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SUDBURY, MASS

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Sudbury Housing Authority  
56 Great Road  
March 22, 2010



2010 00079486

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NOTICE OF DECISION  
COMPREHENSIVE PERMIT  
SUDBURY HOUSING AUTHORITY  
56 GREAT ROAD  
SUDBURY, MA  
ZONING BOARD OF APPEALS CASE NUMBER 10-12  
March 22, 2010

*Deed Ref 12812-410*

**I. Background**

The Sudbury Zoning Board of Appeals (the "Board") received an application for a Comprehensive Permit under Massachusetts General Laws Chapter 40B, Sections 20-23 and the regulations promulgated thereunder, as amended from time to time, from the Sudbury Housing Authority (the "Applicant") on January 11, 2010 to construct one duplex dwelling including two (2) Affordable Units, on approximately .46 acres of land located 56 Great Road. Said Property is within the A-1 Residential Zoning District, and is identified as Parcel 0133 on Town Assessor's Map C06 (the "Property"). The Property is owned by the Sudbury Housing Authority.

The application was filed by the Applicant and notice as required by law was given to all entitled to receive such notice.

The Applicant submitted evidence establishing that it is a qualified Applicant eligible to apply for a Comprehensive Permit pursuant to 760 CMR 31.01 in that:

- a) It is a public agency eligible to obtain a Comprehensive Permit pursuant to M.G.L. c.40B;
- b) It owns the Property; and
- c) It has received a Site Eligibility letter through the Housing Stabilization Fund (HSF) Program from the MA Department of Housing and Community Development (DHCD) dated December 30, 2009.

The Board convened the public hearing on this application on February 8, 2010. The public hearing was continued to March 8, 2010 and March 22, 2010, and was closed on March 22, 2010. Sitting as members of the Board and present throughout the hearing were Jonathan G. Gossels, Acting Chairman; Stephen A. Garanin; Nancy G. Rubenstein, Clerk; Elizabeth T. Quirk; and Benjamin D. Stevenson, Alternate.

The Board has considered the recommendations of the boards and committees of the Town of Sudbury regarding the Sudbury Bylaws, and finds that reasonable conditions relative to these regulations have been incorporated herein.

In reviewing the application of the Sudbury Housing Authority, as well as evidence presented in written or oral form by citizens and Town Boards and departments during the course of the public hearing, the Board has determined that the Town of Sudbury does not meet the statutory criteria for availability of low and moderate income housing, as those units currently in existence constitute less than 10% of the year round housing units in the Town and are on sites which comprise less than the minimum land area necessary as defined in 760 CMR 31.04. The Board has further determined that the allowance of this application will not result in the commencement of construction of low or moderate income housing units on a site comprising more than the minimum land area necessary and as defined in 760 CMR 31.04. The Board also finds that the Project as proposed in the application, as described during the public hearing and as modified by the attached conditions, is consistent with local needs within the meaning of Massachusetts General Laws, Chapter 40B, Sections 20-23 and that it is consistent with the character of the zoning district. Finally, the Board notes that the Applicant has presented evidence of site control in its application, and evidence of Site Eligibility from DHCD in a letter dated December 30, 2010.

Therefore, the Board finds that there is compelling evidence to support the granting of a Comprehensive Permit (the "Permit") to enable the construction of the Project described in the application and during the public hearing, subject to all of the following terms and conditions, all of which are binding upon the Applicant as conditions of this Permit.

## **II. Application Details**

This approval is based on the following plans, reports and information submitted to the Board prior to and during the public hearing, and with the benefits of modifications required under this Permit.

1. Application for a Comprehensive Permit dated January 11, 2010 submitted by Joshua M. Fox, attorney.
2. Site Plans prepared by Meridian Associates dated August 29, 2008, last revised Feb. 23 2010, consisting of 2 sheets. Sheet C1, Site Plan, 56 Great Road, and Sheet C2, Site Details, Typical (All Sites) last revised Jan. 19, 2010.

3. Architectural drawings and elevations prepared by Taylor & Burns Architects dated February 25, 2010, consisting of 2 sheets.
4. Site eligibility letter from DHCD dated December 30, 2009.
5. Exhibit 18: Soils and Structural Report, received 2/8/2010
6. 2/5/2010 memo to the Board from Jody Kablack, with Feb. 18, 2008 pre-application meeting notes.
7. 2/4/2010 e-mail from neighbor, Morgan Molloy
8. 2/5/2010 e-mail to the Board from Building Inspector Jim Kelly
9. 1/28/2010 letter to the Board from the Design Review Board
10. 2/8/3020 memo to the Board from Health Director Bob Leupold
11. 2/8/2010 List of waivers submitted by the Applicant
12. 2/1/2010 Letter to the Board from Thomas B. Arnold, Faith in Action Committee, First Parish of Sudbury
13. Undated letter to the Board from former Sudbury Resident and recipient of SHA benefits
14. Undated letter to the Board from Lisa Caruso, 24 Maybury Road, Sudbury
15. Undated letter to the Board from Roberta Glass, Sudbury League of Women Voters
16. 11/4/2009 letter of support to the Board from Senator Susan Fargo and Senator James Eldridge
17. 11/9/2009 letter to the Board from State Representative Thomas Conroy
18. Undated letter to the Board from Eric Herstine, Church Council Chairperson and Rev. Joel B. Guillemette, Sudbury United Methodist Church
19. Undated letter to the Board from Rev. D. William McIvor, Presbyterian Church in Sudbury
20. Undated letter to the Board from Pastor Christopher George Hoyer, St. John Evangelical Lutheran Church
21. 11/24/2009 letter to the Board from Rev. Katie Lee Crane, First Parish of Sudbury Unitarian Universalist
22. 2/12/2010 letter from Jo-Ann Howe announcing 2/23/2010 neighborhood meeting
23. 2/23/2010 letter to the Board from the Planning Board
24. 2/24/2010 Stormwater Management Summary, Meridian Associates, Inc.
25. 3/4/2010 letter to the Board from Sudbury Housing Authority
26. 3/4/2010 e-mail to the Board from Josh Fox with revised waivers
27. 3/8/2010 memo to the Board from Jody Kablack

Items 1 through 4 above constitute the "Plan", and as the same may be revised, modified and/or supplemented in accordance with the provisions of this Permit and are stamped as required by a Registered Professional Engineer or Architect, (including, without limitation, with the approval

of the Board where herein required). The development described or depicted in this Permit and the Plan is referred to herein as the "Project".

### **III. Exceptions**

The Board hereby grants exceptions to the following local bylaws, regulations and rules and regulations promulgated thereunder in approving this Project:

1. Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 2210 and 2230 to allow for the construction of a two-family dwelling, which is not an allowed use.
2. Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 2460B, to waive the requirement for a Special Permit to demolish and reconstruct a non-conforming structure that is larger than the original structure.
3. Sudbury Board of Health Rules and Regulations Governing the Subsurface Disposal of Sewage, to allow a 5 foot separation between the bottom of the system and high groundwater in a Zone II.
4. Supplemental Rules for Comprehensive Permits, Section 3.6 to waive the filing fee for the application due to the fact that the Applicant is the Sudbury Housing Authority.

### **IV. General Conditions**

This Permit is granted subject to the following conditions:

1. This Permit is granted to the Applicant and may not be transferred or assigned to any party without the Board's approval.
2. This Permit shall become void if the Applicant does not commence with the Project as approved herein within two (2) years of the filing of this Permit with the Town Clerk. Commencement of the Project shall mean that the Applicant obtains a building permit for the construction of the Project and commences substantive construction work under the building permit. The Board may grant extensions for good cause, including appeals of this Permit.
3. All construction of the Project, including landscaping, shall be completed within two (2) years from the date of issuance of the building permit, unless otherwise noted herein, and a request is filed with, and approved by, the Board extending such time for good cause.

4. Any changes to the Project must be reviewed and approved by the Board in accordance with 760 CMR 31.03.
5. Any material changes to the architectural plans shall require review by the Design Review Board and the Board.
6. This Permit approves the construction of the Project, consisting of one 2-unit structure, with associated infrastructure, utilities and landscaping, all as shown on the Plan, as modified by this Permit. Unit sizes and mix of units, including the number of bedrooms, shall be substantially consistent with the Plan.
7. Both units shall be reserved in perpetuity for rental occupancy by low or moderate income households earning no more than eighty percent (80%) of the Median Family Income for the Boston-Cambridge-Quincy, MA-NH HMFA (HUD Metro Fair Market Rent Area), as determined by the U.S. Department of Housing and Urban Development (HUD), as adjusted for household size, and as certified annually (the "Affordable Units"). Each unit shall contain two (2) bedrooms. Each Affordable Unit shall be rented for no more than the maximum rental price established in the Regulatory Agreement.
8. No construction activities for the Project shall commence on the Property until the Plan has been revised according to Condition X of this Permit, the Plan is endorsed by the Board, and the limits of disturbance around the Property are properly marked. The Director of Planning and Community Development shall be called to inspect the site prior to disturbance. Notwithstanding the foregoing, the Applicant shall be permitted to install haybales or other barriers around the perimeter of the areas to be disturbed prior to Plan revisions and endorsement by the Board.
9. Building permits for the Project shall not be issued until the Plan has been submitted for review, approval and endorsement by the Board for consistency with the Decision, and final building plans have been submitted and approved by the Building Inspector.
10. Appropriate measures shall be taken during construction to prevent the tracking of material onto any public way. Any material tracked onto a public way shall be swept up and removed by the Applicant on a daily basis.
11. Exterior construction activities shall be confined to the hours between 8:00 am and 5:00 pm, Monday through Friday, and between the hours of 8:00 am and 4:00 pm on Saturday. There shall be no construction on state or federal holidays. Additionally, construction vehicles

and/or equipment shall not be started or operated prior to or after the times stated herein. For this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and the erection of structures.

12. The Applicant shall be permitted to locate one (1) temporary enclosure for tools or construction materials on the Property for the duration of the construction. The enclosure shall be located in an area slated for disturbance, shall not require the need to remove any additional vegetation and shall not obstruct sight distance entering or exiting the Property. No further approval shall be necessary.
13. Each unit shall be provided with at least 2 parking spaces for personal use. On-street parking shall be discouraged, except for visitors.
14. Addresses for the units shall be determined by the Director of Public Works.
15. The Applicant shall repair in a timely manner any damage to public roads adjacent to the Project that results from the construction and/or maintenance of the Project.
16. A temporary construction sign no greater than 20 sq. ft. in size may be erected on the Property at the time of issuance of a building permit. If a sign is erected, it shall include the Sudbury Community Preservation Funds as source for the project.
17. The Applicant shall not cause congestion on the abutting public ways due to construction parking. If necessary, parking during construction shall be secured at off-site locations and workers shuttled to the Property.
18. All lawn and deicing chemicals must be stored under cover.
19. Use of fertilizers and pesticides on the Property shall be applied sparingly to prevent washoff. Use of slow release nitrogen and low phosphorus fertilizers is encouraged.
20. Pet waste shall be picked up, and disposed of in the toilet or trash.
21. Store, use and dispose of household hazardous wastes properly.

22. Exterior washing of vehicles shall be limited to locations that drain to pervious surfaces and away from storm drains.
23. Septic systems shall be pumped and maintained as recommended by installer.
24. Alternative deicers such as calcium chloride and magnesium chloride shall be used in lieu of sodium based deicers on pavement areas.
25. No coal tar-based pavement sealants are to be used on the site.
26. There shall be no additions beyond the building envelopes shown on the Plan.
27. There shall be no conversion of interior space into additional bedrooms. The total number of bedrooms in the Project shall be limited to no more than four (4).
28. There shall be a prohibition on the enclosing of decks/patios.
29. There shall be no more than two accessory structures, no greater than 120 sq. ft., allowed on the Property.
30. The Applicant shall comply with all local regulations and bylaws, except for those which are waived in accordance with the Exceptions granted in Section III above.
31. Copies of all plans or documents submitted to other Town departments or Boards as required by this Permit, including the Building Inspector and Director of Public Works/Town Engineer, shall be submitted to the Board.
32. If any provision of this Permit or portion of such provision or the application thereof to any person or circumstances is for any reason held invalid or unenforceable, the remainder of this Permit (or the remainder of such provision) and the application thereof to other persons or circumstances shall not be affected thereby.
33. The terms, provisions and conditions of this Permit shall burden and benefit the successors and assigns of the Town and the Applicant with the same effect as if mentioned in each instance where the Town or the Applicant is named or referred to.
34. Any and all references to the "Applicant" herein shall include any authorized successors or assigns of the Applicant.

#### **V. Construction Details**

1. Final design and approval of the wastewater disposal system shall be obtained from the Sudbury Board of Health prior to the issuance of a building permit.
2. The Project shall utilize existing utility lines and connections currently serving the Property, to the extent practicable. If any extension of overhead utility lines requires installation across a public way, approval by the Board of Selectmen will be required.
3. Installation of water mains shall be under the direction of the Sudbury Water District and the Sudbury Fire Chief. No drinking water wells shall be permitted on the Property.
4. Building plans shall conform to the Massachusetts Building Code.
5. The Applicant shall conform to all pertinent requirements of the Americans with Disabilities Act and the Architectural Access Board Regulations (521 CMR 1.0 et. seq).
6. Erosion control should be employed on the site to stop construction runoff and sedimentation from entering the abutting public ways.

#### **VI. Landscaping/Screening/Lighting**

1. Landscaping shall be installed at the Property substantially in accordance with the Plan.
2. Exterior lighting within the Project shall be residential in scale and nature, and shall be designed and installed to prevent glare and light spilling over to neighboring properties or any public way. There shall be no building flood lighting.
3. The Applicant or the occupants shall maintain the landscaping on the Property and provide for such maintenance in perpetuity.
4. Trees proposed for preservation shall be flagged and appropriately protected, and the Director of Planning and Community Development shall be called to inspect the Property to determine compliance with this condition, prior to commencement of any construction activity on the Property.



5. The Board shall inspect the site prior to the time of substantial completion of the Project to determine if additional screening vegetation is necessary along abutting Property lines. If, in the opinion of the Board, additional screening is required to fill any obvious gaps in screening of abutting residential properties, the Applicant shall forthwith rectify such complaint with the planting of additional vegetation.
6. The final plant list shall be reviewed and approved by the Design Review Board prior to occupancy of the units.
7. The Applicant shall be responsible for replacing dead, dying and/or diseased plantings within one year of planting.

#### **VII. Legal Requirements**

1. The Applicant has proposed, and the Board hereby requires, that the following facilities and services of the Project, to the extent located on the Property, shall be and shall remain forever private, and that the Town shall not have, now or ever, any legal responsibility for operation or maintenance of same.
  - a. All internal driveways, walkways and parking areas;
  - b. Stormwater management system, including roof drains;
  - c. Snow plowing;
  - d. Landscaping and landscape maintenance;
  - e. Exterior lighting;
  - f. Utilities;
  - g. Wastewater disposal system;
  - h. Water system for both domestic use and fire protection, including automatic fire sprinkler systems and hydrants, if any.
2. The Applicant shall be forever bound by all conditions and restrictions contained herein.
3. If required by the Board, a performance bond shall be submitted to ensure proper installation of landscaping and compliance with all other conditions required by this Permit that are not fully completed prior to issuance of the first occupancy permit for the Project. A cost estimate for the bond shall be determined by the Director of Public Works at the then current bonding rates established by the Town. The performance bond shall be submitted to the Board prior to the issuance of Certificates of Occupancy for any unit in the Project. The type and form of such performance bond shall be submitted for review by Town Counsel prior to being accepted by the Board.

4. Evidence of DHCD Final Approval shall be submitted to the Board prior to the issuance of building permits.
5. This Permit shall be recorded at the Middlesex South Registry of Deeds senior to all other liens or encumbrances other than pre-existing easements of records and existing mortgages which shall be discharged prior to issuance of a building permit. Recording information shall be submitted to the Board prior to the issuance of building permits.
6. If at any time during construction, the Director of Planning and Community Development, Building Inspector, Director of Public Works or the Board determines that a violation of the approved Plan or this Permit has occurred, the Town, through the Building Inspector or the Board, shall notify the Applicant by certified mail and the Applicant shall be given 30 days (or lesser time period if in the sole opinion of the Town that said violation creates an emergency condition) to rectify any violation or construction activities shall be ordered to cease until the violation is corrected.

#### **VIII. Affordability Requirements**

1. A Regulatory Agreement (the "Regulatory Agreement") shall be executed prior to the issuance of the initial building permit. This Regulatory Agreement shall set forth that all units approved under this permit shall remain affordable in perpetuity, the terms and agreements relative to the occupancy and lease of the Affordable Units in the Project, the length of the affordability restriction, Affirmative Fair Marketing, limited dividend requirements and cost certification, and annual compliance monitoring responsibilities. The Town of Sudbury shall be a party to the Regulatory Agreement. The Regulatory Agreement shall be submitted for review by Town Counsel and the Director of Planning and Community Development prior to its execution. A copy of the document shall be forwarded to the Board for its information.
2. Both units in this Project shall be available in perpetuity for occupancy by households whose income is no more than eighty percent (80%) of the Median Family Income for the Boston-Cambridge-Quincy, MA-NH HMFA, as determined by the United States Department of Housing and Urban Development, adjusted for household size and annually certified. Applicants must satisfy all other applicable eligibility requirements established by DHCD and set forth in the Regulatory Agreement.
3. The Regulatory Agreement shall include provisions which are designed to preserve the Chapter 40B Affordability Requirement in the instance of a foreclosure by a lender. The

affordability requirement of this Permit shall be senior to any mortgage liens on the Property.

4. There shall be no amendments to provisions regarding or relating to the Affordable Units or conditions set forth in this Permit which are inconsistent with the provisions of this Permit or the Regulatory Agreement without Board approval.
5. Due to the grant of Town of Sudbury Community Preservation Funds for this project, the Regulatory Agreement shall require that in the event of condemnation or casualty, proceeds received above the replacement cost of the structure shall be returned to the Town, up to a maximum amount of (sixty thousand dollars (\$60,000.00)), to be used for affordable housing in the event that the unit is not rebuilt or is rebuilt and there are excess monies available. The exact amount of proceeds to be returned to the Town shall be determined on a proportional basis with other funders.
6. To the maximum extent permitted by law, and applicable regulation, local preference for the occupancy of one (1) of the Affordable Units shall be given to residents of the Town of Sudbury satisfying all applicable eligibility requirements. For the purpose of this condition, and subject to any legal requirements, "residents of the Town of Sudbury" shall include but not be limited to the following: current Sudbury residents; Town of Sudbury/Sudbury Public School employees; Sudbury Water District employees; Lincoln Sudbury Regional High School District employees; Sudbury Housing Authority employees; and families of children currently enrolled in the Sudbury Public Schools or the Lincoln Sudbury Regional High School.
7. A lottery shall be held to solicit interest for the occupancy of the affordable units. The lottery must conform to the lottery procedures of DHCD then in effect, and shall include a description of the eligibility requirements, the lottery and resident selection procedures and a clear description of the preference system being used. This Affirmative Fair Housing Marketing Plan shall be subject to the review and approval of the Planning and Community Development Department, which shall include, but not be limited to the following minimum information:
  - a. The information session and the lottery shall take place in Sudbury;
  - b. The Lottery Agent shall appropriately advertise to all Local Preference categories and those on the Community Housing Office's 'interest' list;
  - c. Only qualified eligible applicants will enter the lottery, with the requirement for preliminary income verification prior to lottery;
  - d. During the application period, the Lottery Agent will periodically provide

- information on the total number of applications received, and how many of those are eligible, are from local preference and are from minorities. Reasons for ineligibility shall be included.
- e. Prior to the lottery the Lottery Agent will provide information on the final applicant pool, including: category of local preference status, minority declaration, number of persons in household, ages of dependants, number of adults, number of bedrooms needed, %AMI, town currently living in.
  - f. Unless DHCD's procedures differ, the lottery shall be advertised in a newspaper of local circulation in the Town of Sudbury for at least 3 weeks prior to the deadline to submit applications for the lottery, and all governmental and school employees noted above shall receive notice of the lottery and the availability of Affordable Units.
  - g. The Marketing Plan shall comply with all Fair Housing laws.
  - h. The Marketing Plan shall contain, to the extent legally allowable, a strategy for marketing units under the "local preference" described in Condition VIII.6 above.
  - i. The Marketing Plan shall be submitted for review and approval of the Planning and Community Development Dept. at least 14 days prior to the commencement of the affirmative marketing period.
8. The maximum household size to be used in determining Median Family Income for the purpose of calculating the maximum rent paid by the tenants shall be three persons for two bedroom units, or 1.5 individuals for each separate bedroom, unless DHCD requires that a smaller household size be used. In accordance with DHCD Affirmative Fair Housing Marketing guidelines, preference shall be given to households requiring the total number of bedrooms in the unit.

#### **IX. Maintenance/Inspections**

1. Enforcement of the conditions of this Decision shall be by the Building Inspector or the Board.
2. A construction schedule shall be submitted to the Board, Director of Planning and Community Development, Town Engineer and Building Inspector prior to the issuance of building permits in order to facilitate inspections. Such schedule shall be revised quarterly to reflect work completed and changes in construction timing.
3. The Applicant shall notify the relevant town departments of installation of utilities and infrastructure for inspections prior to backfilling.

4. Snow removal, maintenance of driveways and walks, storm drainage, wastewater treatment and disposal, lighting, utilities and fire protection shall be the responsibility of the Applicant. The Town of Sudbury does not accept responsibility for any infrastructure improvements or maintenance in this Project.
5. Fees for the following all permits and inspections by Town departments shall be paid in full, unless otherwise waived or reduced upon request in writing by the Applicant:
  - ◆ Building Permits
  - ◆ Driveway Permits
  - ◆ Sewage Disposal Plan Permit
  - ◆ Electrical Permits
  - ◆ Plumbing Permits
6. In the event of any failure to comply with the requirement to maintain the stormwater management and/or wastewater disposal systems in the Project in accordance with engineering or manufacturing guidelines for operation and maintenance or in any manner which fails to safeguard public health and safety, the Town of Sudbury, acting through its Department of Public Works, may, but is not required to, notify the Applicant of the need to remedy said violation and specifying the work which needs to be done and providing for a 30 day time period in which to complete the work. In the event said work is not completed in a satisfactory manner within 30 days, the Town may enter upon the Property and remedy said defect as set forth in this notice. The Applicant shall be responsible to the Town for the cost of affecting the required repairs. If not paid within 30 days of billing by the town, said costs shall constitute a lien upon the premises and shall incur interest at the rate of 18% per annum, plus the costs of collection including reasonable attorney's fees. Notice of this lien shall be recorded by the Town in the Middlesex County South District Registry of Deeds, which notice shall indicate the identity of the Property owner, the amount of the unpaid assessments, the property burdened and a reference to the Book and Page in the Middlesex County South District Registry of Deeds where the Declaration is recorded. These restrictions are intended to maintain the environmental stability of the Project and shall run with the land upon which they are imposed and shall, pursuant to the provisions of General Laws Chapter 184, Section 32, not expire hereunder. The Regulatory Agreement shall include a provision for the placement of municipal liens on the Property to secure payment should the Town of Sudbury be required to maintain or repair any portion of the stormwater management or wastewater disposal system.

### **X. Plan Endorsement**

The Board shall not endorse the Plan until the following conditions have been complied with to the satisfaction of the Board:

1. Signature blocks for the Zoning Board of Appeals (5 members), Building Inspector, DPW Director, Planning Director and Town Clerk shall be added to all Plan sheets.
2. The Zoning Table on the Plan shall revise the impervious surface percentage to include the use of pervious materials on all walkways and patios; revise the proposed height of the building to be 30 feet; and add the zoning designation of Water Resource Protection District to the table.
3. All Plan sheets shall be stamped by a Registered Professional Engineer or Architect.

### **XI. Building Permits**

Building Permits shall not be issued until the following conditions have been complied with to the satisfaction of the Board, as well as any other conditions listed above which require action prior to the issuance of Building Permits:

1. The Plan has been endorsed by the Board and other signatories.
2. The limits of disturbance around the site shall be properly staked and marked, and all trees proposed for preservation shall be flagged, and the Director of Planning and Community Development called for an inspection as required by Conditions IV.8 and VI.4.
3. Receipt of evidence of recording of this Comprehensive Permit with the Middlesex South Registry of Deeds.
4. Sudbury Board of Health approval of the wastewater disposal system has been obtained.
5. A current construction schedule as required by Condition IX.2 is submitted.
6. Evidence of DHCD Final Approval has been submitted to the Board as required by Condition VII.4.

7. The Regulatory Agreement has been executed.

## **XII. Occupancy**

Occupancy of the units in this Project shall not occur until the following conditions of this approval have been complied with:

1. Lottery Plan, the proposed rental prices for the Affordable Units and the Fair Housing Marketing Plan has been submitted and approved by the Board as required by Condition VIII.7.
2. As-built plans demonstrating the driveways, buildings, and infrastructure have been constructed and installed in general conformance with the approved Plan are submitted to and approved by the Town Engineer.
3. Receipt of all recorded documents, including but not limited to the Permit and Regulatory Agreement.
4. The final plant list has been approved by the Design Review Board as required in Condition VI.6.
5. Inspection of adequate landscaping as described in Condition VI.5.
6. Any damage to public roads caused by this Project shall be repaired as required in Condition IV.15.
7. A performance bond, as detailed in Condition VII.3 has been submitted to and accepted by the Board, if required.

TOWN CLERK  
SUDBURY, MASS

10 MAR 23 PM 2:09

Sudbury Housing Authority  
56 Great Road  
March 22, 2010

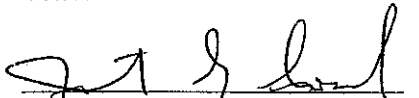
On Motion:

*Authority*

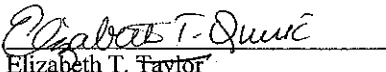
To approve the application of the Sudbury Housing ~~Trust~~ <sup>Authority</sup> for a Comprehensive Permit under the provisions of General Laws chapter 40B, sections 20-23, inclusive, to permit the construction of one duplex dwelling for rental occupancy by low or moderate income residents at established rents pursuant to the Department of Housing and Community Development's Guidelines and/or other applicable requirements, on land owned by the Sudbury Housing Authority, consisting of .46 acres of land at 56 Great Road in Sudbury, Town Assessor's Map C06, Parcel 0133, subject to all of the conditions stated in the foregoing Permit decision:

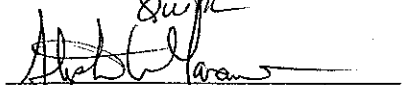
Voted:

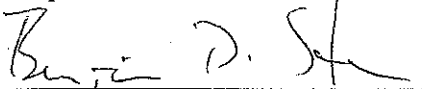
Date: March 22, 2010

  
Jonathan G. Gossels, Acting Chairman

  
Nancy G. Rubenstein, Clerk

  
Elizabeth T. Faytor

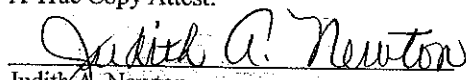
  
Stephen A. Garanin

  
Benjamin D. Stevenson

May 5, 2010

This is to certify that no notice of an appeal from the Board of Appeals Decision, Case #10-12 (Comprehensive Permit, Sudbury Housing Authority-56 Great Road) was filed in this office within 20 days after such decision was filed on March 23, 2010.

A True Copy Attest:

  
Judith A. Newton  
Assistant Town Clerk  
Town of Sudbury



Sudbury Housing Authority  
56 Great Road  
March 22, 2010

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

March 22, 2010

On this 22<sup>nd</sup> day of March, 2010, before me, the undersigned notary public, personally appeared the above-named individuals, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, as members of the Sudbury Zoning Board of Appeals, a municipal board.

Jody A. Kablack  
Jody A. Kablack, Notary Public  
My commission expires: 1/6/17

cc: Town Clerk  
Board of Health  
DPW Director  
Water District  
Conservation Commission  
Board of Selectmen  
Building Inspector  
Town Counsel  
Fire Chief  
Director of Planning and Community Development  
Community Housing Specialist  
Joshua Fox  
Sudbury Housing Authority  
Meridian Associates

