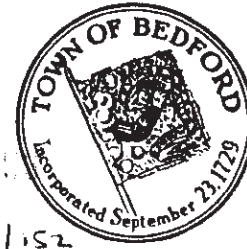


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RECEIVED
TOWN OF BEDFORD
TOWN CLERK



THE BOARD OF APPEALS

02 JUN 05 PM 3:11

TOWN HALL
10 MUDGE WAY
BEDFORD, MASSACHUSETTS 01730

Owners: Westford Squire, LLC 32857/152
Kenneth E. Brown 26124/063
Poplin Nominee Trust 29602/542
Elderberry Trust 24689/587

PETITION NUMBER: 010-02
PETITIONER: Pamela Brown for Elderberry Limited Partnership II / PANAKE, Inc. General Partner
LOCATION OF PROPERTY: 268, 268A, 268B Concord Road and 234 Rear Hartwell Road, Bedford, Massachusetts
MEMBERS VOTING: Robert Ellis, Chairman, Herbert Aumann, Jeffrey Cohen and Charles Theobald

MOTION: To grant to Elderberry Limited Partnership II / PANAKE, Inc. General Partners, a Comprehensive Permit for 20 housing units at 268, 268A, 268B Concord Road and 234 Hartwell Road under the Local Initiative Program (LIP) of M.G.L. c. 40B and the Comprehensive Permit Rules of the Zoning Board of Appeals of the Town of Bedford subject to the Conditions of Approval set forth in Chapter III of this Decision.

VOTING IN FAVOR

VOTING IN OPPOSITION

Robert D. Ellis

Jeffrey M. Cohen

Herbert H. Aumann

Charles E. Theobald

This vote was taken on May 30, 2002. Approval of this Motion for a Comprehensive Permit requires a majority vote of the Board.

The Bedford Zoning Board of Appeals voted 4 to 0 to grant / ~~deny~~ this *thru* Comprehensive Permit.

The Board and the Applicant have complied with all statutory requirements for the issuance of this Comprehensive Permit on the terms hereinafter set forth. A copy of this decision will be filed with the Bedford Town Clerk and will be mailed to all parties, persons or boards as required by Massachusetts General Laws Chapter 40A.

The decision was filed in the Office of the Town Clerk on 6/5, 2002. Any appeal from this decision by any party other than Elderberry shall be made pursuant to Massachusetts General Laws Chapter 40B, Section 21 and must be filed within twenty (20) days after the initial filing of the Decision with the Town Clerk.

TRUE COPY ATTACHED

Debra Driscoll
Town Clerk

41.50
589
5/30/02 4:12:53

The Comprehensive Permit granted by this decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed within said twenty (20) days, or that it has been dismissed or denied, and is recorded in the Middlesex Registry of Deeds for this district. The fee for recording or registering shall be paid by the Petitioner. A copy of the recorded decision certified by the Registry, and notification by the Petitioner of the recording, shall be furnished to the Board.

PETITION NUMBER: 010-02

THE VILLAGE AT CONCORD ROAD COMPREHENSIVE PERMIT
CHAPTER I. FINDINGS

A. PROCEDURAL HISTORY

On 1 October 2001, Pamela J. Brown, Esq. on behalf of Elderberry Limited Partnership II / PANAKE, Inc, General Partners (the "Petitioner"), applied to the Town of Bedford Zoning Board of Appeals (the "Board") for a Comprehensive Permit under the Local Initiative Program (LIP) of M.G.L. c.40B to construct 20 housing units on a property located at 268, 268A, 268B and 234 Rear Hartwell Road, Bedford, Massachusetts ("The Village at Concord Road") [4].

By mutual consent the first public hearing was held on 15 November 2001 [6, 12]. The public hearing was advertised in the Bedford Minuteman on 1 November and 8 November 2001. All Town Boards were notified of the hearing and were requested to comment on the proposed Comprehensive Permit as required by 740 CMR 31.02 and the Town of Bedford Zoning Board of Appeals Rules and Regulations for a Comprehensive Permit.

Additional public hearings were held on 10 January [20], 28 February [32], 11 April [38] and 23 May 2002 [51]. On 23 May 2002, the Board voted to close the public hearing and start deliberations. On 30 May 2002, the Board met again to vote to grant / deny the Comprehensive Permit with conditions. A copy of the decision was filed with the Town Clerk on _____, 2002.

Present from the Board at all public hearings and voting on the petition were Robert Ellis, (chairman), Herbert Aumann (vice chairman), Jeffrey Cohen (clerk, associate member), Charles Theobald (member).

B. EVIDENCE

In making its findings and reaching decisions, the Board considered evidence presented at the public hearings and evidence placed in the public record prior to the closing of the public hearing on 23 May 2002. The Board received comments from Town Boards [7, 15, 16, 29, 35, 39, 42, 45, 47, 49]. The record includes, but is not limited to, the documentation listed in Chapter II.

C. FINDINGS

1. Jurisdictional Requirements

The Board received a letter from the Massachusetts Department of Housing & Community Development (DHCD) approving the Local Initiative Program [3, 8, 24]. On January 8, the Petitioner provided the Board with a certificate of Limited Partnership as required by 760 CMR 31.01. The Board also received a copy of a proposed deed transferring the property to Elderberry Limited Partnership [18].

The Board noted that execution of the project requires a temporary license to cross the railroad bed owned by Town of Bedford for an underground drainage conduit. A draft license between the Petitioner and the Town of Bedford was received [25].

2. Statutory Minimum for Low and Moderate Income Housing

The Petitioner asserts that the Town of Bedford has not met the statutory minimum 10 percent threshold for low and moderate-income housing as defined by M.G.L. c.40B and 760 CMR 31.04. At the 28 February public hearing, Mr. Gordon Feltman, Bedford Board of Selectmen, confirmed that the Town's affordable housing was approximately 4.6 percent.

The Board finds that the Town of Bedford has not met the statutory minimum affordable housing required by M.G.L. c.40B.

3. Project Description

The project site is identified as 268, 268A and 268B Concord Road [5] and consists of approximately 6.3 acres located on Concord Road adjacent to an old railroad bed owned by the Town of Bedford. The Petitioner proposed to raze an existing building at 268 Concord Road and build a 950-foot cul-de-sac roadway to be known as Caesar Jones Way. The Petitioner proposes to build eight (8) single-family homes with attached two-car garages and six (6) duplex homes with detached one-car garages [10, 11, 27, 37, 43, 50]. A portion of 234 Hartwell Road will be used for a detention swale and basin.

4. Exceptions from Local By-Laws

4.1 Housing Density

The Petitioner proposes to build 20 housing units on 6.3 acres with a density of 3.2 units/acres. The Boards noted that the development is a Local Initiative Program (LIP) which has the approval of Town officials [1, 2, 13, 14]. The Board finds that the proposed housing density is considerably below other Comprehensive Permit developments in Bedford (9 units/acre).

4.2 Front Yard Setback

The Petitioner proposes to reduce the front yard setback from 35 feet to 25 feet for most units. The Board finds that such front yard reduction is acceptable in that it will increase separation from abutting properties.

4.3 Rear Yard Setback

The Board questioned the rear yard setbacks of duplexes on Lot 9 and Lot 10. The Petitioner claimed that all units in the development met rear yard setback requirements.

4.4 Road Length

The Petitioner proposes to build a 950-foot long road that ends in a cul-de-sac. The road will be built to subdivision standards. The recommended maximum length of a dead end street is 500 feet. The Board noted that in the Comprehensive Permit Application [4], the road length was given as 660 feet. The Board finds that the road layout is acceptable provided that all dwellings in the development have fire sprinklers.

4.5 Landscaping

The Petitioner has agreed with the Planning Board to a modification of the greenbelt requirement to allow infill tree planting and/or fencing to buffer the proposed development from abutting properties. The Board finds that the proposed modified greenbelt is acceptable.

4.6 Fees

The Petitioner requested a waiver of local permit and inspection application fees. The Board noted that this is a Local Initiative Program to provide affordable housing. The Board finds that a waiver of building permit fees, sewer connection fees, electric, gas and plumbing permit fees is warranted for all affordable units. However, the Board could not agree on recommending a waiver or reducing the fees for market-rate units.

4.7 Signs

The Petitioner requested an unspecified sign for the development on Concord Road [51]. The Board noted that signs are not permitted in residential districts except for temporary rental signs. The Board is willing to grant a community identification sign on side of the entrance to the development on Concord Road. The sign shall be no more than twenty (20) sq.ft. in size and six feet in height above the surrounding ground. The sign shall be set back so as not to obstruct the sight lines on Concord Road.

The Petitioner requested no other exceptions from local zoning by-laws, subdivision rules and regulations, general bylaws or local wetlands by-laws. The Board noted the DHCD approval requires that the development comply with all state and local codes.

5. Traffic Issues

The Board heard public comment and received concerns regarding entry and exit from the proposed roadway onto Concord Road [23].

The Board finds that the added 42 daily vehicle trips will not have a significant impact on the traffic on Concord Road [4].

The Board finds that 600 ft line-of-sight at the proposed intersection exceeds the requirements for the posted speed limit of 40 miles per hour [4, 20].

6. Drainage Issues

The Board noted that the Petitioner proposes to cover almost the entire lot with 5 to 8 feet of fill. The Board and neighbors were greatly concerned with the impact of that much fill on groundwater levels and on abutting properties [9, 12, 20, 21, 23, 32].

The Board requested and received an independent geotechnical peer review [33, 44]. The review concluded that the placement of 5 to 8 feet of fill would not have an adverse effect on the surrounding groundwater levels. However, modifying the swale construction was recommended to increase drainage during frozen ground conditions. The modification was incorporated in an updated site plan detail [50].

The Board noted that Lot 2 is surrounded on two sides by a 5-foot high retaining wall. The Board requested that the Petitioner to consider an alternate road layout. No revised layout was received. As an alternative to a

retaining wall, the Petitioner was willing to provide grading and plantings in that corner on the abutters lot.

The Board was also concerned with the traffic impact of hauling 1000 truck loads of fill to the site [38]. The Petitioner explained that delivery of fill would take place during daytime hours as permitted by the town bylaws [52].

6.2 Wetlands

There was considerable comment by abutters about high groundwater levels and the lack of drainage [9, 21]. The Petitioner proposes to replicate a small wetlands area. However, the Board noted that the no-build zone associated with the replicated wetland would encroach upon an abutting property.

6.3 Mosquito Control

Some citizens expressed concern about spread of mosquito borne diseases [22, 31, 34]. The Board received correspondence from the Massachusetts Department of Public Health that presently there is no cause to deny a housing development for that reason [17, 22].

PETITION NUMBER: 010-02THE VILLAGE AT CONCORD ROAD COMPREHENSIVE PERMIT
CHAPTER II. DOCUMENTS

- [1] Proposal Under the Local Initiative Program 268A and 268B Concord Road, Memo by Susan Moody, Bedford Housing Partnership to Gordon Feltman, Chairman of Selectmen of Bedford dated March 4, 2001 (support for 20 unit development)
- [2] Village at Concord Road, Memo by Eugene J. Clerkin to the Selectmen of Bedford, dated April 20, 2001
- [3] Village at Concord Road Local Initiative Project, Letter by Jane Wallis Gumble, Deputy Director Department of Housing & Community Development, dated August 21, 2001 (approval of a 20 unit development - 8 single-family units 12 townhouse rental units - two units to first-time home buyers three units affordable)
- [4] The Village at Concord Road - Application for Comprehensive Permit under the Local Initiative Program, Letter by Pamela Brown, dated October 1, 2001
- [5] Local Initiative Application - Village at Concord Road - Bedford, Massachusetts, LIP Application Narrative dated October 1, 2001
- [6] Village at Concord Road - Local Initiative Program Comprehensive Permit Application, Letter by Pamela Brown, dated October 26, 2001 (Extension of time)
- [7] The Village at Concord Road, Memo by Lt. David Grunes, Bedford Fire Department, dated November 6, 2001 (all issues addressed)
- [8] Village at Concord Road - Local Initiative Program, Letter by Gordon Feltman, Chairman Selectmen of Bedford, dated November 7, 2001 (increased unit size and increase number of bedrooms)
- [9] Senior Affordable Housing LIP Program, Letter by Richard and Nancy Heinrich, dated November 14, 2001 (drainage, flooding and buffer issues)
- [10] The Village at Concord Road, Grading Plan North by the BSC Group, dated November 14, 2002, amended through May 21, 2002
- [11] The Village at Concord Road, 15-page site plan by the BSC Group, dated November 14, 2002
- [12] Town of Bedford Board of Appeals Minutes dated Thursday, November 15, 2001
- [13] Local Initiative Program - Comprehensive Permit Project, Revised December 13, 2001 Document signed by Eugene J. Clerkin, Bedford Housing

- Partnership and Gordon Feltman, Chair of the Bedford Board of Selectmen
- [14] Village at Concord Road, Memo by Eugene Clerkin to the Selectmen of Bedford, dated December 14, 2001
 - [15] Village at Concord Road Comprehensive Permit, Memo by Richard Joly, Bedford Planning Director, dated December 20, 2001 (various comments)
 - [16] Application for Comprehensive Permit - The Village at Concord Road, Letter by David Black, Bedford Director Board of Health, dated December 26, 2002 (plan approval)
 - [17] Letter by Ralph Timperi, The Commonwealth of Massachusetts, Department of Public Health to Ann Kiesling, Citizens for a Safe Bedford dated January 3, 2002 (No association between EEE and specific location of housing)
 - [18] The Village at Concord Road - Supplemental Information, Letter by Pamela Brown, dated January 8, 2002 (Jurisdictional documentation)
 - [19] Village at Concord Road Elderberry Limited Partnership, letter by Adrienne St. John, Public Works Engineer, dated January 9, 2002 (Water main and drainage issues)
 - [20] Town of Bedford Board of Appeals Minutes dated Thursday, January 10, 2002
 - [21] Comments on Elderberry Trust Application under the LIP, letter by S. E. and B. O. Wentworth dated January 10, 2002 (Ground water and fill issue)
 - [22] Mosquitoes Pertaining to Village at Concord Road Development, email by David Black, Director Board of Health, dated January 11, 2002
 - [23] Senior Affordable Housing LIP Program, letter by Melanie Richardson dated January 27, 2002 (Drainage and traffic issues)
 - [24] Village at Concord Road Local Initiative Program Project (LIP) Bedford, MA, Letter by Jane Wallis Gumble to Gordon Feltman, Chair of Bedford Board of Selectmen, dated February 6, 2002 (Approval of revised affordable and market rate unit mix)
 - [25] Draft of Maintenance Access Easement, February 7, 2002
 - [26] The Village at Concord Road - Existing Drainage Calculation, Report by the BSC Group, updated February 7, 2002
 - [27] The Village at Concord Road, Cross Section Plan by the BSC Group, dated February 7, 2002
 - [28] The Village at Concord Road, letter by the BSC Group regarding wetlands and drainage issues dated February 8, 2002
 - [29] Village at Concord Road, Letter by Richard Warrington, Director of Town of Bedford Department of Public Works, dated February 13, 2002 (peer review of drainage design requested)
 - [30] Village at Concord Road - Local Initiative Program, letter by the Bedford Zoning Board of Appeals to Pamela Brown dated February 27, 2002 (Request for proposed railroad bed easement)

- [31] Village at Concord Road - Local Initiative Program, Letter by the Bedford Zoning Board of Appeals to Daniel Hurwitz dated February 27, 2002 (Mosquito issue)
- [32] Town of Bedford Board of Appeals Minutes dated Thursday, February 28, 2002
- [33] Request for Geotechnical Review of Village at Concord Road, dated March 7, 2002
- [34] Letter by Dan Hurwitz, dated 23 March 2002 (Mosquito issue)
- [35] Village at Concord Road, Bedford, Massachusetts, Letter by the BSC Group to Elizabeth Bagdonas, Conservation Administrator, Bedford Conservation Commission, dated April 9, 2002 (Wetland replication)
- [36] The Village at Concord Road - Cross Section Plan by the BSC Group, Inc. dated April 10, 2002
- [37] The Village at Concord Road - Construction Sequencing Plan I by the BSC Group, Inc. dated April 11, 2002
- [38] Town of Bedford Board of Appeals Minutes dated Thursday, April 11, 2002
- [39] Village at Concord Road, Bedford, Massachusetts, Letter by Meridian Engineering, Inc. to Elizabeth Bagdonas, Conservation Administrator, Bedford Conservation Commission, dated April 30, 2002 (drainage review)
- [40] The Village at Concord Road - Planning Board Comment to ZBA, letter by Pamela Brown to Rich Joly, Planning Director, dated May 5, 2002
- [41] The Village at Concord Road, Letter by the BSC Group to The Town of Bedford Conservation Commission, dated May 6, 2002 (Response to MEI comments)
- [42] Village at Concord Road - Drainage Review, Memo by Elizabeth Bagdonas, Conservation Administrator, Bedford Conservation Commission, dated May 6, 2002
- [43] The Village at Concord Road, Bedford, Massachusetts Grading Plan North by the BSC Group, dated May 6, 2002.
- [44] Geotechnical Peer review and Groundwater Evaluation - Village at Concord Road, Bedford, Massachusetts, Letter by Mark Kelley, Haley & Aldrich, Inc. to the Town of Bedford Department of Public Works, dated 20 May 2002
- [45] Village at Concord Road, Memo by Richard Joly, Planning Director, dated May 20, 2002
- [46] The Village at Concord Road, Letter by the BSC Group, dated May 21, 2002 (Additional drainage information)
- [47] Village at Concord Road, Letter by Adrienne St, John, Public Works Engineer, dated May 22, 2002
- [48] Village at Concord Road, Letter by Pamela Brown, dated May 22, 2002 (Comments on outstanding ZBA issues)
- [49] Village at Concord Road, Letter by Elizabeth Bagdonas, Conservation Administrator, dated May 23, 2002

- [50] The Village at Concord Road, Bedford, Massachusetts Construction Detail IV, Sheet No 14 of 15, by the BSC Group, dated May 23, 2002
- [51] Town of Bedford Board of Appeals Minutes dated Thursday, May 23, 2002

PETITION NUMBER: 0010-02

THE VILLAGE AT CONCORD ROAD COMPREHENSIVE PERMIT
CHAPTER III. CONDITIONS OF APPROVAL

Based upon the findings of the Bedford Zoning Board of Appeals (the "Board"), the Board grants to Elderberry Limited Partnership II and PANAKE, Inc. (the "Petitioner") a Comprehensive Permit to construct 20 housing units in accordance with M.G.L. c. 40B and its implementing regulations 760 CMR 30-31, as well as the Comprehensive Permit Rules of the Zoning Board of the Town of Bedford subject to the Conditions and Limitations set forth in this Decision.

A. General Conditions

1. The Comprehensive Permit is granted based on the latest issue of an Application and Site Plan titled "The Village at Concord Road" dated November 14, 2001 drawn by The BSC Group, Inc. [11], including all modifications dated through May 21, 2002 [36, 37, 43, 50] and hereinafter referred to as the Site Plan and as modified by this Decision.
2. The Comprehensive Permit incorporates in Section III.B requested exceptions from zoning by-laws and subdivision control regulations. In granting or denying these exceptions, the Board recognizes that the legal requirements for issuing a Comprehensive Permit have been met, and that the granting of exceptions from local zoning by-laws, subdivision rules and regulations and general by-laws may be necessary in the public interest, for the overriding need to provide affordable housing.
3. The Comprehensive Permit is subject to the Town of Bedford receiving a recorded copy of all easements, restrictions and other legal documents.
4. The project shall consist of 20 housing units on 6.3 +/- acres as shown on the set of drawings entitled Site Plan "The Village at Concord Road" dated November 14, 2001 drawn by The BSC Group, Inc., updated through May 23, 2002, and as revised by this Decision.
5. The development shall consist of four (4) one-bedroom, single-family homes, four (4) two-bedroom, single-family homes, six (6) one-bedroom duplex rental units, and six (6) two-bedroom duplex rental units. The ownership and occupancy of said units shall comply with the Rules and Regulations for the Village at Concord Road (Attachment D) [4]
6. One (1) one-bedroom, single-family home, one (1) two-bedroom single-family home, two (2) one-bedroom duplex rental units and one (1) two-bedroom duplex rental unit shall be designated "affordable (as defined by DHCD)" in perpetuity. A deed rider of this provision, approved by Town Counsel, shall be recorded in the registry of deeds with each

- title. The ownership and occupancy of said units shall comply with the Rules and Regulations for the Village at Concord Road (Attachment D) [4]
7. All market-rate and affordable rental units shall remain rental units in perpetuity, and the rental units on Lot 9 and Lot 10 shall remain under a single ownership. A covenant of this provision, approved by Town Counsel, shall be recorded in the registry of deeds prior to the issuance of occupancy permit for any unit.
 8. The Petitioner shall build for and market all units to the 55-and-over population consistent with the conditions in Department of Housing and Community approval development letter dated August 21, 2001.
 9. The owners of property in the development shall be jointly responsible for the maintenance of all swales, erosion control and drainage appurtenances on the property 268, 268A and 268B Concord Road and on 234 Hartwell Road. A covenant of this provision, approved by Town Counsel, shall be recorded with each title.
 10. The Petitioner shall execute and record an agreement with the abutting property owner identified as Dwayne Scruton 21868/302 to exchange lot 278A and lot 6A as shown on the Site Plan.
 11. Except as modified by this Decision, the development shall be built according to the Town of Bedford Zoning By-Laws, Rules and Regulations Governing the Subdivision of Land, and according to local Wetlands By-Laws except as specifically allowed by the Bedford Conservation Commission.

B. Exceptions from Local Regulation

1. Zoning Exceptions

- a. Exception from Section 8.2.2.1 Permissible Density: GRANTED. The Board finds that a Comprehensive Permit allows higher housing densities than permitted by local By-Laws. Bedford has not met the statutory minimum affordable housing required by M.G.L. c. 40B. The proposed housing density of 20 units on 6.3 acres (3.2 units/acre) is below other Comprehensive Permit developments in the Town of Bedford (9 units / acre).
- b. Exception from Table II Dimensional Regulations - Minimum front yard: GRANTED. The Board finds that such front yard reduction is acceptable in that it will increase separation from abutting properties. As a result front setbacks were reduced from 35 feet to 25 feet on most lots.
- c. Exception from Section 6.2.12 Minimum Lot Landscaping: GRANTED. The Planning Board has agreed to a modified greenbelt requirement allowing infill tree planting and/or fencing to buffer the proposed development from abutting properties.

2. Exceptions from Subdivision Rules and Regulations

- a. Exception from Procedural and Content of Plan Requirements: GRANTED. A Comprehensive Permit development is not subject to local subdivision regulations.

- b. Exception from Section 5.2.4.1 - Road Length: GRANTED. The length of the proposed road is approximately 950 feet and ends in a cul-de-sac constructed to subdivision standards. The recommended maximum length for a dead-end road is 500-feet. All units in the development shall have fire sprinklers.

3. Exceptions from General By-Laws

Signs: GRANTED. One (1) permanent community identification stone monument shall be permitted at one side of the entrance to the development on Concord Road. Said monument shall be no more that twenty (20) sq.ft. in size and six feet in height above the surrounding ground. The monument shall be set back so as not to obstruct the sight lines on Concord Road.

4. Exceptions from Local Fee Schedules

Building Permit Fee, Sewer Connection Fee, Electrical and Plumbing Permit Fees: GRANTED subject to the Board of Selectmen approval. The Zoning Board recommends a waiver for all building permit, sewer connection, electrical, gas and plumbing permit fees for the affordable units in the development only.

C. Site Design

1. The site layout shall substantially conform to the Site Plans noted in Paragraph A.1 and as modified by this Decision.
2. The Petitioner shall build the Caesar Jones Way and the project access on Concord Road to Town of Bedford subdivision standards. The Petitioner shall retain title to the road and upon Town acceptance shall convey said roadway to the Town.
3. The Department of Public Works shall determine the type, number and location for streetlights. The Petitioner shall purchase the streetlights as specified and install conduits, light bases and streetlights as directed by the Department of Public Works.
4. The petitioner shall provide a permanent easement for pedestrian and bicycle access between Caesar Jones Way and the railroad bed owned by the Town of Bedford.

D. Drainage and Storm Water Management

1. The Petitioner shall enter into a temporary license with the Town of Bedford, to allow the petitioner to construct an underground conduit under the railroad bed owned by the Town of Bedford.
2. The Petitioner shall execute an agreement for a permanent easement to access and maintain the swale and retention pond in the rear of 234 Hartwell Road from Hartwell Road. The agreement, approved by Town Counsel, shall be recorded in the registry of deeds prior to the commencement of any construction.
3. The Petitioner shall design and implement all dry wells so as to provide a minimum 2 feet separation between the bottom of the well and the estimated seasonal high groundwater level as determined after the project is completed.

4. All swales along the roadway and behind Lot 2 through Lot 8 shall be constructed as shown on the revised swale detail drawing provided on May 23, 2002 [50].
5. On-site snow storage areas shall be located so as to not create run-off onto abutting property or public ways. Snow removal operations shall be conducted in such a manner so as to not cause snow to be deposited on any Town ways.

E. Traffic

The Petitioner shall consult, design, and gain approval of the Bedford Department of Public Works and shall construct one (1) pedestrian crosswalk on Concord Road. Appropriate signage giving advance warning of the pedestrian crosswalk shall be provided. The Petitioner shall bear the full cost of implementing this condition.

F. Detailed Building Plan Review

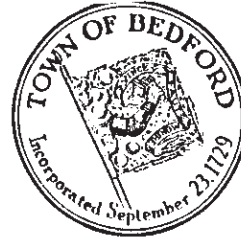
1. Prior to issuance of a building permit, the Petitioner shall submit a detailed set of building plans acceptable to the Town of Bedford Building Inspector. Said definitive plans shall be in substantial compliance with all conditions of this decision.
2. Changes in the plans following the issuance of this decision shall be submitted to the Town of Bedford Building Inspector, who may approve minor changes. If the Building Inspector, in his opinion, determines that the proposed change is a major change, the Petitioner shall appear before the Board and present the change for review and approval.
3. Any substantial changes or modification to this Comprehensive Permit shall only be made by the Board upon written request and upon holding a public hearing in accordance with the Comprehensive Permit Rules of the Town of Bedford.
4. A construction-phasing plan shall be submitted with the final construction plans and schedules for approval by the Town of Bedford Building Inspector. Said plan shall include management of construction traffic, water runoff and on-site material handling, and shall limit construction activities to normal working hours. Said plan shall include phased availability of market-rate and affordable units as stated in the letter of Approval by the DHCD.

G. Dwelling Unit Fire Protection

Approved fire sprinkler systems shall be installed in all 20 dwelling units of this development.

This Decision with its conditions shall be recorded with the Registry of Deeds. The decision shall run with the land and be binding on the Petitioner and/or its successors or assigns.

TOWN OF BEDFORD
BEDFORD, MASSACHUSETTS 01730



Doreen Tremblay, Town Clerk

Town Hall
10 Mudge Way
Bedford, Mass. 01730
781-275-0083

Date: June 26, 2002

Petitioner Name and Address: Pamela Brown for Elderberry Limited Partnership II/
PANAKE, Inc. General Partner
268 268A, 268B Concord Road and 234 Rear Hartwell
Road, Bedford, Massachusetts
Petitioner Number: 010-02

This letter certifies that twenty days have elapsed since the Zoning Board decision was filed in the office of the Town Clerk and no appeal has been filed.

Attest:

Doreen Tremblay
Town Clerk