON, MA 02421

PROJECT:
ALTA NASHOBA VALLEY
 580 MAIN STREET BOLTON, MA

PROJECT NO.	1670-15	DATE	05-12-2022
SCALE	1" = 50'	DWG. NAME	C-1670-15
DESIGNED BY:	PLC	CHECKED BY:	PLC

PREPARED BY:



ALLEN & MAJOR ASSOCIATES, INC.
 civil engineering • land surveying
 environmental consulting • landscape architecture
 100 MAIN STREET
 LAKEVILLE, MA 02847
 TEL: (508) 928-1010
 FAX: (508) 928-5309
 WOBURN, MA • LAKEVILLE, MA • MANCHESTER, NH

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DRAWING TITLE:
CONCEPTUAL OFF-SITE PARKING ADDITION PLAN

SHEET No.
FIG-C

