

GREATER WORCESTER HABITAT FOR HUMANITY, INC.
Dutton Road/Pratts Mill Road
08-21

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
JULY 14, 2008

The Board consisted of:

Elizabeth A. Taylor, Acting Chairman
Nancy G. Rubenstein, Acting Clerk
Jeffrey P. Klofft
Jonathan G. Gossels
Stephen A. Garanin

Also: Jody Kablack, Planning Director

For the Applicant:

Beth Rust, Sudbury Housing Trust
Attorney Joshua M. Fox
Douglas Havens, Habitat for Humanity, Inc.

The public hearing was reconvened by the Acting Chairman, Ms. Taylor. The Board was in receipt of a draft decision. Ms. Kablack noted the decision reflected minor modifications requested by the applicant.

The decision was reviewed page by page and the following changes were made:

- Page 5 – Hours of construction changed to 8AM-5PM
- Page 8 – Landscaping/Screening – Item 4. – Add language to reflect no requirement to replace trees which fall down or die post construction. Add language to allow removal of invasive plants and replacement with native species.
- Page 14 – Plan endorsement – septic – change to require septic vent to be located to the extent required by the Board of Health

The public hearing was closed and a motion was made, seconded and unanimously voted to accept the decision as amended this evening. (The decision is incorporated as part of these minutes)

Elizabeth A. Taylor, Acting Chairman

Nancy G. Rubenstein, Acting Clerk

Jeffrey P. Klofft

Jonathan G. Gossels

Stephen A. Garandin

NOTICE OF DECISION
COMPREHENSIVE PERMIT
GREATER WORCESTER HABITAT FOR HUMANITY, INC.
DUTTON AND PRATT'S MILL ROAD
SUDBURY, MA
ZONING BOARD OF APPEALS CASE NUMBER 08-21
JULY 14, 2008

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 Habitat for Humanity; Metrowest- Greater Worcester, Inc., dba Greater Worcester Habitat for Humanity, Inc. (the "Applicant") on May 21, 2008 to construct one duplex dwelling including two (2) Affordable Units, on approximately .43 acres of land located at the corner of Dutton and Pratt's Mill Road. Said Property is within the A-1 Residential Zoning District, and is identified as Parcel 0006 on Town Assessor's Map G05 (the "Property"). The Property is owned by the Sudbury Housing Trust.

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 non-profit corporation eligible to obtain a Comprehensive Permit pursuant to M.G.L. c.40B;
- b) It has an executed Purchase and Sale Agreement to purchase the Property; and
- c) It has received a Determination of Site Eligibility under the Local Initiative Program from the MA Department of Housing and Community Development (DHCD) dated May 6, 2008.

The Board convened the public hearing on this application on June 16, 2008. The public hearing was continued to July 14, 2008, and closed on July 14, 2008. Sitting as members of the Board and present throughout the hearing were Elizabeth A. Taylor, Acting Chairman; Nancy G. Rubenstein, Clerk; Jeffrey P. Klofft; Jonathan G. Gossels; and Stephen A. Garandin.

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 Greater Worcester Habitat for Humanity, 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 May 6, 2008.

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 May 21, 2008 submitted by Joshua M. Fox
2. Proposed Sewage Disposal System Plan dated November 6, 2007 prepared by Sullivan, Connors & Associates (1 sheet)
3. Architectural Plans prepared by Robert R. Dion dated May 20, 2008, consisting of:
 - ◆ Sheet A-1.1, Basement Plan;
 - ◆ Sheet A-1.2, Floor Plans;
 - ◆ Sheet A-2.1, Elevations;
4. Preliminary Landscape Plan prepared by First Parish Sudbury dated May 25, 2008.

Items 1 through 4 above constitute the "Permit 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, Landscape Architect and Architect, (including, without limitation, with the approval of the Board where herein required), all such revisions, modifications and supplements having a result substantially similar to the Permit Plan constitute the "Endorsement Plan". The development described or depicted in this Permit and the Permit Plan is referred to herein as the "Project".

5. Memo to the Board from Town Engineer dated May 28, 2008
6. Letter to the Board from the Town Manager dated June 16, 2008
7. Email to the Board from Board of Health Director dated June 16, 2008 noting approved septic design for project
8. Memo to the Board from the Planning Director dated June 2, 2008
9. Letter to the Board from the Planning Board dated June 13, 2008
10. Email to the Board from Chairman, DRB dated June 12, 2008 recommending approval
11. Email to the Board from Conservation Commission dated 6/13/08 indicating no wetland issues
12. Letter to the Board dated June 16, 2008 from Community Outreach Committee

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 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 2620, Dimensional Requirements, to waive the required front yard setbacks from 40 feet to 36.8 feet.
3. Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 2620, Dimensional Requirements, to waive the required lot area from 40,000 sq. ft. to 18,000 sq. ft.
4. Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 2620, Dimensional Requirements, to waive the required frontage from 180 feet to 165 feet.

IV. General Conditions

This Permit is granted subject to the following conditions:

1. The Applicant shall submit proof of ownership of the Property prior to issuance of a building permit. The Property shall be owned by a single entity, or shall be subject in its entirety to the provisions of MGL c. 183A (the "Condominium Statute").
2. This Permit is granted to the Applicant and may not be transferred or assigned to any party without the Board's approval. Any change in control of a voting majority of the members of the Applicant shall constitute a transfer or assignment.
3. 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.

4. 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.
5. Any changes to the Project must be reviewed and approved by the Board in accordance with 760 CMR 31.03.
6. Any material changes to the architectural plans shall require review by the Design Review Board and the Board.
7. 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 Permit Plan, as modified by this Permit. Unit sizes and mix of units, including the number of bedrooms, shall be substantially consistent with the Permit Plan.
8. Both units shall be reserved in perpetuity for purchase and 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) and as adjusted for household size (the "Affordable Units"). One unit shall contain three (3) bedrooms, and one unit shall contain two (2) bedrooms. Each Affordable Unit shall be sold initially for no more than the Maximum Initial Sales Price established in the Regulatory Agreement.
9. No construction activities for the Project shall commence on the Property until the Permit Plan has been revised according to Condition XI of this Permit, the Endorsement 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.
10. Building permits for the Project shall not be issued until the Endorsement Plan has been submitted for review and approval of the Board for consistency with the Permit Plan and this Decision, and final building plans have been submitted and approved by the Building Inspector.
11. 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.
12. 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. In order to accommodate volunteer workers, occasional construction work may take place on Sundays between the hours of 8:00 am and 4:00 pm. 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.

13. The Applicant shall be permitted to locate one (1) temporary enclosure for tools 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.
14. Addresses for the dwellings shall be determined by the Director of Public Works.
15. Landscaping shall be installed at the Property substantially in accordance with the Plan.
16. Sight distance at each driveway shall meet the minimum engineering standards for safety at the posted speed limit of the adjacent roadway. Prior to the issuance of any occupancy permit, or at any earlier time mutually agreed upon by the Applicant and the DPW Director, the DPW Director shall inspect the conditions at the entrance to the Project and certify that the actual conditions comply with the design specifications for sight distance. If actual conditions do not comply with these specifications, the DPW Director shall notify the Board and the Board may require additional reasonable improvements by the Applicant as necessary to satisfy the design specifications consistent with the Permit Plan.
17. Each unit shall be provided with at least 2 parking spaces for personal use. Total number of cars on the Property shall be limited to no more than 1 per bedroom, except for visitors.
18. The historic granite marker located at the corner of Dutton Road and Pratts Mill Road shall remain in its current location, unless the Director of Public Works requires relocation due to sight distance safety concerns.
19. 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.
20. 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.
21. The Applicant shall not cause congestion on the abutting public ways due to construction parking. If necessary, parking shall be secured at off-site locations and workers shuttled to the Property.
22. 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.
23. 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.

24. 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.
25. 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.
26. Any and all references to the "Applicant" herein shall include any authorized successors or assigns of the Applicant, including, but not limited to, any Condominium Association created relative to the Project.

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 building permits.
2. All utilities serving this Project shall be installed underground, including any extensions from existing lines or poles external to the subject Property, to the extent practicable. If any extension of 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).

VI. Lighting

1. 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.
2. The Condominium Documents (hereinafter defined) shall contain a provision prohibiting light spilling over to neighboring properties.

VII. Landscaping/Screening

1. Final landscaping on the Property shall consist of:

- Construction of a six (6) foot high stockade fence, or other lower fence as requested by the abutter, along the easterly Property line;
 - Reservation of a fifteen (15) foot wide no-cut buffer along the southern Property line;
 - Installation of additional understory screening vegetation planted along the southern Property line;
 - Preservation of trees at the northwest corner of the Property to the extent practical; and
 - Installation of foundation plantings at front of building.
2. The Applicant shall maintain the landscaping within the common areas and shall ensure that the Condominium Documents (hereinafter defined) provide for such maintenance in perpetuity.
 3. 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.
 4. The fifteen (15) foot no-cut buffer shall maintain existing trees within the buffer area to provide natural screening to the abutting property. There shall be no requirement to replace any trees that die or fall down within this area after construction is completed. Removal of invasive plants and replacement with non-invasive species is permitted.
 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 Applicant shall be responsible for replacing dead, dying and/or diseased plantings within one year of planting.
 7. If landscaping required by this Permit is not installed prior to occupancy, a performance bond in an amount not to exceed One Thousand and 00/100 Dollars (\$1,000.00) shall be required.

VIII. Legal Requirements

1. The Applicant has proposed, and the Board hereby requires, that the following common 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. As used herein, "Condominium Documents" shall mean such documents (a) as the Condominium Statute requires to establish a lawful condominium in the Commonwealth of Massachusetts, (b) as are approved by DHCD and (c) as have been reviewed by the Town's legal counsel. Prior to the issuance of any certificate of occupancy, the Applicant shall provide documentation verifying that the Condominium Documents are in conformance with this Permit and M.G.L. c. 183A to the Town.
 3. The common facilities shall be maintained in perpetuity by the association of unit owners established pursuant to the Condominium Documents (the "Condominium Association").
 4. The Applicant shall cause the Condominium Documents to provide that the Condominium Association shall maintain and repair all common areas and facilities, including but not limited to the wastewater disposal system, landscaping, driveways, roof drains and other improvements within the Property and each owner shall be a member thereof. The Condominium Documents shall reference the affordability requirements upon which the Permit is conditioned. The Condominium Association shall adopt rules and regulations and a copy shall be provided to the Board.
 5. The Applicant shall be responsible for the installation, operation, and maintenance of all aspects of the common facilities and services until the transfer of the last dwelling unit, to the extent that such installation, operation and maintenance is a condition required in this Permit. Upon the recording of the Master Deed, the operation and maintenance obligations shall be joint and several with the Condominium Association until the transfer of the last dwelling unit. Thereafter, such operation and maintenance shall be the responsibility of the Condominium Association. In the event that a management company is engaged, the Applicant or the Condominium Association shall, at the Board's request, provide the Board with a copy of the contract.
 6. Condominium Documents, including a realistic condominium budget based upon comparable developments that have been occupied for at least two (2) years, shall be subject to the review of the Board. The Applicant shall submit copies of the Condominium Documents for review to Town Counsel and the Director of Planning and Community Development at least sixty (60) days prior to the issuance of the first occupancy permit, except that the condominium budget shall be submitted at the time of preparation of the Lottery Plan if the Lottery Plan documents are submitted earlier than sixty (60) days prior to the issuance of the first occupancy permit. Comments from this review shall be submitted to the Board.
 7. The Association and purchasers of all units shall be forever bound by all conditions and restrictions contained herein.
 8. The Condominium Documents shall provide that:

- a. 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, the Deed Rider or the Regulatory Agreement without Board approval.
 - b. The Master Deed shall reference the Deed Rider and the Regulatory Agreement.
 - c. All votes shall be one unit one vote except where the condominium statute requires percentage interest votes.
 - e. The Master Deed shall provide that in the event of condemnation or casualty, proceeds above the resale price of the Affordable Unit(s) as set forth in the Deed Rider shall be given to the Town to be used for affordable housing in the event that the unit is not rebuilt or is rebuilt and there are excess monies available.
9. The Applicant shall assure that the proper covenants are included in the Condominium Association's documents as well as the deeds to each of the units to address the following:
- a. There shall be no additions beyond the building envelopes shown on the Endorsement Plan.
 - b. 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 five (5).
 - c. There shall be a prohibition on the enlarging or enclosing of decks/patios.
 - d. There shall be no more than one accessory structure, no greater than 120 sq. ft., allowed on the Property.
 - e. Restrictions on home-based businesses shall be no greater than that provided under the Sudbury Zoning Bylaw.
 - f. There shall be a provision prohibiting light spilling over to neighboring properties.
 - g. Operation and maintenance of the wastewater disposal system shall be the responsibility of the Condominium Association, and if required to be maintained or repaired by the Town of Sudbury, the Association will be responsible for all reasonable expenses associated therewith, as detailed in Condition X.7 of the Comprehensive Permit.
 - k. Unit owners shall submit to the Condominium Association copies of all applications for building permits.
10. A performance bond shall be required by the Board 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.
11. Evidence of DHCD Final Approval shall be submitted to the Board prior to the issuance of building permits.
12. 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.

13. 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.

IX. Affordability Requirements

1. Both units in this Project shall be available in perpetuity for purchase and occupancy by households whose income is no more than 80% of the Median Family Income for the Boston-Cambridge-Quincy, MA-NH HMFA, adjusted for household size and as determined by the United States Department of Housing and Urban Development. Applicants must satisfy all other applicable eligibility requirements including but not limited to First Time Home Buyer status and maximum asset level requirements established by DHCD. Before any unit is sold, the Applicant shall submit to the Board the proposed form of Deed Rider to be attached to and recorded with the Deed for each and every Affordable Unit in the Project at the time of each sale and resale, which Deed Rider shall restrict each such unit in accordance with this requirement in perpetuity in accordance with the requirements of M.G.L. Chapter 184, sections 31-33. Each Deed Rider for the Affordable Units in the Project shall set forth the period of affordability to be in perpetuity.
2. A DHCD Local Initiative Program Regulatory Agreement (the "Regulatory Agreement") shall be executed prior to the issuance of the initial building permit. This Regulatory Agreement shall set forth the terms and agreements relative to the sale and resale of the Affordable Units in the Project. 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.
3. Each Affordable Unit shall be sold for no more than the sales price established in the Regulatory Agreement and the Deed Rider. The Deed Rider 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 Affordable Units.
4. To the maximum extent permitted by law, and applicable regulation, local preference for the purchase 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; the children and parents of 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.

5. A lottery shall be held to solicit interest for the purchase of the affordable units. The lottery must conform to the lottery procedures of DHCD then in effect, and a 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 income and asset verification prior to lottery;
 - d. The Lottery Agent shall notify all potential applicants that Sudbury requires a home buyer education training prior to closing;
 - e. 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.
 - f. 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.
 - g. 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.
 - h. The Marketing Plan shall comply with all Fair Housing Laws.
 - i. The Marketing Plan shall contain, to the extent legally allowable, a strategy for marketing units under the "local preference" described in Condition IX.4 above.
 - j. The Marketing Plan shall be submitted for review and approval of the Planning and Community Development Dept. prior to the 60 day affirmative marketing period.
6. The maximum household size to be used in determining Median Family Income for the purpose of calculating the Maximum Initial Price shall be three persons for two bedroom units and four persons for three bedroom units, unless DHCD requires that a smaller household size be used.

X. 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. The Applicant, and upon the establishment of the condominium, the Condominium Association created for the Project shall be responsible for maintaining the stormwater management structures and drainage system in the Project.
5. Snow removal, maintenance of driveways and walks, storm drainage, wastewater treatment and disposal, lighting, utilities and fire protection shall be maintained by the Applicant, and upon the establishment of the condominium, the Condominium Association created for the Project. The Town of Sudbury does not accept responsibility for any infrastructure improvements or maintenance in this Project.
6. Fees for the following all permits and inspections by Town departments have been waived:
 - ◆ Building Permits
 - ◆ Driveway Permits
 - ◆ Sewage Disposal Plan Permit
 - ◆ Electrical Permits
 - ◆ Plumbing Permits
7. 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 or the Condominium Association, as appropriate, 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 Condominium Association 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 Master Deed 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.

XI. Plan Endorsement

The Board shall not endorse the Endorsement 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) and Town Clerk shall be added to all Plan sheets.
2. The Plan shall be presented for endorsement by the Board with the following revisions:
 - a) Signature block for ZBA
 - b) Signature block for the Town Clerk
 - c) Location of gas line
 - d) Location of septic vent, if required by the Board of Health
 - e) A fifteen (15) foot no-cut buffer along southerly Property line
 - f) Location of potential walkway to Dutton Rd. from front door

XII. 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 Final Plan has been endorsed by the Board and the Town Clerk.
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.9 and VII.3.
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 X.2 is submitted.
6. Evidence of DHCD Final Approval has been submitted to the Board as required by Condition VIII.11.
7. The Regulatory Agreement, including an approved form of Deed Rider, has been executed.

XIII. Occupancy

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

1. The Condominium Association documents, including a proposed budget, as required in Section VIII Conditions 1-9 have been submitted to the Board and approved by Town Counsel with respect to incorporating relevant conditions in this Decision.
2. A performance bond, as detailed in Condition VIII.10 has been submitted to and accepted by the Board.

3. Lottery Plan, the proposed sales prices for the Affordable Units and the Fair Housing Marketing Plan has been submitted and approved by the Board as required by Condition IX.5.
4. Sight distance has been certified by the Director of Public Works as required by Condition IV.16.
5. 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.
6. Receipt of all recorded documents, including but not limited to the Permit and Regulatory Agreement.
7. Certification of adequate landscaping as described in Condition VII.5.
8. Any damage to public roads caused by this Project shall be repaired as required in Condition IV.19.

On Motion:

To approve the application of Habitat for Humanity; Metrowest- Greater Worcester, Inc., dba Greater Worcester Habitat for Humanity, Inc. for a Comprehensive Permit under the provisions of General Laws chapter 40B, sections 20-23, inclusive, to permit the construction of 2 condominium units to be sold for occupancy by low or moderate income residents at established sales prices pursuant to the Department of Housing and Community Development's Guidelines and/or other applicable requirements, on land owned by the Sudbury Housing Trust, consisting of .43 acres of land at the corner of Dutton and Pratt's Mill Road in Sudbury, Town Assessor's Map G05, Parcel 0006, subject to all of the conditions stated in the foregoing Permit decision:

Voted:

Date: July 14, 2008

Elizabeth A. Taylor, Chairman

Nancy G. Rubenstein, Clerk

Jonathan G. Gossels

Jeffrey P. Klofft

Stephen A. Garanin

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

July 14, 2008

On this 14th day of July, 2008, 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, Notary Public
My commission expires January 22, 2010

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
Joshua Fox
Doug Havens, Greater Worcester Habitat for Humanity
Sullivan, Connors & Associates