

Town of Sudbury

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August 12, 2020

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SUDBURY, MASS
AUG 12 2020 8:39 AM

FINAL PLAN APPROVAL AND PLAN APPROVAL DECISION

**Quarry North Road LLC
16 & 36 North Road**

DECISION of the Planning Board (Board) on the application of Quarry North Road LLC (Applicant) of 2134 Sevilla Way, Naples, Florida 34109 and William M. Wagner, Jr. (now a former owner as the Applicant has acquired this property during the pendency of the application), the Sudbury Water District, and the Town of Sudbury (Owners) for Final Plan Approval and Plan Approval for the property at 16 & 36 North Road (Route 117). The subject property is located in the Research-1, North Road Residential Overlay District (NRROD), Melone Smart Growth Overlay District (MSGOD), Water Resource Protection Overlay District Zone II, Flood Plain Overlay District, and Wireless Services Overlay District Zoning Districts and is known as Assessor's Maps C12-0003, C12-0004, and C12-0100.

This Decision is in response to an application filed under Sections 4700A and 4700B of the Town of Sudbury Zoning Bylaw by the Applicant on March 11, 2020 to construct 274 dwelling units (81 being age restricted and 26 being affordable) in townhouses and multi-family buildings on approximately 26 acres of land with associated parking, amenities, and infrastructure.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Applicant, Owners, abutters, and other parties in interest, as required by law, the public hearing was opened on April 8, 2020 and continued on April 29, 2020, May 13, 2020, May 27, 2020, June 2, 2020, June 10, 2020, June 24, 2020, July 15, 2020, July 29, 2020, and August 12, 2020 when it was closed. The Board deliberated on the proceedings on August 12, 2020. The following members of the Board were present throughout the proceedings: Stephen Garvin, Charles Karustis, John Hincks, Justin Finnicum, and John Sugrue. The record of the proceedings and submissions upon which this Decision is based may be referred to in the office of the Town Clerk or the Planning and Community Development Department.

After due consideration of the application, the record, and based upon the findings set forth herein, the Board voted 5 to 0 to **GRANT** conditional approval of the Final Plan Approval and Plan Approval on August 12, 2020 pursuant to the following findings and conditions:

COMPLIANCE WITH SECTION 4100 FLOOD PLAIN OVERLAY DISTRICT

While a small portion of the project site in the eastern-most corner of the property is located within the Flood Plain Overlay District, the proposed disturbance activity on the site is located

entirely outside of the Flood Plain Overlay District. Therefore, the Board finds the proposed work is in compliance with this section of the Zoning Bylaw.

COMPLIANCE WITH SECTION 4200 WATER RESOURCE PROTECTION OVERLAY DISTRICTS

Section 4720A of the Zoning Bylaw states any North Road Residential Overlay District Project shall comply with Section 4200 (Water Resource Protection Overlay Districts) to the maximum extent practicable. Under Section 4200, subsection 4275 states that after notice and public hearing, and after due consideration of the reports and recommendations of the other Town boards or agencies, the Special Permit Granting authority may grant such a Special Permit provided that it finds that the proposed use:

- a. Will in no way during construction or any time thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Resource Protection Overlay District.
- b. Will not cause the groundwater quality to fall below the standards established in 314 CMR 6.00 Massachusetts Groundwater Quality Standards or for parameters where no standards exist, below standards established by the Board of Health and, where existing groundwater quality is already below those standards, upon determination that the proposed activity will result in no further degradation.
- c. Is in harmony with the purpose and intent of the bylaw and will promote the purposes of the Water Resource Protection Overlay District.
- d. Is appropriate to the natural topography, soils and other characteristics of the site to be developed, and is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site to be developed.
- e. Will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district.
- f. Will not adversely affect an existing or potential water supply.

The Board finds the Applicant complies with these standards to the maximum extent practicable, and the purposes of Section 4200 are satisfied, because: (a) the Applicant has extensively studied groundwater resources on the site; (b) the study has been approved by the Massachusetts Department of Environmental Protection (MassDEP); (c) measures have been carefully taken to both maximize the time and distance of flow between any wastewater leachate and the Sudbury Well # 5; (d) the Applicant has carefully situated the proposed leaching facility to preclude any flow of leachate into the Concord White Pond Wells; (e) the Applicant has designed the wastewater treatment plant to not exceed the 5 mg/l nitrate threshold contained in Section 4242(i); (f) the wastewater treatment plant has been designed to meet extremely stringent MassDEP requirements for all other constituents in wastewater within a Zone II; (g) the

Applicant has created a project where no earthmoving will result in bringing the finished surface grade to anywhere near 5 feet of groundwater, as required by Section 4242(j); (h) all stormwater will be managed in accordance with best management practices; and (i) even though the vast majority of the project site is an excavated, former gravel pit, the Applicant, as much as possible, has designed the project to be appropriate to the natural topography and to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site. The Board finds confirmation of these items due to the following.

1. Groundwater Study and Monitoring

As a first step following the signing of the Land Disposition and Development Agreement on February 28, 2019, the Applicant began extensive investigation into soils and groundwater on the subject property. Between April 16, 2019 and April 19, 2019, extensive test pits and monitoring wells were installed on the site. Groundwater depth measurements were taken on April 22, 2019, May 7, 2019, May 16, 2019, and June 11, 2019. Multiple test trenches (13) and percolation tests (4) were conducted on July 1, 2019 and July 2, 2019, witnessed by MassDEP personnel. An additional observation well was also installed on July 2, 2019.

These investigations were done to determine the suitability of soils for on-site wastewater disposal; establish the depth and flow of groundwater under the site and the surrounding areas; and site any wastewater disposal works in the most appropriate place given the nearby wells in both Sudbury and Concord.

Groundwater was found at depths ranging from 11 feet below existing grade to over 70 feet below grade. Soils were largely coarse sand and perked at rates suitable for subsurface wastewater disposal. Based upon the groundwater table, regional direction of flow, mounding analysis, and location of Zone II boundaries, the proposed wastewater-leaching field was located outside of the Concord Zone II and as far away from the Sudbury Well Number 5 as practicable.

The time of travel of leachate to both the Concord wells and the Sudbury Number 5 well were calculated based upon existing and proposed conditions. The time to travel to the Concord wells is infinity—the wastewater does not travel to the Concord Wells at all. The travel time to the Sudbury Number 5 well was 356 days, slightly under a year. The results of the draft report were presented to both the Sudbury Water District and the Concord Water Department for review and comment before submission to MassDEP for review. The suggestions of each were incorporated into the final submission to MassDEP.

On October 1, 2019, MassDEP approved the results of the Geologic-Hydrological investigation. As proposed, ongoing monitoring wells are required to continue to monitor the groundwater and ensure that the quality of the leachate does not impair the quality of the aquifer as a source of drinking water.

2. Protection of Groundwater through Stringent Wastewater Design Specifications

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MassDEP wastewater design specifications are exceptionally stringent if a proposed facility is within a Zone II and the travel time to the wellhead is less than two years. First and foremost, total nitrogen is limited to not more than 5 mg/l, which is one-half of the allowed level of nitrogen in drinking water. Since that level of total nitrogen will be discharged at the rate of less than 50,000 gallons per day (gpd) into a vastly larger aquifer, the proposed wastewater facility will more than ensure that the limit of 5 mg/l in drinking water wells established by Section 4242(h) will be met or surpassed.

All other constituents in wastewater are similarly limited. Biochemical Oxygen Demand (BOD) is limited to 10mg/l, which is one-third the normal allowable rate. Total Suspended Solids (TSS) are limited to 5 mg/l, one-half the otherwise allowable rate. Total Organic Carbon (TOC) is limited to 1 mg/l, one-third of the otherwise allowable rate of 3 mg/l. Zero colonies of fecal coliform bacterial are allowed in leachate.

3. Protection of Groundwater through Landscape Design, Fertilizer Management, and Snow Removal Management

The landscape design plan by Bohler Engineering emphasizes drought resistant native species, and limited applications of organic fertilizers in order to limit and reduce the total nitrogen and phosphorous load from the site. Snow management will be limited to non-harmful de-icing materials as detailed in the Snow Management Plan.

4. Earth Moving and Grading will be Appropriate and will not Violate the Required 5 Foot Separation from Groundwater

The grading plan prepared in connection with the proposed development indicates the lowest point will be within a proposed stormwater detention swale near the entrance drive, approximately 6 feet above the seasonally adjusted, mounded high groundwater level of 123 feet MSL. Throughout the rest of the site, finished grades will generally exceed 10 to 20 feet above groundwater.

A primary focus of the Applicant's efforts to date have been directed at documenting the groundwater resources on-site, and carefully siting the proposed development so that these groundwater resources will be protected. Though the Special Permit provisions of Section 4200 do not directly apply to the proposed development, the substantive requirements for the issuance of such a Special Permit contained in Section 4275 will be met. Based on the above, the Board finds the proposed project complies with Section 4200 to the maximum extent practicable.

COMPLIANCE WITH SECTION 4300 WIRELESS SERVICES OVERLAY DISTRICT

The proposal does not involve the creation or modification of any type of wireless services. There is an existing wireless services tower currently on the subject property, however, this tower is not included in the project area for the proposed development, nor are any changes being proposed to this existing facility. Therefore, the Board finds the proposed project is in compliance with (does not apply to) this section of the Zoning Bylaw.

COMPLIANCE WITH SECTION 4700A NORTH ROAD RESIDENTIAL OVERLAY DISTRICT

The Board finds the proposed Final Plan materially complies with the Master Plan approved by the Town Meeting vote, and the standards and requirements set forth in Section 4700A and all of its subsections of the Zoning Bylaw. The Board further finds the proposed Final Plan promotes the purposes of the Zoning Bylaw as noted in Section 4710A, conforms to the dimensional requirements of Section 4780A, and the uses proposed in the Final Plan are allowable under Section 4770A. The Board also finds the proposed Final Plan, with signage as approved by the Special Permit granted by the Zoning Board of Appeals, complies with the provisions of Section 3200. Furthermore, the Board finds the proposed Final Plan provides parking as required by Section 4780A.g. and Section 3100 of the Zoning Bylaw.

COMPLIANCE WITH SECTION 4742A FINAL PLAN APPROVAL

The Board finds the Applicant has submitted all of the items required pursuant to Sections 4741A and 4742A.a. through 4742A.h.

COMPLIANCE WITH SECTION 4753A

The Board finds the changes to the Final Plan are allowable in accordance with Section 4753A, or constitute minor modifications to the Master Plan as defined in Section 4751A of the Zoning Bylaw. To the extent any such changes may require Project Modification review as defined in Section 4752A (which the Board does not so find), the Board finds such modifications were considered as part of the applications in the public hearings thereon, and such changes substantially conform to the Master Development Plan, are compliant with the standards and requirements set forth in Section 4700A, and the project does not pose material adverse effects to the neighborhood.

COMPLIANCE WITH SECTION 4744A PLANNING BOARD DECISION

Section 4744A.a. states the Planning Board shall approve the Master Development Plan if it finds that the final plans and materials (i) materially conform to the Master Development Plan approved by Town Meeting and the standards and requirements set forth in Section 4700A, and (ii) promote the purposes of the Zoning Bylaw as noted in Section 4710A, as follows:

(a) Encourage redevelopment along the Route 117 corridor that exhibits a blend of complementary land uses, including multi-family residential development, thereby promoting an active streetscape, enhancing the vitality of businesses, and spurring the revitalization of underutilized properties which build the Town's tax base.

The proposed project would redevelop a 26-acre piece of vacant and highly disturbed Town-owned land to create 274 dwelling units in townhouses and multi-family buildings with associated parking, amenities, and infrastructure. 151 of these 274 units would be distributed between the three

multi-family residential buildings. The property is currently vacant and unimproved, and its redevelopment would bring a significant benefit in building the Town's tax base and housing stock.

(b) Establish a set of development controls that allows for greater flexibility and development alternatives and promotes creative, efficient, and appropriate solutions for the redevelopment of complex sites.

Through the permitting and review process mapped out in Sections 4700A and 4700B of the Town's Zoning Bylaw, the Board worked extensively with the Applicant to improve all aspects of the proposed development using significant input from various Town boards and departments, and the Board's peer review consultants for the stormwater, wastewater, and traffic aspects of the project. The finalized project design that resulted from the review process will allow for the efficient redevelopment of a site with numerous challenges that has been greatly underutilized by the Town.

(c) Improve the aesthetic character of the Route 117 corridor and its surroundings and encourage efficient and organized layout of buildings, circulation and open spaces.

The proposed development is well screened from the surrounding properties by existing/proposed vegetation and topography. Along North Road/Route 117, the project will be screened by existing and proposed vegetative plantings and a berm along the front property line. The buildings are also setback a significant distance from North Road/Route 117. As such, while perhaps not significantly improving the aesthetic character of North Road/Route 117, the project would not detract from the rural and scenic nature of this stretch of the roadway. Additionally, the development's buildings are well organized to accommodate appropriate circulation of pedestrians, vehicles, and the Town's emergency responders/services. The Board finds all access roads and entrances to North Road have been designed with adequate and safe sight distances, and the off-site impacts to traffic flows and operations have been adequately addressed. There are also two open space amenity areas (one in the north and one in the south), as well as a community garden for residents on site. The Applicant also worked with the Planning Board to create a public walkway along their frontage that can be utilized in the future development by the Town.

(d) Diversify and expand the Town's economy and local job opportunities through economic activity and private investment in primarily residential uses with limited commercial use.

Most of the existing project site has been significantly disturbed as part of the former sand and gravel operation at the property, with the removal of all vegetation and underlying soils leaving the site almost completely barren. The proposed project would create 274 dwelling units in townhouses and multi-family buildings on approximately 26 acres of land with associated parking, amenities, and infrastructure. This new development would bring substantial private investment for the residential use and greatly increase the property's value resulting in significant additional tax revenue to the Town. The Applicant expects it will take 3 to 4 years to complete construction of all buildings, with the first units to close in the summer of 2021 and the last unit to close sometime in 2024-2025, although the exact schedule will be market driven. With construction activity

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ongoing for a few years, the project should also generate a substantial amount of temporary jobs in the community. Furthermore, permanent ancillary jobs from the establishment of the development will also be created in order manage and maintain the entire property.

COMPLIANCE WITH SECTION 4700B.I. PLAN APPROVAL

The Board finds the application submitted was complete under the requirements of Section 4700B.I. when filed with the Town Clerk. In particular, per Section 4700B.I.2.c., the Board finds the materials submitted by the Applicant constituted a complete application.

CONDITIONS OF APPROVAL

This Final Plan Approval under Sections 4742A and 4744A, and Plan Approval under Section 4700B.I is subject to and with the benefits of the following restrictions:

1. Approval is based upon the following Plans and Documents, and the project shall be developed in substantial conformance with such documents, subject to modification as may be approved by the Board or staff as appropriate:
 - a. Site Plan for Cold Brook Crossing (32 Sheets) prepared by Civil Design Group, LLC dated March 11, 2020 revised through July 8, 2020 with a date stamp of July 8, 2020
 - b. The Apartments at Cold Brook Crossing (Floor Plans & Elevations) (16 Sheets) prepared Pappageorge Haymes dated July 6, 2020 with a date stamp of July 9, 2020
 - c. Architectural Plans for Cold Brook Crossing (16 Sheets, A-13 through A-38) prepared by Civil Design Group, LLC with a date stamp of March 11, 2020
 - d. Siding and Color Detail Sheet with a date stamp of April 22, 2020
 - e. Townhouse Color Combinations dated April 20, 2020 with a date stamp of July 9, 2020
 - f. Proposed Landscape Plan Documents for Quarry North Road LLC (Sheets L-001 through L-012) prepared by Bohler Engineering dated March 11, 2020 revised through June 10, 2020 with a date stamp of June 12, 2020
 - g. Alternative Emergency Access Plan prepared by Civil Design Group, LLC dated April 20, 2020 with a date stamp of April 22, 2020
 - h. Proposed Additional Sidewalk prepared by Civil Design Group, LLC dated August 3, 2020 with a date stamp of August 3, 2020
 - i. Frost Farm Conservation Land Map with a date stamp of July 8, 2020
2. **Prior to the commencement of any site work**, the Applicant/Owner shall record the Decision with the Middlesex South Registry of Deeds and provide verification of recording to the Building Department and Planning and Community Development Department.
3. To alleviate excessive noise generated from the proposed activity, all construction activity shall take place on weekdays between the hours of 7:00 AM and 6:00 PM, and on Saturdays between 8:00 AM and 5:00 PM. On Saturdays, no work shall be conducted west of Emery Lane and north of Building A (the for sale, age-restricted, multi-family building) prior to 9:00 AM. There shall be no construction on Sundays or holidays. Construction activities include delivery of materials; idling of machinery; removal of trees; grubbing; clearing;

grading; filling; excavating; import or export of earth materials; installation of utilities on the property; removal of stumps and debris; and the erection of structures. Notwithstanding the above, the above restriction on the hours of construction activities shall not apply to any work undertaken off the property that is normally or customarily conducted during hours other than the hours permitted for such work set forth above.

4. **After installation of a foundation for any of the three (3) multi-family buildings**, the Applicant/Owner shall install rough asphalt around the building site to accommodate the Town's emergency services vehicles during construction. The Fire Department shall sign off on the specifications of this asphalt prior to each Building Permit being issued and shall sign off on the installation of the asphalt prior to commencement of construction above the foundation of each multi-family building.
5. **Prior to the issuance of any Certificate of Occupancy and marketing of any units within the Melone Smart Growth Overlay District**, the affordable units and the distribution thereof across the project's overall unit mix shall be made subject to Affordable Housing Restrictions and an Affirmative Fair Housing Marketing Plan approved by the Monitoring Agent and Department of Housing and Community Development 40R program staff as compliant with the associated 40R requirements under 760 CMR 56.00 to ensure all units in the Melone Smart Growth Overlay District will be included on the Town's Subsidized Housing Inventory.
6. **Prior to the issuance of any Certificate of Occupancy within the Melone Smart Growth Overlay District**, the approved Monitoring Agent shall certify the items in Sections 4700B.F.6(a) and 4700B.I.5 and of the Zoning Bylaw.
7. **Prior to the issuance of any Certificate of Occupancy within the Melone Smart Growth Overlay District**, an Affordable Housing Restriction for the 26 affordable dwelling units in the Melone Smart Growth Overlay District shall be recorded with the Middlesex South Registry of Deeds.
8. **Prior to the issuance of any Certificate of Occupancy beyond fifty (50) townhouse units in the North Road Residential Overlay District**, the Applicant/Owner shall implement the Transportation Demand Management (TDM) program submitted with the application, as proposed by MDM Transportation Consultants, Inc. in the Traffic Impact and Access Study dated February 2020. This TDM program consists of the following elements:
 - a. CrossTown Connect (TMA). The Proponent will become a member of the CrossTown Connect TMA upon issuance of an initial Certificate of Occupancy. Membership will include access to services such as online commuter resources, carpool/vanpool matching, active commuting tools, public transportation resources, emergency ride home (ERH) services, and other TDM strategies.
 - b. On-Site Transportation Coordinator. The Proponent will designate a member of the leasing staff as Transportation Coordinator responsible for disseminating relevant TDM

information to residents including provision of a tenant manual that provides information on area bicycle routes, shuttle service, bicycle sharing and parking, parking policies, and site amenities including the proposed bike share program.

- c. Car Share Accommodation. Up to three (3) on-site parking spaces will be designated for use by car share vehicles (Zip Car or equivalent) for use by residents of the development and the Town of Sudbury, subject to agreement by a car sharing service provider to assign such vehicles to the property. The location of these spaces will be one (1) space at Building A, one (1) space at Building 1, and one (1) space at Building 2.
- d. Bicycle Facilities. Bicycle parking, including weather protected racks for residents of the development and conveniently located racks for visitors proximate to the building entrances will be provided.
- e. Bike Share Program. The Proponent will offer a Bike Share program for residents of the development and the Town of Sudbury that will be administered by the MSGOD Property Manager under which bicycles may be checked out and returned for local use. Multiple sized helmets will be made available. The program will be offered Monday through Sunday between the hours of 7:00 AM and 4:00 PM through the property manager's office.
- f. Preferential Parking and Incentives for Low-Emission Vehicles. Preferential parking locations for residents of the development who use low-emission vehicles will be provided. Electric vehicle charging stations will also be provided on the site as shown on the final plans.
- g. Unbundled Parking. The Proponent proposes unbundling residential parking to provide an option for residents of the MSGOD apartments to rent fewer or no parking spaces with their unit, thereby encouraging lower vehicle ownership at time of lease.
- h. Van Shuttle Service. The MSGOD property manager will purchase a 12-passenger van which will be managed by said property manager and available to residents of the development and the Town of Sudbury. The property manager will engage residents of the development to serve as van drivers to provide scheduled service Monday through Friday to Concord Station and Lincoln Station, Friday service to B'nai Torah Synagogue, Saturday service to Market Basket, and Sunday service to Our Lady of Fatima. Service will be periodically adjusted to meet the needs of the residents of the development and the Town of Sudbury for travel to local transit stations, recreational, and shopping destinations.
- i. Ride-Share/Transportation Hub/Bus Stop. The site will include a multipurpose shelter for passenger pick-up/drop-off for ride-share, shuttle service, and school bus use, which shall be managed by the MSGOD property manager and available to residents of both the MSGOD Development and the NRROD development.

- j. Pedestrian Infrastructure. Sidewalk connections within the property will be provided along primary pedestrian desire lines that connect building entrances, parking areas, and on-site amenities, all as shown on the Plans of record. The Proponent will also post area maps that highlight area walking/bicycle routes to promote walking and bicycle travel to/from the site and area businesses, and recreational facilities.

The TDM program shall also include the three following additional elements as discussed during the public hearing process:

- a. The addition of one (1) dual EV charging station to the age restricted 4-story condominium building parking lot, with conduit for adding additional EV charging stations in the future.
- b. The addition of a second dual EV charging station to the apartment building parking lot.
- c. The offering to all townhouse unit purchaser's an option to install an EV charging station for their unit.

The TDM program shall be compliant with the Department of Housing and Community Development's Melone Smart Growth Overlay District Letter of Conditional Eligibility dated February 26, 2019 and Letter of Conditional Approval dated February 8, 2020. Such TDM program shall remain in place in perpetuity, but the Applicant/Owner may seek modification with the written approval of the Planning Board.

9. **Prior to the issuance of any Melone Smart Growth Overlay District Certificate of Occupancy**, the Applicant/Owner shall submit to the Director of Planning and Community Development a proposed easement for public access within the sidewalk along North Road/Route 117 for review and approval by Town Counsel. Once approved, it is the responsibility of the Applicant/Owner to have this easement recorded at the Middlesex South Registry of Deeds **prior to the last Certificate of Occupancy being issued**. The Applicant/Owner shall have the right to relocate the easement if the Town or Applicant/Owner constructs another sidewalk along North Road/Route 117, or as otherwise allowed by law and the Planning Board.
10. All utilities for the project shall be located underground.
11. All infrastructure, roadways, lighting, and utilities within the development site shall be constructed, operated, and privately maintained by the Applicant/Owner at its sole expense, including without limitation, snow plowing, trash removal, water supply, stormwater best management practices, and wastewater treatment. The Town shall have no responsibility for installation, maintenance or repair of such services. Water is being supplied by the Sudbury Water District.
12. The sidewalk indicated on the "Proposed Additional Sidewalk" plan prepared by Civil Design Group, LLC dated August 3, 2020 with a date stamp of August 3, 2020 shall be at least six (6) feet in width and connect via a stone path or other pervious surface to the looped sidewalk immediately to the north via a stone pathway.

13. The Applicant/Owner shall make trail connection improvements in the areas identified on the Frost Farm Conservation Land Map with a date stamp of July 8, 2020. In particular, these improvements shall include pathway enhancements which make it physically easier for trail users of all ages to transition from the existing trail network to the Bruce Freeman Rail Trail corridor at the two locations noted on the Frost Farm Conservation Land Map.
14. The Guest Suite on the First Floor of Building 1 in the Melone Smart Growth Overlay District shall only be used as temporary (no more than one week at a time) lodging for family and friends of current residents of Buildings 1 or 2 in the Melone Smart Growth Overlay District. The Guest Suite shall not be converted to a permanent/full time dwelling unit for the development.
15. Two (2) sheltered bicycle parking spaces shall be provided for each garaged Melone Smart Growth Overlay District parking space.
16. In the Melone Smart Growth Overlay District, the Applicant/Owner shall provide one (1) parking space to each affordable dwelling unit free of charge. The Applicant/Owner may charge a rental fee for additional parking spaces, provided the affordable dwelling units shall be offered a second space at a reduced charge of no more than 60% of the lowest fee charged for a second space to any market rate dwelling unit renter.
17. At no cost to the Town, the Applicant/Owner shall allow Sudbury Town boards, committees, and commissions to utilize the NRROD Club House meeting space on the subject property free of charge, subject to availability of such space as scheduled by the management or the residents of the development. The Town Manager shall be provided with a schedule of availability for the use of such space by the Town, and the Town may schedule the use of such space at its discretion and convenience, subject to any reasonable limitation on hours of use, indemnification, to the extent permitted by law, by the Town against any loss or liability incurred by the Applicant/Owner as the result of such use, and upon proof that the Town has added the Applicant/Owner as an additional insured on its policies of insurance as they may relate to such use.
18. Sand shall not be used on the subject property for snow and ice treatment.
19. The Applicant/Owner shall install the western Emergency Access Drive as indicated in the location on the Alternative Emergency Access Plan prepared by Civil Design Group, LLC dated April 20, 2020 with a date stamp of April 22, 2020, but in lieu of that Emergency Access Drive may seek modification to install the eastern Emergency Access Drive as indicated in the location on the Alternative Emergency Access Plan prepared by Civil Design Group, LLC dated April 20, 2020 with a date stamp of April 22, 2020 in the event necessary in order to allow for the construction of not more than six (6) residential units in Concord as allowed under the Land Disposition and Development Agreement between the Town and the Applicant date February 28, 2019.

20. In the event the Applicant/Owner should convey the portion of the land located in the Town of Concord to any third party, the land that would be required to meet the rear yard setback from the townhouse dwelling units shall be conveyed to the owner of the North Road Residential Overlay District land in order to retain the required rear yard setback per the Town of Sudbury Zoning Bylaw.
21. All signage at the property shall comply with Section 3200. Signs and Advertising Devices of the Zoning Bylaw, and Case 20-12 or other approvals issued by the Zoning Board of Appeals.
22. All lighting shall be consistent with the provisions of Section 3427.f. of the Zoning Bylaw. Lighting shall be extinguished or dimmed between the hours of 10:00 PM and 6:00 AM to the greatest extent possible so as to provide minimum lighting for security proposed consistent with adjacent properties. All lighting on the premises shall be Dark Sky Compliant per the International Dark Sky Association, such as the Fixture Seal of Approval lighting standard that has a correlated color temperature of 3000K or less (ANSI C. 78.377), and be consistent with the Lighting Plan referenced in Condition 1.f. above.
23. As-Built drawings shall be submitted to the Building Department and Town Engineer, and the plans shall be certified by a Registered Professional Engineer or Registered Land Surveyor of record, who shall certify the work has been done in accordance with the approved Plan and this Decision, as well as verifying the drainage, water, and sanitary systems have been built in accordance with the design and is in compliance with all applicable regulations.
24. The Applicant/Owner shall comply with all provisions of the Land Disposition and Development Agreement with the Town, said Agreement being incorporated herein by reference.
25. The Applicant/Owner shall be responsible for any consultant fees incurred by the Town in ensuring compliance with the conditions of this Decision.
26. Violation of any of the conditions of this Decision, as acknowledge by the permit holder or determined by a court of competent jurisdiction to have occurred, shall be grounds for enforcement of this Decision against the owner of the parcel upon which the violation has occurred or the party responsible for the violation, as the case may be, or of any Building or Occupancy Permit granted hereunder. The Town may enforce compliance with the conditions of this Decision against the owner of the parcel upon which the violation has occurred or the party responsible for the violation, as the case may be, by any action of injunctive relief before any court of competent jurisdiction. In the event of successful enforcement, the owner of the parcel upon which any violation has occurred, or the party responsible for the violation, as the case may be, shall be responsible for any litigation costs, including legal and expert witness fees, incurred by the Town.

The authority granted to the Applicant/Owner by this Decision is limited as follows:

This Decision shall not take effect until a copy has been recorded with the Middlesex South Registry of Deeds and until a certified copy of the recorded document is submitted to the Board. The Applicant/Owner, by acceptance of this Decision and recording thereof, acknowledges the binding effects of the conditions of this Decision.

APPLICABILITY OF FINAL PLAN APPROVAL AND PLAN APPROVAL: This Final Plan Approval and Plan Approval applies only to the site which is the subject of this application. All construction to be conducted on the site shall be conducted in accordance with the terms of this Decision and shall be limited to the improvements shown on the plans.

OTHER PERMITS OR APPROVALS: This Decision applies only to the requested Final Plan Approval and Plan Approval. Other permits or approvals required by the Sudbury Zoning Bylaw, other governmental boards, agencies, or bodies having jurisdiction shall not be assumed or implied by this Decision.

BYLAW COMPLIANCE: The foregoing conditions are stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Sudbury Zoning Bylaw.

AMENDMENT OF THIS DECISION: Any changes to the physical condition of the site, including, but not limited to, changes in the location or design of structures or systems, or changes to the conditions of approval, following initial approval of the Final Plan Approval and Plan Approval will require approval of the Board as specified in Sections 4750A and 4700B.L. of the Sudbury Zoning Bylaw, Section 8 of the Planning Board North Road Residential Overlay District Rules and Regulations, and Section 8 of the Planning Board Melone Smart Growth Overlay District Rules and Regulations.

LAPSE OF THIS DECISION: Final Plan Approval shall lapse three (3) years from the date of this Decision by the Board and Plan Approval shall lapse two (2) years from the date of this Decision by the Board, unless a substantial use thereof has commenced except for good cause or any construction has begun by said date except for good cause. As provided in Section 4767A of the Zoning Bylaw, substantial use, including, without limitation, the issuance of a Building Permit for construction of all or any portion of the approved Master Development Plan, shall vest the Master Development Plan, provided construction on that phase of the Master Development Plan for which the Building Permit was issued is commenced within one (1) year of issuance of the Building Permit. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant/Owner. Delay in obtaining Building Permits caused by delay in approvals of any other permit necessary to construct a NRROD Project shall constitute good cause under this section, provided the Applicant/Owner has in a timely manner applied for and diligently pursued such permits and that such delay is not the result of the actions or inactions of the Applicant/Owner.

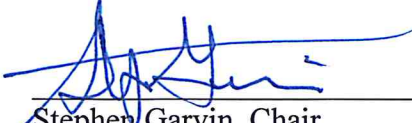
Appeals of the Plan Approval, if any, shall be made pursuant to Massachusetts General Laws Chapter 40R, Section 11 and shall be filed within twenty (20) days after the date of filing of the above-referenced Decision with the Town Clerk.

TOWN CLERK
SUDBURY, MASS

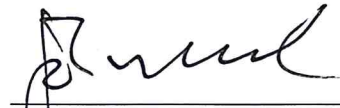
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Witness our hands this 12th day of August, 2020.

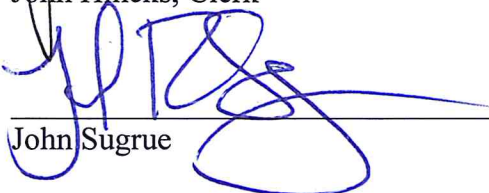
SUDBURY PLANNING BOARD




Stephen Garvin, Chair




John Hincks, Clerk



John Sugrue



Charles Karustis, Vice Chair



Justin Finnicum

This is to certify that no notice of an appeal against this Decision was filed in the Town Clerk's Office within 20 days after such Decision was filed.

A True Copy Attest:

Rose M. Miranda
Assistant Town Clerk

Date

cc:	Applicant	Conservation Commission
	Town Clerk	Department of Public Works
	Building Inspector	Fire Chief
	Board of Health	Sudbury Water District
	Planning & Community Development Department	Board of Selectmen