TOWN OF WINCHESTER
BOARD OF APPEALS
Decision No. 3892 – Comprehensive Permit
19-35 River Street, Winchester, MA

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Applicant:	SLV River Street, LLC, by Geoffrey Engler
Application For:	Comprehensive permit under G.L. Chapter 40B, Sections 20-23 for the construction of 147 apartments in a 4-5 story building at 19-35 River Street, Winchester (the "Site").
Dates of Hearing:	September 16, October 29, December 4, 2019, and December 18, 2019 and January 13, January 27, and February 12, 2020. A site visit was held on October 5, 2019, as described in a memorandum dated October 29, 2019. The Board deliberated on February 12 and March 2 and 16, 2020.
Board of Appeals:	Chair Kevin Sarney Member Mark Regan and Rakel Meir Alternate members Dorothy Simboli and Mark Waterbury **Voting:** Kevin Sarney, Mark Regan and Mark Waterbury
Decision:	To grant the comprehensive permit based on the findings and waivers and subject to the conditions stated below.

1. On April 23, 2019, the Applicant submitted a project eligibility application to MassHousing (the "Subsidizing Agency") in order to develop 147 rental units at the Site (the "Project"). Thirty-seven (37) units (25.2%) will be designated as affordable rental units with rents at or below 80% of the Area Median Income, adjusted for household size, as determined by the Subsidizing Agency.

2. The Site, which contains approximately 137,186 square feet (3.15 acres), is shown as Map 13, Lots 254, 255 and 256 on the Winchester Assessor's Map. It is located in the IL (Limited Light Industrial) district and the FPOD (Flood Plain Overlay District) under the Winchester Zoning Bylaw.

3. On May 17, 2019, MassHousing issued a Project Eligibility Letter for the Project.

4. On June 20, 2019, the Applicant submitted a Comprehensive Permit Application to the Board of Appeals (the "Board"). The Application included plans for the Project, as well as civil engineering, environmental, drainage and stormwater management, and traffic reports by the Applicant's consultants.

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5. Under G.L. c. 40, § 53G, the Board retained the following consultants to conduct peer reviews of the Application at the Applicant's expense:

- Traffic: Toole Design;
- Water and Sewer: Weston & Sampson;
- Storm Water and Flood Plain: VHB; and
- Design: Carlone & Associates.

The Board also retained Ezra Haber Glenn of Public Planning, Research & Implementation, Inc. as a consultant at the expense of MassHousing Partnership.

6. The Board held duly noticed public hearings on September 16, October 29, December 4, and December 18, 2019 and January 13, January 27, and February 12, 2020. It heard public comment at those hearing sessions.

7. The Project and peer review memoranda were reviewed and commented on by the relevant Town departments, boards and officials.

8. On February 10, 2020, the Applicant submitted a complete set of revised plans for the Project dated February 7, 2020 (the "Approved Plans").

9. The documents submitted to the Board regarding the Project are listed in **Exhibit A** and constitute the record for this decision.

FINDINGS AND DECISION

10. The Applicant is qualified to submit the Application pursuant to 760 CMR 56.04 in that it has received a Project Eligibility Letter from MassHousing that contains the required findings, including that (a) it is or will become a "limited dividend corporation" under G.L. c. 40B, § 21 and 760 CMR 56.02; (b) it has a funding commitment from the Subsidizing Agency (New England Fund Program); and (c) it has "control of the site" under G.L. c. 40B, § 21 and 760 CMR 56.02 by virtue of a signed purchase and sale agreement dated January 15, 2019, which was submitted to the Board and filed with the Town Clerk on April 23, 2019.

11. At the time of the Application, the Town of Winchester had not met any of the statutory minima under G.L. c. 40B, § 20 or regulatory safe harbors under 760 CMR 56.00.

12. The Project will have one five-story apartment building containing 147

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dwelling units. The dwelling units will have the following mix of units:

One-bedroom units	32 (21.8%)
Two-bedroom units	95 (64.6%)
Three-bedroom units	20 (13.6%)

The Project will provide 225 surface-level parking spaces on the Site, in a combination of exterior surface spaces and garage spaces under the building.

13. On January 15, 2020, Toole Design submitted its Memorandum regarding the traffic issues.

14. On January 20, 2020, Weston & Sampson submitted its Final Report: Water and Sewer System Peer Review.

15. On January 27, 2020, VHB submitted a Memorandum (3rd Review) regarding storm water and flood plain issues.

16. On February 11, 2020, Dennis Carlone submitted a memorandum entitled Final 50% Schematic Design Review Comments and Sign-Off with Conditions regarding the revised Project design.

17. The recommended conditions of each of these peer reviewers are included in the Conditions below. The Board finds that those conditions are necessary for the preservation of public health, safety and the environment.

18. Based on all the evidence, the Board unanimously finds that, provided that Project complies with the conditions below, the need for the affordable housing provided by the Project outweighs the local concerns identified during the public hearing.

19. Pursuant to G.L. c. 40B, the Board unanimously **grants** a Comprehensive Permit to the Applicant for the Project based on the Waivers listed in Exhibit B and contingent on compliance with all of the conditions stated below. The term "Applicant" means the Applicant, its heirs, successors and assigns. Unless otherwise stated, the Board may designate an agent or agents to take any actions or make any decisions described below.

CONDITIONS

A. Regulatory Conditions

20. The total number of dwelling units developed and occupied at the Site shall be limited to 147, as shown on the Approved Plans.

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21. At least 25% of the units shall be and remain affordable and shall be marketed to eligible households whose annual income does not exceed 80% of Area Median Income (AMI), adjusted for household size as determined by the Subsidizing Agency (the "Affordable Units"). Subject to approval by MassHousing as the Project Administrator, the Affordable Units and all the other units shall be eligible to be included in the Town's Subsidized Housing Inventory (SHI) maintained by DHCD.

22. The Applicant shall notify the Town Manager when building permits are issued so that the Town Manager may prepare the request forms to add the units to the SHI.

23. The Applicant shall notify the Town Manager when occupancy permits are issued and cooperate with the preparation of request forms to add the units to the SHI permanently.

24. The Affordable Units shall permanently remain affordable, and the Project shall remain a rental project, for as long as the Project is not in compliance with the Zoning Bylaw, so that the units shall continue to serve the public purpose for which this Comprehensive Permit is granted.

25. The Affordable Units shall be located throughout the Project as designated by the Applicant by agreement with the Subsidizing Agency, and they shall not be segregated from the Market Rate units. To the extent feasible and subject to the approval of the Subsidizing Agency, Affordable Units and Market Rate units shall be constructed comparably with respect to the number of bedrooms, approximate unit size, and floor location. The Affordable Units shall be indistinguishable from the Market Rate units.

26. The Applicant shall execute a Regulatory Agreement, countersigned by the Subsidizing Agency as required under G.L. c. 40B, and submit annual reports to the Subsidizing Agency in accordance with the Regulatory Agreement.

27. The Applicant shall recertify to the Subsidizing Agency annually, 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 market rate rent; however, the Applicant shall comply with the Subsidizing Agency's requirements for converting another unit to an Affordable Unit. Upon request by the Town, the Applicant shall provide the Town with all necessary information to determine whether the required affordability levels are in place.

28. The Applicant shall enter into a Local Regulatory Agreement with the

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Town, in a form and substance reasonably acceptable to the Subsidizing Agency, the Town and Town Counsel (the "Local Regulatory Agreement"), which shall be recorded with the Middlesex County Registry of Deeds against the Property before issuance of any building permit for the Project. The Local Regulatory Agreement shall secure the affordability of the units and their monitoring after the expiration of the Regulatory Agreement for as long as the Project is not in compliance with the Zoning Bylaw. The Town shall send a draft of the Local Regulatory Agreement to the Applicant within 60 days after the recording of the Comprehensive Permit.

29. The Local Regulatory Agreement shall (a) become effective only if and when the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency; (b) require that the Project shall remain a rental project so long as it does not comply with the Zoning Bylaw; (c) require that at least 25% of the apartments shall be rented in perpetuity to low- and moderate-income households as those terms are defined in G.L. c. 40B, §§ 20-23; (d) restrict or limit the dividend or profit of the Applicant if and as required under G.L. c. 40B and 760 CMR 56.00, *et seq.*; and (e) restrict the number of allowed units as set forth in this Comprehensive Permit. If this Comprehensive Permit is modified, the Applicant and the Town shall modify the Local Regulatory Agreement if necessary to conform it to the modified Comprehensive Permit.

30. The Local Regulatory Agreement shall constitute a restrictive covenant, be recorded, be enforceable by the Town, and require that the Affordable Units remain affordable rental units in perpetuity as long as the Project is not in compliance with the Zoning Bylaw.

31. While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto. However, the Town may request, and the Applicant shall provide, all information that was provided to the Subsidizing Agency, and it may take any enforcement steps allowed under G.L. c. 40B and 760 CMR 56.00 regarding excess profits and affordability.

32. If and when the Local Regulatory Agreement takes effect, the affordability requirements shall be enforceable by the Town to the full extent allowed by G.L. c. 40B.

33. Nothing in this Decision shall be deemed to limit the Town's authority to enforce this Comprehensive Permit in the legal exercise of its zoning enforcement powers. If and when the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall pay the Town a monitoring fee that is consistent with the monitoring fees required by the Subsidizing Agency.

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34. To the extent allowed by the Subsidizing Agency, the Applicant shall provide local preference categories with respect to at least 70% of the Affordable Units, as requested by the Town during the initial lease-up of the Project. The Town shall be responsible for demonstrating the need for local preference to MassHousing, in order for MassHousing to approve a local preference category. The Applicant's selected affordable housing administrator shall assist the Town in demonstrating a need for local preference.

35. The Applicant shall implement this preference pursuant to procedures approved by the Subsidizing Agency and that comply with all applicable law. 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.

36. The Applicant shall develop a marketing plan for the Affordable Units for review and approval by the Subsidizing Agency, said plan to comply with the local preference. The Applicant shall maintain records of its marketing efforts, which the Town may review for compliance with the preference upon request. It shall submit to the Town a report on marketing activity at the Project during the initial lease-up period, demonstrating compliance with the local preference requirement.

37. The Applicant shall cooperate with the Town's preparation of any documentation required for approval of the local preference categories by the Subsidizing Agency.

38. The Applicant shall annually submit to the Town copies of all documents and information regarding its costs and revenues from the Project that it has provided to the Subsidizing Agency.

39. The Town, by and through the Board and the Building Commissioner, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.

40. Before 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 Town.

B. General Conditions

41. The Project shall be constructed substantially in accordance with the Approved Plans and the conditions in this Decision. The Applicant shall comply with all local by-laws, rules and regulations of the Town of Winchester and its boards,

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officers and commissions unless expressly waived in this Decision.

42. The Project shall comply with all applicable state and federal laws and regulations including, but not limited to, the following:

a. Massachusetts State Building, Plumbing, and Electrical Codes;

b. Massachusetts Department of Environmental Protection ("DEP") sewer extension regulations;

c. DEP storm water management standards and industry best management practices (except where stricter standards are imposed in this Decision) for construction of the drainage infrastructure;

d. FEMA requirements for development in the floodplain and floodway;

e. Massachusetts Architectural Access Board regulations; and

f. Any Order of Conditions by the Winchester Conservation Commission under the Wetlands Protection Act.

43. There shall be no construction, as defined in Chapter 23 of the Winchester Code of By-Laws and including fueling of vehicles, on the Site before 7:00 a.m. or after 5:30 p.m. Monday-Friday or before 9:00 a.m. or after 4:00 p.m. on Saturday. There shall be no construction on the Site on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas, unless the Winchester Police Department has approved such work. This paragraph shall be enforceable as provided in Chapter 23.

44. All utilities on the Site shall be installed underground.

45. The Project shall be served by municipal sewer and water, at the Applicant's sole expense, in accordance with the requirements of the Winchester Department of Public Works (DPW) and Engineering Department. All facilities shall be installed as shown on the Approved Plans.

46. The Applicant shall, at its own expense, retain a Registered Professional Engineer and Land Surveyor to set elevations for all appropriate work, conduct field inspections during construction, and prepare as-built plans. Site inspections by the Town or its departments or consultants shall not constitute acceptance of utilities by the Town or replace as-built approval or certification by the Applicant's engineer.

47. The applicant shall retain a Registered Professional Engineer to certify as

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follows before the issuance of the first Certificate of Occupancy:

> Based on site observations by myself or an employee under my direct supervision and/or information provided by a registered land surveyor, I certify that (1) all grades, storm water management systems, water, sewer, and other utilities and appurtenances have been constructed in substantial conformance with the Approved Plans for the Comprehensive Permit and the construction standards of the Town of Winchester, and (2) the drainage and storm water management system, as constructed, will operate as designed and approved by the Board.

48. The Approved Plans shall be reviewed by the Building Commissioner for compliance with the State Building Code and this Decision.

49. All water, sewer, and drainage infrastructure facilities for the Project shall be constructed and fully operational before the issuance of the first occupancy permit.

50. The following final plans shall be submitted to the Building Commissioner for review and approval before issuance of a building permit:

a. Landscaping plan;

b. Plan showing play areas, including specifications for the play equipment and for the screening of play areas to mitigate noise to the adjacent properties;

c. Snow removal plan; and

d. Roof plan showing the screening of all mechanical equipment consistent with the Approved Plans.

The review of these plans shall not require a new public hearing or an amendment to this decision.

51. Final design plans for the storm water management system shall comply with DEP regulations (except where stricter standards are set forth in this Decision). The system shall be constructed consistent with the Approved Plans.

52. All utility work and any other roadwork in any public right of way shall be performed in compliance with the applicable regulations of the Town, including requirements for street opening permits and trench permits.

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53. The General Contractor shall be duly licensed in Massachusetts and insured. All construction shall be performed in accordance with accepted engineering and construction standards in Massachusetts .

54. All internal sidewalks and street trees shall be installed before issuance of an occupancy permit unless the Applicant provides the Town with a performance bond acceptable to the Building Commissioner Board for the estimated cost to complete the installation.

55. All structures and site improvements within the Property shall remain private in perpetuity, including any and all ways, parking areas, street lighting, drainage, buildings, and sewer and water infrastructure. The Applicant shall bear the cost of all maintenance, repairs, replacement, snow plowing and trash removal in perpetuity.

56. The Applicant shall provide 24/7 monitoring of the Project, during and after construction, either by on-site management or an off-site property management entity that is available by phone. If the Applicant engages a property management company, the Applicant shall post the company's name and telephone number prominently on or adjacent to the front door of the building and shall give the Building Commissioner and the Town a current copy of the property management contract. The Applicant shall give the construction supervisor's telephone number to the Town Manager and the Police Department.

57. Fire hydrants shall be located consistent with the Approved Plans and as required by the Fire Chief.

58. The Project shall be sprinklered, including attics, parking garage and storage spaces, as required by the International Building Code and state Fire Protection Codes. The Applicant shall submit, in its building permit application, final fire alarm/sprinkler plans to the Fire Chief for review and approval. It shall install the sprinklers in compliance with G.L. c. 148, § 261 and the State Building Code.

59. All plumbing fixtures in the Project shall be Energy Star qualified, and all underground water pipes shall have water-tight joints.

60. No certificate of occupancy shall be issued until the infrastructure specified in this Decision and shown on the Approved Plans is constructed and installed so as to adequately serve the building; provided, however, that the Applicant may obtain a certificate of occupancy if a performance guarantee acceptable to the Building Commissioner is provided for all uncompleted work. No such performance guarantee shall be requested until all drainage facilities and the base course of the pavement have been installed. The choice of performance guarantee shall be governed by G.L. c. 41, § 81U (excluding the statutory covenant, which shall not apply in this matter) and shall be

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approved by Town Counsel. The Applicant shall have all statutory choices of performance guarantees available under G.L. c. 41, §81U at all stages of construction up until the request for a certificate of occupancy. The Applicant acknowledges that a letter of credit is not a suitable form of surety under G.L. c.41, §81U, par. 7.

61. Before the commencement of construction, final construction drawings showing the on-site water distribution system, drainage and storm water management facilities, and sewer system shall be submitted to the Engineering Department for review for conformance to the Approved Plans and this Decision. The Applicant shall simultaneously submit to the Engineering Department a narrative description of any changes from the Approved Plans and shall highlight any such changes on the drawings. The Engineering Department will complete its review within 10 business days or as soon thereafter as practicable.

62. Before the commencement of construction, the Applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) General Permit from Environmental Protection Agency as necessary for construction of the Project. For the purposes of this Comprehensive Permit, "commencement of construction" shall include grubbing and clearing.

63. Before issuance of any building permit, the Applicant shall:

a. Submit to the Building Commissioner a final Storm Water Pollution and Prevention Plan (SWPPP) to address specific sedimentation, erosion and dust control;

b. Submit to the Building Commissioner a description of the specific operation and maintenance ("O&M") measures for all storm water/drainage facilities, including any temporary facilities required to minimize the threat of transmission of mosquito-borne diseases to the residents in and near the Project.

64. The procedure for flushing, disinfecting and pressure testing of the water mains shall be approved by the Water Superintendent.

65. Fertilizer, pesticide and herbicide use shall be minimized to the extent practicable. Fertilizer shall be phosphorus-free.

66. Only environmentally benign de-icing chemicals, not road salt, shall be used in the parking lot. The lot shall be swept twice per year, in the spring and fall.

67. All grading shall be consistent with the Approved Plans.

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68. The Project shall have emergency radio intercom infrastructure requested by public safety officials, including bi-directional amplifiers for police and fire communications.

69. The Project shall have elevators that return to the ground floor during a power outage.

70. Before the issuance of an occupancy permit, the Applicant shall submit to the Board of Health (with a copy to the Building Commissioner) for review and approval an operations plan for the storage and collection of solid waste and recycling that avoids any odors or nuisances. The Board of Health shall review the plan within 10 business days or as soon thereafter as practicable. Trucks may collect or otherwise service the solid waste and recycling containers only between 7:00 a.m. and 4:00 p.m. on Monday-Friday.

71. Any irrigation system for the Project shall comply with the specifications of the Town.

72. All water and sewer facility construction and materials shall conform to the Approved Plans and this Decision.

73. Silt sacks shall be provided in all catch basins on River Street before the commencement of construction.

C. Construction and Bonding Conditions

74. The Applicant shall authorize the Board and its agents to enter the Site during construction of the Project – with at least 24 hours prior notice and subject to compliance with applicable health and safety requirements such as hardhat, safety glasses and work boot requirements – to determine construction compliance with this Decision.

75. The Applicant shall comply with any duly-issued enforcement orders by the Building Commissioner regarding construction of the Project.

76. All existing trees that are not to be removed during construction shall be adequately protected, and they shall be replaced by the Applicant if destroyed or significantly damaged during construction. Before the commencement of construction, physical barriers shall be installed to protect trees and along the limit of the clearing line. Erosion controls and tree protection measures shall be continuously maintained throughout the construction. Adjacent public streets shall be swept as needed to remove sediment and debris. Disturbed areas shall be

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brought to final finished grade and stabilized permanently against erosion as soon as practicable. Bare ground that cannot be permanently stabilized within 60 days shall be stabilized using annual rye grass following U.S. Natural Resource Conservation Service (NRCS) procedures.

77. No certificate of occupancy for any unit shall be issued until all site drainage and utility work serving that unit is completed and operational and a binder course of pavement for all driveways and parking areas serving that unit has been installed.

78. Before the issuance of a certificate of occupancy, a satisfactory surety instrument, which shall not expire unless and until it is satisfactorily replaced or released, shall be provided to the Town, in an amount to be determined by the Building Commissioner sufficient to ensure the completion all required work as determined by the Building Commissioner. The surety shall be held in accordance with the Town's normal procedures, and it shall be released only upon the satisfactory completion of the work in question as determined by Building Commissioner.

79. To the extent that landscaping for the Project is not completed before the issuance of the first certificate of occupancy, the Applicant shall provide to the Town a satisfactory surety instrument, which shall not expire unless and until it is satisfactorily replaced or released, in an amount to be determined by the Building Commissioner based on the Applicant's reasonable estimate of the cost of completion. The work to be secured shall include any screening and fencing along the limit of work boundary.

80. Before 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 Building Commissioner, and shall include the following at a minimum:

a. Utilities, including on-site utilities and connections to utilities in adjacent public ways, which shall conform to all requirements of the Town, private utility companies having jurisdiction, and all applicable codes;

b. Storm Water Pollution and Prevention Plan (SWPPP) describing the mitigation of sedimentation and erosion, including details regarding temporary drainage basins; and

c. Details of any temporary construction signs.

81. Before the issuance of a building permit, the Applicant shall submit to the

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Building Commissioner a letter from the Project architect confirming that the Project complies with applicable Architectural Access Board Regulations.

82. A surety instrument, which shall not expire until it is satisfactorily replaced or released, in an amount to be determined by the DPW, shall be given to the Town by the Applicant before starting any activity authorized by this Decision in a public way, on Town property, or in any Town easement ("Authorized Activity") to ensure the proper and timely completion of all such work.

83. Requests to reduce the surety may be submitted as work progresses and shall include the amount of requested reduction, a list of work outstanding, and a cost estimate for that work. The surety retained shall be based on the cost estimate of the remaining work.

84. Before the commencement of construction, the Applicant and the general contractor shall hold a preconstruction meeting with the Building Commissioner, DPW Director, and Town Engineer to review this Comprehensive Permit and to establish a construction and inspection schedule. The Applicant and the general contractor shall submit a construction management plan for review and approval by those officials. The Applicant shall be subject to the Town's construction bylaws.

85. Before starting any Authorized Activity, the Applicant shall provide to the Building Commissioner:

a. The company, name, address and business telephone number of the construction superintendentavailable 24/7 who shall have overall responsibility for construction activities on site;

b. A copy of a municipal lien certificate showing that all taxes, assessments and charges due on the Property have been paid;

c. Certification that all required federal, state and local licenses and permits for the Project have been obtained;

d. Evidence that Dig-Safe was notified at least 72 hours before.

e. Proof that street signage is in place to ensure that emergency personnel can locate the Site to protect and secure the Site and construction personnel; and

f. At least 48 hour written notice. If activity on the Site ceases for longer than one month, notice shall be given again before work is resumed.

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86. The Applicant shall obtain a Street Opening Permit from the DPW before starting work in a public way. The application for such a permit will trigger the Town's mark-out of its utilities.

87. During construction, at the end of each work day, the Applicant shall ensure that all erosion control measures are in place and secure all materials and equipment. Upon completion of all work on the Site and before as-built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations, and the Applicant shall notify the Building Commissioner in writing of the final disposition of the materials.

88. Any blasting shall be performed in compliance with 527 CMR 1.00, *et seq.* and with the approval of the Fire Department, so as to prevent injury or off-Site property damage. Before any blasting, the Applicant shall submit to the Fire Chief for review and approval a blasting plan and evidence of sufficient insurance.

89. Within 45 days of the completion of construction, the Applicant's site engineer of record shall certify that the Project was constructed in substantial conformance with the Approved Plans and this Decision.

90. Before the issuance of the first certificate of occupancy, the Applicant shall submit to the Building Commissioner and the Engineering Department for review and approval a set of draft As-Built Plans, and a .pdf copy, of all improvements (including all water, sewer, drain, and other utilities) and evidence of substantial compliance with this Comprehensive Permit and any other permits required for the Project. All utilities must be in working order (pressure tested, etc.) before the certificate will be issued. Before the issuance of the final certificate of occupancy, the Applicant shall submit to the Engineering Department for review and approval a mylar of the final As-Built Plans stamped by a Registered Professional Engineer, a .pdf copy, and AutoCAD plans in a version approved by the Engineering Department, and shall submit a paper copy to the Building Department.

91. All catch basins, detention basins, infiltration systems, and other storm water management facilities shall be cleaned at the end of construction. Thereafter, the Applicant and its successor shall be responsible for maintaining that system in accordance with generally accepted practice.

92. The Applicant shall be permanently responsible for the following:

a. All plowing, sanding, and snow removal. Snow shall be piled in

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designated locations shown on the Approved Plans or alternate locations acceptable to the Fire Chief. If snow narrows any travel area on the Site to less than 18 feet and all designated snow removal locations have been filled, the Applicant shall transport snow from the Site for legal disposal at the direction of the Fire Chief. Snow accumulations at the Site entrance shall not be more than 3' high or impair sight distances for vehicles;

b. All Site maintenance and a regular schedule for that maintenance;

c. Repair and maintenance of all on-Site driveways and infrastructure;

d. Annual inspection, maintenance and cleaning of all elements of the drainage system, including but not limited to catch basins, drain manholes, detention basins, swales and pipelines;

e. Operation and maintenance of the water and sewer service from the connection at the Town-owned mains;

f. Maintenance of any easements shown on the Approved Plans; and

g. Site lighting.

93. Before issuance of a certificate of occupancy, the Applicant shall review the proposed location of equipment and mail boxes, including parcel delivery areas, with the Postmaster and install any required infrastructure.

94. Before any Authorized Activity, the Applicant's final construction plans shall provide for compliance with all applicable laws and regulations regarding noise, vibration, dust, sedimentation control, and blockage 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.

95. No stumps or construction debris shall be buried or disposed of at the Site.

96. The Applicant shall use all reasonable means to minimize inconvenience to residents in the vicinity of the Property during construction.

97. The Applicant shall route all construction vehicles to access and egress the Site via River Street from and to Cross Street. All construction vehicles shall park on the Site or other locations approved in the construction management plan.

98. Subject to the issuance of a building permit, building construction may begin

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simultaneously with construction of the infrastructure, but no occupancy permit shall issue unless and until all of the infrastructure necessary for the part of the Project covered by that occupancy permit is completed and has received final approval.

D. Special Conditions

99. The Project shall comply with EPA's MS4 storm water permit, which became effective July 1, 2018, including the increased focus on phosphorus controls, resulting from the Aberjona River's status as an impaired waterbody.

100. Because the Site is in the 100-year floodplain, the Project will require review and approval by the Conservation Commission. The Board will share its peer review reports regarding storm water management and flooding with the Commission.

101. Before issuance of a certificate of occupancy, the Applicant will pay the Town $5,000 for additional trees in the Wendell Street cul-de-sac to screen the Project, to be spent at the direction of the Winchester Tree Warden after consultation with those residents.

102. The Applicant shall continue to replenish the Section 53G account for the Project to pay for the Board's peer reviewers to review the final design and construction for conformance to the Approved Plans and this Decision. When the Applicant applies for a building permit, it shall make an initial deposit of $10,000 into the account for that review. No occupancy permit shall be issued unless and until the Building Commissioner confirms such conformance. Any funds remaining in the account after such confirmation will be returned to the Applicant.

103. This Comprehensive Permit may be transferred only as provided by 760 CMR 56.05(12)(b).

104. Any changes to the Project after issuance of the Comprehensive Permit shall be reviewed by the Board in accordance with 760 CMR 56.05 (11). Proposed adjustments to the Approved Plans shall be submitted to the Building Commissioner, who may determine whether the adjustment constitutes a "change". Minor adjustments may be approved by the Building Commissioner. Any proposed insubstantial or substantial change shall be submitted to the Board under applicable regulations.

Traffic

105. The Applicant will ensure that plantings, landscaping and signage along the Site frontage do not restrict sight distance and are maintained at no more than 3' above

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street level.

106. Before issuance of a certificate of occupancy, the Applicant will provide bicycle parking on the Site in a number and at a location(s) to be determined in consultation with the Town.

107. The Applicant will discuss a school bus waiting area on the Site with the Winchester School Department and install such a waiting area if the Department so decides. Nothing in this Decision authorizes school buses to enter private property.

108. Before the issuance of a certificate of occupancy, the Applicant shall design and install to the Town's standard requirements a sidewalk along River Street between the Site and Cross Street, as shown on the Approved Plans. The Applicant shall obtain a Street Opening Permit from the DPW before commencing any construction in the Town's right of way, which permit shall not be unreasonably withheld.

109. Before the issuance of a building permit, the Applicant shall pay the Town $275,000 for traffic improvements and mitigation measures on River Street and Cross Street as described in the Toole Design Memorandum dated January 15, 2020. Those funds are to be spent only on those traffic mitigation measures. Any funds not obligated within one year of the issuance of the final certificate of occupancy shall be returned to the Applicant without interest.

110. Once after the Project reaches 80% occupancy but not later than two years after issuance of the final certificate of occupancy, the Applicant shall, if the Town requests, conduct and submit to the Building Commissioner a traffic study that measures the traffic entering and exiting the Site in the weekday morning and evening peak hours, compares that traffic to the projections in the May 2019 Transportation Impact Assessment, and analyzes the impacts of that traffic on the levels of service at the adjacent intersections.

Storm Water Management and Flooding

111. After demolition of existing structures and before construction of the Project, the Applicant will conduct confirmatory test pits within the existing building footprint and will submit the results to the Engineering Department for review and approval to confirm that the actual soil texture and seasonal high groundwater are consistent with those reflected in the Approved Plans. Any soil testing shall be done by a Massachusetts Professional Engineer or Licensed Soil Evaluator, who shall observe soil conditions in the subsurface storm water disposal area and shall relocate or modify the design of the facility if necessary because of impervious soils or bedrock. Those observations shall be witnessed by the Town Engineer or its designee, and by a licensed soil evaluator at the Applicant's expense if the Town

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Engineer deems it necessary.

112. Certain pipes of the proposed drainage system are within 10 feet of the building corners. Those pipes will be subject to the Plumbing Code. Before construction of the Project, the Applicant shall consult with geotechnical and mechanical engineers to determine pipe inverts and pipe materials based on the footing zone of influence and depth of pipe, and promptly submit to the Building Commissioner documentation of compliance with the Code.

113. Before construction, the Applicant shall submit to the Engineering Department an updated "no-rise" certification based on the final design of the Project.

114. Before the issuance of a certificate of occupancy, the Applicant shall submit an "Elevation Certificate" for the building to the Engineering Department for review and approval for compliance with FEMA requirements.

Water and Sewer

115. Before issuance of a building permit, the Applicant shall pay the Town $20,965 for improvements recommended by Weston & Sampson to mitigate the Project's sewer impacts.

116. Before issuance of a certificate of occupancy, the Applicant shall pay the Town $352,800 ($2,400 per dwelling unit x 147 units) for Infiltration & Inflow ("I&I") reduction.

117. On Sheet C-104 of the Approved Plans, the existing water main consists of asbestos cement (transite). Cutting into that main and disposal of removed pipe sections shall comply with all applicable regulations.

118. All existing water services shall be cut, capped and abandoned at the water main (not at the property line).

119. On Sheet C-104 of the Approved Plans, the looped water main is proposed as 6-inch CLDI. That main shall be a minimum of 8 inches in diameter per DEP Guidelines.

120. On Sheet C-104 of the Approved Plans, the looped water main is proposed under the retaining wall. It shall be moved as far away from the wall as feasible.

121. On Sheet C-104 of the Approved Plans, the proposed fire hydrant locations appear to be close to the building, which could render them unusable. All fire hydrant locations shall be approved by the Winchester Fire Department in accordance with the State Fire Code and any applicable Town requirements.

Design

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122. Before issuance of a building permit, the following aspects of the Project shall be administratively reviewed and reasonably approved by the Building Commissioner based on one or more test walls totaling 8' high x 16' long showing all façade, window and roof materials:

a. Coordination of façade development;

b. Preliminary materials and colors; and

c. Final materials and colors.

Construction of the Project shall be consistent with the approved materials.

123. The Project shall be accessible as described in the "Narrative on Disabled Accessibility" section of the Application, which is incorporated into these Conditions.

Nuisances

124. Before the commencement of construction, the Applicant shall submit a rodent and pest management plan to the Board of Health for review and approval (with a copy to the Building Commissioner). In constructing the Project, the Applicant shall strictly adhere to that plan as approved.

125. The Applicant shall promptly (a) report all complaints regarding rodents and other pests to the Winchester Board of Health and the Building Commissioner, (b) investigate the complaints and report the results of any such investigations to them, and (c) take corrective measures to eliminate the nuisance to the extent it is attributable to the Project.

E. Lapse

126. This Comprehensive Permit 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 construction on the Project has commenced within such period.

127. Construction under this Comprehensive Permit shall be completed within five years from the date the Permit takes final effect.

128. The Applicant may apply to the Board for extensions of these deadlines under 760 CMR 56.05(12) before any lapse occurs.

F. Waivers

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129. The Applicant shall comply with the Winchester Zoning Bylaw and all other Town regulations in effect on the date the Application was filed with the Board except as expressly waived in this Decision. All the waivers granted by the Board are listed in **Exhibit B**.

G. Validity, Modification, and Appeal

130. This Comprehensive Permit shall not be valid until it is recorded with the Registry of Deeds and evidence of such recording is submitted to the Building Commissioner.

131. Any modification of this Comprehensive Permit shall be subject to 760 CMR 56.00.

132. Any person aggrieved by this Decision may appeal within 20 days as provided by G.L. c. 40B, §§ 20-23.

Dated this ____ day of _____, 2020.

Board of Appeals

_____

By: Kevin G. Sarney
Its: Duly-authorized Chair

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EXHIBIT A – The Record

1. Application for a Comprehensive Permit

   Section 1: Zoning Board of Appeals – Standard Application Form
   Section 2: Project Introduction
   Section 3: Project Data Summary
   Section 4: Application Status
   Section 5: Project Eligibility Letter
   Section 6: Development Team
   Section 7: Site Control in the Form of a P & S Agreement
   Section 8: DHVD Subsidized Housing Inventory for Winchester
   Section 9: Sample NEF Regulatory Agreement
   Section 10: Waiver/Zoning Requests
   Section 11: Traffic Impact Study
   Section 12: Architecture, Engineering and Landscape Plans
   Section 13: Allen & Major Sewer and Drain Report
   Section 14: H.L. Turner Group Hydrological Analysis
   Section 15: Hydrant Flow Test
   Section 16: Drainage Report and Operations & Maintenance Plan

2. Extension letter from Geoffrey Engler, SLV River Street, LLC dated July 8, 2019.
3. List of Abutters
4. Notice of Public Hearing
5. Memo from Elaine Vreeland, Conservation Administrator dated July 10, 2019.
6. Memo from Beth Rudolph, PE, Town Engineer dated August 6, 2019
7. Letter from Brian Szekely, Town Planner dated August 27, 2019.
8. Memo from Beth Rudolph, PE, Town Engineer dated September 9, 2019.
9. Memo from John Suhrbier, Chair, Housing Partnership Board dated September 16, 2019.
10. Memo from Traffic and Transportation Advisory Committee (TTAC) dated September 12, 2019.
11. Letter from Lisa Wong, Town Manager dated September 9, 2019.
12. Memo from Heather Hannon, Vice-Chair, Planning Board dated September 16, 2019.
13. Design Review Committee minutes dated August 7, 2019.
14. Chapter 40B Questions dated September 16, 2019.
15. Power Point presentation – September 16, 2019.
16. Letter from Heather Hannon, Vice-Chair, Planning Board dated October 23, 2019
17. Traffic Monitoring Program, Hanover Vinnin Square – November 22, 2016
18. Traffic Monitoring Program, Hanover Foxborough – March 26, 2019
19. Toole Design peer review dated October 24, 2019 and power point presentation from October 29, 2019 meeting
20. VHB peer review dated November 22, 2019
21. Memo from John Suhrbier, Chair, Housing Partnership Board dated December 3, 2019
22. Letter from Liora Norwich, Executive Director, Network for Social Justice dated December 2, 2019
23. Winchester Master Plan Development and Preservation – 1B
24. John Suhrbier, Winchester Housing Partnership Board testimony December 4, 2019 meeting
25. Comments from Felicity Tuttle received December 4, 2019
26. Letter from Marty Jones dated December 2, 2019

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27. Letter from Ted Martin, Vice-Chair, Council on Aging Advisory Board received December 4, 2019
28. Narrative on Disabled Accessibility
29. Sidewalk memo from Geoff Engler, SLV River Street, LLC dated December 16, 2019
30. Sidewalk plan dated June 11, 2019
31. Weston and Sampson peer review dated December 4, 2019
32. Jeffrey Dirk, PE, PTOE, FITE, Vanasse & Associates, Inc. response to Transportation Impact Assessment peer review dated December 18, 2019
33. Memo from Michael Schindelman dated December 17, 2019
34. Comprehensive Permit Application Plans – December 24, 2019
35. Letter from Carlton Quinn, Allen & Major Associates, Inc. response to water & sewer peer review dated December 23, 2019
36. Letter from Carlton Quinn, Allen & Major Associates, Inc. response to stormwater, drainage and hydraulic peer review dated December 23, 2019
37. Allen & Major drainage report revised December 23, 2019
38. EMBARC - Conceptual Façade Changes dated January 3, 2020
39. Memo from John Suhrbier, Chair, Winchester Housing Partnership Board dated January 5, 2020
40. Weston and Sampson peer review dated January 7, 2020
41. Letter from Heather Hannon, Vice-Chair, Planning Board dated January 8, 2020
42. VHB peer review dated January 13, 2020
43. Letter from Carlton Quinn, Allen & Major Associates, Inc. response to water & sewer peer review dated January 13, 2020
44. Letter from Lisa A. Matrundola, Ed.D., LRC, CRC, Chair, Winchester Disability Access Commission dated January 10, 2020
45. Design Review Committee minutes dated January 8, 2020
46. Carlone & Associates peer review dated January 13, 2020
47. The H.L. Turner Group, Inc – Hydraulic Modeling Technical Memo dated December 11, 2019
48. EMBARC – Site Context Plan and Aerials dated January 13, 2020
49. Aberjona Reach: 5 RAS_Stage Hydrograph
50. Aberjona Reach: 5 RS: 2006.363
51. Weston and Sampson peer review – Final Report dated January 20, 2020
52. Letter from Carlton Quinn, Allen & Major Associates, Inc. response to stormwater, drainage and hydraulic peer review dated January 22, 2020
53. Memo from Traffic and Transportation Advisory Committee (TTAC) dated January 22, 2020
54. Bohler Engineering Landscape Plan L-1 (Revised rear courtyard) dated January 24, 2020
55. EMBARC – Peer Review Revisions dated Jaunary 24, 2020
56. Email from Adam Gautie dated January 27, 2020
57. Email from John Suhrbier, Chair, Winchester Housing Partnership dated January 23, 2020
58. Email from Sue Howland dated January 27, 2020
59. VHB peer review dated January 27, 2020
60. Bohler Engineering Landscape Plan L-1 (Revised rear courtyard) dated January 27, 2020
61. Email from Lauren Miller, TumbleKids USA dated January 27, 2020
62. Email from Meredith Johnson dated January 27, 2020
63. Email from Laura Conti dated January 27, 2020
64. Email from Rick Tustin, Fire Chief dated January 28, 2020
65. Toole Design peer review dated January 15, 2020
66. Rear Plaza detail received January 27, 2020

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67. Letter from Geoff Engler, SLV River Street, LLC – Summary of Proposed Mitigation dated February 4, 2020
68. Utilities Plan – Revised Sewer Design dated February 3, 2020
69. Sewer Rehabilitation Cost Estimate
70. Email from Paul Greco, Weston and Sampson regarding Summary of Proposed Mitigation dated February 5, 2020
71. Letter from Brian Szekely, Town Planner received February 4, 2020
72. Letter from Felicity Tuttle, JD, GRI dated February 2, 2020
73. Concept Plan, Landscape Plan, photo's amenity samples (Front Plaza Area, Rear Plaza, Front Rooftop Courtyard, Rear Rooftop Courtyard, Rear Rooftop Courtyard), Cross Section – Abutter Toward Garage and Green Screen
74. Rear Courtyard Modifications
75. Letter from Geoff Engler, SLV River Street, LLC – Updated Summary of Proposed Mitigation dated February 6, 2020
76. Neighbors House Rendering received February 11, 2020
77. Carlone & Associates peer review dated February 11, 2020
78. Letter from Mariano Goluboff, Chair, Select Board dated February 6, 2020
79. Floodway "No-Rise/No Impact" Certification
80. Comprehensive Permit Application Plans – Issued for Local Approval: February 7, 2020

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EXHIBIT B – Waivers

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EXHIBIT B - Waivers

Through a Comprehensive Permit, the Winchester Board of Appeals has the authority under M.G.L. Chapter 40B and its implementing regulations to waive requirements of local bylaws; further, the Board of Appeals can act on behalf of any local permitting authority through the Comprehensive Permit process. The project plans reflect an attempt to minimize the number of waivers requested and we believe reflects a plan that is contextually appropriate on several different levels. Please find a revised table of the waivers necessary to permit the proposed project.

WAIVERS FROM ZONING BYLAW OF THE TOWN OF WINCHESTER			
LOCAL REGULATION	**REQUIREMENT**	**PROPOSED**	**COMMENT**
1. **Section 3.1 -** Table of Use Regulations • Apartment House	Use(s) not allowed in the Limited Light Industrial (IL) Districts	Waiver granted to allow the Multifamily Dwelling, Accessory Uses, Leasing offices, covered parking and Semipublic Indoor and Outdoor Amenity areas.	Multi-family building proposed.
2. **Section 4.1.1 Table of Dimensional Requirements** • Minimum Front Yard • Minimum Percentage (%) Open Space • Maximum Building Height (stories) • Maximum Building Height (feet)	Dimensional Requirements in the IL District.	Waiver granted for Dimension regulations to allow less than Minimum Front Yard, and Minimum % Open Space and greater than Maximum Height (stories), and Maximum Height (feet).	Front Yard = 11.0 feet Open Space = 49.7% Building Stories = 5 stories Building Height = 70.13 feet
3. **Section 4.1.2 Notes to Dimensional Requirements** p. Minimum Yard adj. to Residential District	The 25-foot minimum yard requirement shall be kept in its natural state where wooded, and, when its natural vegetation is sparse or nonexistent, a year-round visual screen shall be required. No principal or accessory structure, nor any off-street parking, driveways, loading areas or other use shall be permitted in the buffer area.	Waiver granted for 25-foot minimum yard requirement buffer area.	Proposed site is lower than surrounding residential areas and retaining wall will act as screen for parking areas.
4. **Section 4.2.1 Floor Area Ratio** Maximum Floor Area Ratio (1.0) for the IL District	The maximum Floor Area Ratio (FAR) is computed by dividing the total floor area, based on the outside dimensions at each story, of all buildings on the lot by the total area of the lot.	Waiver granted to allow a FAR greater than the maximum allowed in an IL District.	Proposed FAR = 1.40
5. **Section 5.1.3 – Table of Off-Street Parking Requirements** • Mid-rise Apartments	Mid-rise Apartments are required to provide 2 parking spaces per dwelling unit.	Waiver granted to allow Mid-rise Apartments a parking ratio of less than 2 parking stalls per Dwelling unit.	1.53 parking stalls per unit provided
6. **Section 5.1.6.** – Design of All Off-Street Parking Facilities 3. Minimum Parking Stall Depth	Stall depth shall be at least 19 feet for all angled parking.	Waiver granted to allow a stall depth of less than 19' for all angles parking.	Parking stall depth of 18' is provided.

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7. Section 5.1.6. – Design of All Off-Street Parking Facilities 6. Parking space provided without requiring the moving of any other car.	Parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle. The Board of Appeals, however, may by special permit modify this requirement, and the dimensional requirements of paragraphs 2 through 5 of this Section 5.1.6 where a parking facility is under full-time attendant supervision.	Waiver granted to allow parking facilities be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle without a full-time attendant supervision.	Parking Lifts have been provided for limited number of internal parking spaces.
8. Section 5.1.6. – Design of All Off-Street Parking Facilities 11. Vehicles parking within required setbacks	In all districts, barriers shall be provided to prevent motor vehicles from being parked within required setback areas, or beyond the boundaries of the lot where no setback is required.	Waiver granted to exclude barriers to prevent motor vehicles from being parked within required setback areas.	Parking is provided within the front side and rear yard setbacks.
9. Section 5.1.7. – Lighting and Screening of Parking Facilities 5. Vehicles parking within 10 feet of a building.	No stall shall be located within 10 feet of that part of a building having windows of habitable rooms at the basement or first story level, except as permitted in paragraph 5 of Section 5.1.9.	Waiver granted to allow parking stalls be located within 10 feet of that part of a building having windows of habitable rooms at the basement or first story level	Parking is provided within 10' of habitable space of the building.
10. Section 5.1.9 Drainage of Parking Lots • 7.Interior Parking Lot Landscaping	At least two (2) percent of the interior of a parking lot with 21 or more parking spaces shall be planted and continuously maintained. Planting along the perimeter of a parking area, whether for required screening or general beautification, shall not be considered as part of the two (2) percent interior planting. The planting shall be distributed throughout the parking area and shall include trees as well as other plant material. Existing trees shall be preserved where possible. No planting bed shall have a width of less than three (3) feet.	Waiver granted to allow a parking lot interior areas to have less than 2% planted.	Less than 2% of parking lot is planted.
11. Section 6.3.1 Earth Removal - General	Removal from the premises of sod, loam or soil and removal of all other earth products is prohibited except under a special permit for an exception granted by the Board of Appeals subject to the applicable provisions of Section 9.4 of this Bylaw, and subject to the following conditions:	Waiver granted to allow earth removal without a special permit.	There will be earth removal from the site which will conform to all applicable state and federal requirements.

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EXHIBIT C – Blasting Regulations re: Pre-Blast Inspections

527 CMR 1.00 Massachusetts Fire Safety Code chapter 65 covers blasting and explosives.
65.9.15.1 through 65.9.15.1.13.2 are specific to Pre-Blast surveys.
65.9.15.1 The intent of a pre-blast survey is to provide documentation of the existing physical condition of buildings and structures within the blasting area with the dimensions of each observed defect clearly noted.
65.9.15.1.1 When blasting within 250 ft. (76.2 m) of a structure, as measured from the closest borehole to the structure, or structures, not owned or controlled by the project, a pre-blast inspection survey shall be offered.
65.9.15.1.2 It shall be the responsibility of the blaster to notify structure owners of the survey.
65.9.15.1.3 Surveys in excess of the above shall be permitted to be conducted at the discretion of the blaster.
65.9.15.1.4 If the owner or occupant request surveys in excess of the above, the cost of the survey(s) shall be paid by the owner or occupant of the structure.
65.9.15.1.5 The pre-blast survey shall document the existing visual conditions of the interior and exterior of the structure including improvements to the property and other physical factors that could reasonably be affected by the blasting.
65.9.15.1.6 Structures such as pipelines, cables, transmission lines, cisterns, wells, and other water systems warrant special attention; however the assessment of these structures shall be permitted to be limited to surface conditions and other readily available data.
65.9.15.1.7 The survey shall accurately record deficiencies by means of written notes, sketches, photographs, video tape, cassette tape narrative, or any other format or combination that sufficiently depicts the pre-existing conditions prior to the blasting.
65.9.15.1.8 If the owner refuses the survey the inspector shall request that he sign a waiver of the survey.
65.9.15.1.9 A pre-blast survey waiver shall be made on a form approved by the State Fire Marshal.
65.9.15.1.10 If the owner or occupant refuses to sign a waiver, the inspector shall sign the waiver attesting to the refusal.
65.9.15.1.11 Three attempts shall be made to contact the owner to offer the survey.
65.9.15.1.11.1 If no response is made after the second attempt, or the owner refuses to sign a survey waiver, a notice offering the survey shall be sent via any carrier capable of providing a receipt of delivery.
65.9.15.1.11.2 A receipt of delivery shall satisfy this requirement.
65.9.15.1.12 Surveys shall be conducted by technicians familiar with construction methods and materials, familiar with blasting procedures, and this Code.
65.9.15.1.13 When a blast inspection is made, the results of that inspection shall be permitted to only be made available to the Head of the Fire Department, the State Fire Marshal or their designees upon request with the written consent of the occupant of the structure.
65.9.15.1.13.1 The blast inspection shall be made available to the owner of the inspected property within a reasonable time after request is made in writing.
65.9.15.1.13.2 Failure to provide a blast inspection report within 30 days of such request shall be grounds for revocation of a Use and Handling Permit.