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**TOWN OF BOXFORD  
ZONING BOARD OF APPEALS  
NOTICE OF DECISION  
ON VARIANCE, SPECIAL PERMIT, OR APPEAL**

**Applicant:** Toll Bros. Inc.  
**Owner:** Price Family LLC

**Date:** January 27, 2022  
**Case No.** 1014

**Premises Affected** 84 Willow Road/Ingalls Village Way/Hope Lane, Boxford  
Assessors Map 6, Block 2, Lot 2.2

**Members of Board who sat on hearing:** Paula Lia Fitzsimmons, Steve Merriam, Ralph Nay

**Alternates Present:** David Valzania

Referring to the above application so as to permit a Special Permit for the construction of elderly housing pursuant to §196-13.B(1)(i), §196-20, §196-30, and §196-33 of the zoning bylaws at the Affected Premises. Work will construct 66 townhouse style units and associated systems and amenities. After a virtual public hearing opened on January 21, 2021 and continued to February 18, 2021, March 18, 2021, May 27, 2021, June 24, 2021, July 29, 2021, August 25, 2021, September 28, 2021, October 28, 2021, November 18, 2021, December 16, 2021, January 5, 2022 and January 27, 2022 the Zoning Board of Appeals voted to **GRANT** the Special Permit subject to the following conditions, safeguards and limitations on time use, if any: (see attached).

**Vote of Individual Members:**

NAME	VOTE
<i>Paula Lia Fitzsimmons</i>	<i>YES</i>
<i>Steve Merriam</i>	<i>YES</i>
<i>Ralph Nay</i>	<i>YES</i>

*This decision of the Zoning Board of Appeals shall not be recorded at the Registry of Deeds until Certified by the Town Clerk.*

*In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws.*

*I, Clerk of the Town of Boxford, Massachusetts, hereby certify that twenty days have elapsed since this decision was filed in the Town Clerk's office, and that no appeal of the decision has been filed, that it has been dismissed or denied.*

*Attest:* *Paula Lia Fitzsimmons*

*Date:* *4-6-22*

**APPEAL:** You are hereby notified that you have the right to appeal the above decision to the Court and any appeal must be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, as amended, and must be filed within 20 days after the date of filing this decision with the Town Clerk.

**RECORDING:** Any applicant who receives a special permit or variance is required by Massachusetts General Law 40A to have the decision recorded or registered at the Essex South District Registry of Deeds. A copy of the recorded document shall be forwarded to the Boxford Zoning Board of Appeals Office.

**Notice of Decision  
Boxford Zoning Board of Appeals**

Case Number: 1014  
Applicant: Toll Bros. Inc.  
Owners of Property: Price Family, LLC  
Property: 84 Willow Road/Ingalls Village Way/Hope Lane  
Parcel Number: Map 6, Block 02, Lot 2.2  
Title Reference: Book, 32071, Page, 540, December 27, 2012  
Zoning District: Elderly Housing

Board members who sat on the hearing: Paula Lia Fitzsimmons, Chair  
Steve Merriam, Vice Chair  
Ralph Nay, Clerk  
Alternates Present: David Valzania

**A. INTRODUCTION**

Pursuant to a notice duly published, posted and sent to all interested parties under the provisions of Massachusetts General Laws, a public hearing via Zoom was held on the Applicant, Toll Bros., Inc.'s, request for a special permit to construct an Elderly Housing Project. The Applicant requested a special permit pursuant to the following sections of the Boxford Zoning Bylaws: (1) §196-13.B(11)(I) Shared Driveway; (2) §196-20, Elderly Housing District; (3) §196-30, Site Plan Review; and (4) Soil Stripping §196-33. The hearing was opened on January 21, 2021 and continued to February 18, 2021, March 18, 2021, May 27, 2021, June 24, 2021, July 29, 2021, August 25, 2021, September 28, 2021, October 28, 2021, November 18, 2021, December 16, 2021, January 5, 2022 and January 27, 2022 on the December 8, 2020 Special Permit Application of Toll Bros, Inc. The public hearing was closed by the Zoning Board of Appeals on January 27, 2022.

**B. THE PROPOSAL**

The property contains approximately 115.6148 acres and is owned by Price Family, LLC. The property is shown as Lot A on a plan entitled "Plan of Land Located in Boxford, Mass; prepared by The Morin-Cameron Group; dated August 6, 2021", recorded with the Essex South District Registry of Deeds in Book 40289, Page 565.

The proposed project includes the construction of 33 two-unit/townhouse attached buildings containing 66 age-restricted housing units (55 and older), and amenities, including a Clubhouse and open/recreational space, and roadways, utilities, small package wastewater treatment plant, storm water management facilities and public water supply on an approximately 115.6148 acre

parcel. The site is bounded by Willow Road, single-family residences and undeveloped land owned by the Essex County Greenbelt Association.

The project units shall be accessed through one entrance that intersects with Willow Road and connected through two private ways. The access from Willow Road shall be via an approximately 2490-foot-long private way called "Ingalls Village Way" and a second private way called "Hope Lane". Hope Lane connects to an emergency-only access private way which connects to Willow Road approximately 1000 feet to the west of Ingalls Village Way. A third private way shall be constructed approximately 600 feet to the east of Ingalls Village Way for access to the public water supply, the small package wastewater treatment system and to access a new public trail head parking area.

The motion to grant certain special permits is subject to the **FINDING OF FACTS** and **SPECIAL CONDITIONS** set forth as follows:

**C. FINDINGS OF FACT**

In accordance with Sections 196-13.B(11)(I), 196-20, 196-30, 196-27 and 196-33 of the Town Code the Zoning Board of Appeals makes the following findings:

**1. SHARED DRIVEWAY**

**A. Shared Driveway--Section 196-13.B(11)(I)**

A shared driveway that serves up to three lots and shall only be located on one or more of the lots being served. Every such shared driveway must be regulated by a recorded maintenance agreement running in perpetuity with the land and satisfactory to Town Counsel. The Board of Appeals shall impose such conditions, to be made part of the special permit, as are necessary to provide adequate access, including conditions that assign responsibility for maintenance and snow removal.

The Board finds that the proposal is located on one lot and therefore the shared driveway bylaw pursuant to Section 196-13.B(11)(I) is inapplicable.

**B. Elderly Housing District--Section 196-20**

A. In an Elderly Housing District, no building or land shall be used and no building shall be erected or converted except:

(1) To provide housing for the elderly, such housing to be owned and operated by a for-profit or nonprofit organization. A "private nonprofit organization" shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual and which has been organized pursuant to MGL c. 180, as amended.

The Board finds the proposed elderly housing shall be owned and operated by a for-profit organization.

(2) For any of the uses permitted in the R-A Residence-Agricultural District with the development regulations applicable to the R-A Residence-Agricultural District outlined in Article VI governing.

The Board finds the proposed use, housing, is permitted in the R-A Residence-Agricultural District and the development regulations in Article VI, as to height, area, frontage, yard, off-street parking and loading areas, signs, driveways and site plans have been complied with.

B. Accessory uses permitted in the Elderly Housing District may include:

(1) Accessory uses customarily incidental to any main permitted use on the same premises, including but not limited to private garages, a pool, and other such accessory uses customarily incidental to an age-restricted, active adult community.

The Board finds that the amenity plans submitted are qualified accessory uses and include a pool, pergola, clubhouse, mail kiosk, small package wastewater treatment system plant building and public water supply building.

(2) One separate building, not exceeding one story in height, to house snow removal and mowing machines, garden and other tools and equipment required to maintain and service housing for the elderly, as well as separate structures to house any water or sewer utility and/or centralized mailbox facility or residents.

The Board finds that the proposed mail kiosk, small package wastewater treatment system building and public water supply building are accessory uses are customary and incidental to the main permitted use.

The Board finds that no separate building to house snow removal and mowing machines, garden and other tools and equipment has been proposed as part of this proposal.

(3) One building which may be used as a common building by the residents of the district, which building may include central kitchen and dining facilities providing meals to residents thereof and their guests and may also provide lounge and meeting rooms for the common use of the residents and their guests.

The Board finds the clubhouse is an accessory use customary incidental to the main permitted use, which is housing, in an age-restricted, active adult community and shall contain: common area gathering space, fitness room, food serving area/hospitality area, and restrooms. The Board finds that the proposed clubhouse contains a limited kitchen

with no cooking appliances other than a microwave, refrigerator and dishwasher are proposed.

- C. Design guidelines. In addition to the standards for site plans under § 196-30, a proposal within the Elderly Housing District shall be consistent with the following design guidelines:

(1) All proposed buildings and structures shall be compatible with other quality buildings of similar village-style architecture, building materials and colors;

The Board finds the proposed buildings and structures are of compatible quality, building materials, and colors to similar village-style architecture elderly housing communities in other towns.

(2) The compatibility of such buildings and structures shall be analyzed in terms of the following factors: size and bulk; orientation to the street; distance from the street; height and roofline articulation; the pattern of window, door, and other building openings; architectural styles; and exterior building materials and colors;

The Board finds the proposed buildings and structures are compatible with regard to bulk; orientation to the street; distance from the street; height and roofline articulation; the pattern of window, door, and other building openings; architectural styles; exterior building materials and colors.

(3) The applicant shall submit a separate landscaping plan, prepared by a registered landscape architect, that provides for intensive high-quality landscaping of all open areas, including areas adjacent to paths, driveways and parking lots, and, where appropriate for screening purposes, dense buffers of trees and shrubs.

The Board finds the proposed landscaping plan has been prepared by a registered landscape architect and the plan provides for intensive high-quality landscaping of all open areas, including areas adjacent to paths, driveways and parking lots, and, where appropriate for screening purposes, dense buffers of trees and shrubs.

**Site Plan Review—Section 196-30.**

- B. The site plan shall provide for:

(1) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this bylaw.

The Board finds the proposed plans comply with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this bylaw.

(2) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic.

The Board finds the plans submitted provide for convenience and safety of vehicular and pedestrian movement on the site and for the location of private way openings in relation to street traffic.

(3) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off site can reasonably be expected to be substantially affected by on-site changes.

The Board finds the plans submitted provide for convenience and safety of vehicular and pedestrian movement off the site.

(4) Adequacy as to the arrangement and, where not herein specified, the number of parking and loading spaces in relation to the proposed uses of the premises.

The Board finds the arrangement and number of parking and loading spaces in relation to the proposed uses of the premises adequate.

(5) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping.

The Board finds the design and appearance of proposed buildings, structures, screening and landscaping adequate. The Board finds only the permanent entry sign in compliance with the bylaws.

(6) Adequacy of water supply, method(s) of waste disposal, surface and subsurface drainage and lighting.

The Board finds, subject to the approval of the appropriate permitting entity, the water supply, method(s) of waste disposal, surface and subsurface drainage and lighting plan adequate for the proposed use.

#### **Soil Stripping**

A. The removal of sod, loam, sand, gravel or quarried stone forming a part of the real estate in the Town of Boxford, except when necessarily incidental to or in connection with the construction, at the site of removal, or a building for which a permit has been issued, or for grading or otherwise improving the premises of which such building is a part, shall not be permitted unless a special permit from the Board of Appeals be first obtained. To be considered incidental, the total volume of material removed may not exceed 500 cubic yards.

The Board finds the total volume of material removed (20,000 cubic yards) is in excess of 500 cubic yards and will impose conditions so the material removed shall not constitute a nuisance because

of noise, vibration, smoke, gas fumes, odor, dust or other objectionable features and shall not be hazardous nor injurious to the public.

B. Any person desiring to obtain a special permit from said Board for such purpose shall make written application therefor, and said Board shall hold a public hearing thereon, of which public notice shall be given, and render a decision. The applicant shall show to the satisfaction of said Board that such use of the premises for which such application is made shall not constitute a nuisance because of noise, vibration, smoke, gas fumes, odor, dust or other objectionable features; shall not be hazardous because of fire or explosion; shall not adversely affect the economic status of the district or the Town; and shall not be injurious or dangerous to the public health and the welfare of the district or Town. The Board may grant a permit upon condition especially designed to safeguard the district or Town against permanent and temporary injury to the stabilized values in the district after operations are completed, or because of the methods of handling such materials at the site or because of transporting such material through the Town. The Board may, after a hearing and proof of violation of such conditions or any of the terms of the permit withdraw the permit, after which the use shall be discontinued.

The Board finds the removal of soil from the site does not constitute a nuisance because of noise, vibration, smoke, gas fumes, odor, dust or other objectionable features; is not hazardous because of fire or explosion; does not adversely affect the economic status of the district or the Town; and is not injurious or dangerous to the public health and the welfare of the district or Town.

#### Signs.

B. Subject to a grant of a special permit by the Board of Appeals for specified periods not exceeding one year, other and larger signs, but in no case exceeding a total area of 36 square feet.

The Board finds that the permanent entry sign reading "The Willows at Boxford" is equal to or less than six (6) square feet a sign pertaining to the use of the lot.

The Board finds that all other proposed signs exceed six (6) square feet.

#### D. DECISION:

On January 27, 2022, on a motion made by Steve Merriam and seconded by Ralph Nay, the Zoning Board of Appeals voted to GRANT a Special Permit for the property located at Willow Road, Assessors Map 6 Block 2 Lot 2.2 shown as Lot A on ANR plan, recorded in Book 40289 Page 565 with the Essex South District Registry of Deeds, in the Elderly District to the applicant, Toll Brothers, Inc. in accordance with the most recent plans submitted having found that the use is in harmony with the intent and purpose of the Bylaw, having made the above referenced findings and subject to conditions. The Zoning Board of Appeals voted on the motion by a vote of 3-0 and imposed the *following permit conditions*:

1. The development shall be privately owned and maintained by a Condominium Trust. All ways shall be private and shall not be accepted as public ways by the Town of Boxford. The Town of Boxford shall not maintain any ways, utilities, including the public water supply system, irrigation well, storm water management systems, or small package wastewater treatment/soil absorption systems nor shall the Town provide any municipal services to the project such as snowplowing, trash and recycling pickup, street lighting, etc. All ways, including the emergency access portion of Hope Lane and all service roads shall be kept clear of snow and debris at all times. The Town shall provide emergency services (police and fire) consistent with emergency services provided throughout the Town.
2. The development is intended and shall be operated for occupancy by persons 55 years of age or older. The Master Deed and all Condominium Documents, shall be subject to review by the Town of Boxford prior to recording and shall contain language regarding permanent occupancy in each of the proposed units in accordance with the Fair Housing Act and the Housing For Older Persons Act. The Master Deed, shall contain language consistent with the Acts and substantially similar to:

"Age-Restriction. Pursuant to the terms of the Special Permit, and the Town of Boxford Zoning Ordinances, the Units shall be restricted in terms of occupancy as follows: The Units shall be limited to residential use and occupancy by persons aged fifty-five (55) years of age or older, in accordance with the Federal Fair Housing Act, 42 USC Section 3601 et seq., as amended (the "FHAA"), together with implementing regulations, 24 CFR Part 100, subpart E, as amended ("Qualified Age Restriction").

In accordance with the FHAA, at least eighty percent (80%) of the Units in the Condominium (the "Age Restricted Units") shall be occupied by at least one individual who is fifty-five (55) years of age or older (the "Age Qualified Person");

The remaining Units, consisting of up to twenty percent (20%) of the Units, shall be unrestricted by the minimum occupancy standard of at least one Age Qualified Person; and

Notwithstanding the foregoing, no person under the age of eighteen (18) shall occupy any Unit, whether Age Restricted Units or otherwise, for a consecutive period of twelve (12) weeks or more, or for an aggregate period over the course of a calendar year of more than twelve (12) weeks. A Person under the age of eighteen (18) may temporarily reside in a Unit as an invited guest, provided that such guest residency does not exceed a consecutive period of twelve (12) weeks or more, or for an aggregate period over the course of a calendar year of more than twelve (12) weeks. Invited guests shall otherwise be subject to the same rules and regulations of occupants, unless otherwise specifically exempted herein."

3. In order to enforce the occupancy restrictions, the Master Deed and other Condominium Documents shall provide for documentation of occupancy, in the form of copies of driver's

licenses, birth certificates, passports, immigration cards, military identification or any other state, local, national or international official documents that contain a birth date of comparable reliability, at each unit closing as well as an age survey of occupants in the community on an annual basis by the condominium trust or their management company. The Applicant shall further enact rules and regulations imposing fines, to be levied and collected as a common area expense, against any unit owner for any violation of the occupancy restrictions. A unit owner notified of an occupancy violation shall be allowed thirty (30) days to answer to or otherwise cure an occupancy violation. In the event the violation continues past the notice and cure period, a fine of at least \$100/day shall be imposed on the unit owner, by the condominium trust, until the violation is cured.

4. No unit shall contain more than two (2) bedrooms.
5. Prior to the start of any activity at the site, one certified copy of the recorded decision and plan set must be submitted to the Zoning Board of Appeals.
6. The Zoning Board of Appeals shall designate outside independent consultants "Construction Monitors" to inspect, monitor, oversee and report to the Town of Boxford on all phases of the project. Construction Monitors hired by the Town in connection with this project shall be available to inspect and enter upon the project site and premises without restriction for the purposes of inspection and monitoring of site activities and status. Once site work begins, Construction Monitors shall, at a minimum; make weekly inspections of the project. Throughout the duration of the project the Monitor shall file reports weekly and as needed on the 1st Monday of each month with the Inspector of Buildings, Zoning Board of Appeals, Department of Public Works, Conservation Commission, and Board of Health. These reports shall detail construction activities as well as areas of non-compliance, if any, and actions taken to resolve these issues.
7. As provided by M.G.L. c. 44 §53G, Zoning Board of Appeals shall impose reasonable fees on the Applicant for the employment by the Town of Boxford of outside consultants. The Applicant shall deposit said fees with the Town of Boxford Treasurer pursuant to said statute.
8. All material deviation from plans, as determined by the town engineer, construction monitors and/or peer reviewer or the Applicant, shall be timely submitted to the Zoning Board of Appeals, Inspector of Buildings, Conservation Director, Board of Health and DPW Superintendent. The Zoning Board of Appeals shall determine if a modification to this permit is required. The Town of Boxford may exercise its right to issue a stop work order in connection with any deviation from plans and/or permit modification.
9. Prior to any construction activity on the site, the Project Owner shall submit to the Zoning Board of Appeals, Inspector of Buildings, Conservation Director, and DPW Superintendent a proposed phased construction sequence schedule (timetable/bar chart), said schedule to be used as a guide to activities within the development including construction of ways,

utilities, drainage system, stabilization, earth removal and stockpiling. The schedule shall be adhered to by the Project Owner to the extent practicable. Any changes to the project schedule including those due to factors outside of the Project Owner's control, such as labor/material shortages, adverse weather conditions, or acts of god shall be reported to the Zoning Board of Appeals, Inspector of Buildings, Conservation Director, and DPW Superintendent. The schedule shall be updated upon reporting to the Zoning Board of Appeals, Inspector of Buildings, Conservation Director, Board of Health and DPW Superintendent.

10. Prior to any construction activity on the site, the Applicant shall submit a final Construction Phasing Plan and Storm Water Pollution Prevention Plan (SWPPP) to the Zoning Board of Appeals, Inspector of Buildings, Conservation Director, Board of Health and DPW Superintendent.
11. Prior to the introduction of large-scale construction equipment onto the site, a meeting shall be conducted among the Project Owner, his contractor, Inspector of Buildings, the DPW Superintendent, Conservation Director, Construction Monitor, Zoning Board members, Health Agent and Project Engineer for the purpose of reviewing these conditions and the construction sequence. Erosion control shall be in place prior to this meeting.
12. All provisions of the NHESP shall be required to be met.
13. Hours of work shall be limited to Monday through Friday 7:00 AM to 7:00 PM and Saturday 8:00 AM to 5:00 PM. No work on Sundays or on the following National holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas without prior written approval by the Inspector of Buildings.
14. The Project Owner shall provide to Public Safety, Zoning Board of Appeals, DPW Superintendent, Inspector of Buildings, Conservation Director, and Town Engineer, supervisory contact personnel along with emergency telephone numbers that are answered on a 24-hour basis (answering machines or voice mail are not acceptable).
15. Before removal of earth materials from within the site, the Project Owner shall notify Inspector of Buildings, Zoning Board of Appeals, Director of Conservation, and Board of Health.
16. The location of earth material stockpiles shall be designated on a plan which shall be submitted to the Conservation Commission, said locations to be determined by the Project Owner and the Conservation Administrator in accordance with local regulations; consistent with the SWPPP submitted as part of the EPA NPDES Permit.
17. Earth disturbed by activities associated with the roadway or easements, such as tree cutting, stump grubbing, cutting, filling, and regrading, shall be appropriately stabilized

within sixty (60) days of the cessation such disturbance and in a manner consistent with the SWPPP submitted as part of the EPA NPDES Permit.

18. Long-term (more than sixty (60) days) stockpiles of earth materials shall be shaped and secured by erosion control measures around the perimeter, or shall be promptly stabilized by temporary seeding or netting;
19. Stockpiles of earth materials shall not be permitted in any area which necessitates removal of trees for such purpose, nor within fifty (50) feet of any wetland boundary, drainage channel, or water course;
20. Burial or burning of vegetation, stumps, or construction debris is strictly prohibited anywhere within the site. Such materials shall be removed and properly disposed of off the site.
21. All construction activities on the site shall conform to the Town of Boxford's Ordinances and Town Code relating to such work.
22. All construction activities shall be conducted in a workperson-like manner at all times. Blowing dust or debris shall be controlled by the applicant and their contractors, through stabilization, wetting down, or other proper storage and disposal methods.
23. No construction equipment or materials shall be parked, stored, or placed in any area directly adjacent to or up gradient of any drainage channel or wetland area, nor in any cul-de-sac island. Repairs and maintenance to equipment shall be conducted in areas where no spills or leakage of fuels or other fluids could pose a pollution hazard.
24. Willow Road shall be kept clear of construction debris and construction vehicles and in compliance with the pollution prevention plan.

#### **PRIOR TO FIRST BUILDING PERMIT ISSUANCE**

25. Prior to the issuance of the first building permit, the roadway up to station (6+00) shall be paved to a binder course. The owner/applicant shall verify that the site has been built in reasonable conformance with the design plans. A plan prepared and stamped by a licensed Professional Engineer ("PE") or Licensed Professional Surveyor ("LPS") shall be submitted for review and approval by the Town Engineer. The plan shall be prepared based on an instrument survey and shall include all the necessary information demonstrating conformance with the design such as but not limited to: clearing limits, roadway and sidewalk lines and grades, closed drainage system components and their inverts (i.e. DMHs, CBs, Pipes), all stormwater treatment and mitigation BMPs (i.e. swales, infiltration basins, rooftop runoff underground detention systems, etc.) and their capacity volumes, slopes, and locations, and any other pertinent information. Further, a letter signed by the PE or LPS shall be submitted with the plan and outline any deviations from the design plan.

26. Prior to the issuance of the first building permit, the Applicant shall provide a copy of the MassDEP Public Water Supply Permit to the DPW Director and Board of Health.

**PRIOR TO FIRST CERTIFICATE OF OCCUPANCY**

27. The private way names have been submitted for review and have been approved as "Ingalls Village Way" and "Hope Lane". Any changes shall be submitted for review and approval through the Street Name Approval form or any such procedure then being used by the Town of Boxford for naming and/or changing street names. Said street signs erected by the Applicant prior to the issuance of the first certificate of occupancy. Said street signs shall be maintained, as the case may be, by the Applicant or Condominium Association in the form, design and standards currently used by the Town of Boxford.
28. Prior to issuance of a certificate of occupancy, the entire length of Ingalls Village Way, Hope Lane and parking areas shall be paved to binder course. The gravel drive to the small package wastewater treatment plant and public water supply well shall be complete. Further, the owner/applicant shall verify that the site has been built in reasonable conformance with the design plans. A plan prepared and stamped by a PE or LPS shall be submitted for review and approval by the Town Engineer. The plan shall be prepared based on an instrument survey and shall include all the necessary information demonstrating conformance with the design such as but not limited to: clearing limits, roadway and sidewalk lines and grades, closed drainage system components and their inverts (i.e. DMHs, CBs, Pipes), all stormwater treatment and mitigation BMPs (i.e., swales, infiltration basins, rooftop runoff underground detention systems, etc.) and their capacity volumes, slopes, and locations, and any other pertinent information. Further, a letter signed by the PE or LPS shall be submitted with the plan and outline any deviations from the design plan.
29. Prior to the issuance of the first certificate of occupancy, the small package wastewater treatment system shall be completed as per Board of Health.
30. Prior to the issuance of the first certificate of occupancy, the public water supply system and irrigation well system shall be completed as per the Board of Health.
31. Prior to the issuance of the first certificate of occupancy, a dry hydrant to be installed under the direction of the Boxford Fire Chief or his designee and in consultation with the Conservation Commission.
32. Prior to the issuance of the first certificate of occupancy, security must be posted in a form acceptable to the Zoning Board of Appeals equivalent to the cost of the work remaining in the project as determined by the Zoning Board of Appeals with input from the Construction Monitor and DPW Superintendent.

33. At least 30 days prior to the issuance of the first certificate of occupancy, the Applicant shall submit all Condominium Documents including but not limited to the Master Deed, Homeowners Association/Condominium Trust, By-Laws and Rules and Regulation Documents for review and approval by the Town of Boxford. In addition to condition Nos. 1 and 2, above, the Condominium Documents shall contain the following provisions:
  - a. The Applicant shall not retain any rights to the property for the erection of wireless communication services pursuant to Zoning bylaw §196-22.
  - b. The Condominium Documents shall provide for the continued operation, maintenance and ownership of the small package wastewater treatment plant and public water supply components.
34. Prior to the issuance of the first certificate of occupancy all buffer plantings along Willow Road shall be complete.
35. Prior to the issuance of the first certificate of occupancy, the permanent entry monument sign shall be completed and contain only the words "The Willows at Boxford", no logo, embellishments or advertising shall be included. This entry monument sign shall not exceed six (6) square feet in size.
36. One perimeter sign stating either "Coming Soon" or "Now Open" substantially in the form proposed except said sign shall not exceed 36 square feet in size. Pursuant to zoning bylaw 196-27.B, said sign shall be permitted for a period of one year. At the expiration of the one-year period, said sign shall be removed or the applicant shall apply for additional zoning relief.
37. For a period of one year from the issuance of this Special Permit, the proposed Welcome Signs, Sales Center Signs, Sales Center ID signs, Sale Center/Model Directional Signs and Directional signs shall be permitted. At the expiration of the one-year period, said sign shall be removed or the applicant shall apply for additional zoning relief.
38. No pole banner/flag or waiving signs shall be permitted during the period the Applicant is offering units for reserve or sale.

**PRIOR TO FINAL SURETY RELEASE**

39. Prior to the final release of the surety, the Project Owner must submit a letter from the Project Engineer stating that all the roadways, utilities, buildings, landscaping, lighting and site layout, etc. comply with the approved plans referenced in this decision along with any deviations noted at the time of final inspection.

40. Prior to the final release of the surety, the DPW Superintendent and Inspector of Buildings shall inspect the project and provide a letter to the Project Owner outlining all items that shall be completed in order for the bond to be released.
41. Prior to the final release of the surety, final as-Built plans in a form suitable to be added to the Town's GIS Mapping system, showing final topography, the location of all on-site utilities, structures, curb cuts, parking spaces, drainage structures and facilities etc. must be submitted to the DPW Superintendent, Inspector of Buildings, Conservation Director, Board of Health, Fire Department for review and approval.

#### OTHER CONDITIONS

42. Applicant shall use an appropriate roadway de-icing agent that shall not adversely affect the open space or wetlands.
43. The emergency access way shall not be converted nor used as a general condition road without written approval by the Zoning Board of Appeals, any other Town approvals necessary for new roads and meeting applicable road standards of the Town of Boxford at the time.
44. In an effort to reduce noise levels the Project Owner shall keep in optimum working order, through regular maintenance, any and all equipment that shall emanate sounds from the structures or site.
45. The Applicant shall during all phases of the work, implement mitigation measures to reduce, noise, vibration, smoke, gas fumes, odor, dust or other construction nuisances as is consistent with standard construction practices.
46. Any plants, trees, or shrubs that have been incorporated into the Landscaping Plan approved in this decision that die within two years from the date of planting shall be replaced by the Owner. All plantings and screening depicted on the approved plans shall remain in perpetuity over the life of the project.
47. The Order of Conditions (OOC) issued by the Conservation Commission on October 18, 2021 shall be recorded at the Registry of Deeds and is incorporated into this decision by reference. The OOC special conditions shall be enforceable by the Conservation Commission,
48. Within five (5) days of the transfer of ownership of this site in whole or in part, the Project Owner shall notify the Office of the Selectboard of the name and address of the new owner(s).
49. The Town hereby reserves the right to serve notice to the applicant and/or owner of a Cease-and-Desist work order on all private way and/or utility construction or building

construction should a violation of the endorsement, the approval, the conditions or the restrictions be found to exist. Such Cease-and-Desist work order, when served in writing, directing itself to the violation occurring, shall act to prohibit any and all work on the areas as mentioned in such order.

50. The Zoning Board of Appeals hereby reserves the right to require the Applicant to amend this decision at a public hearing should the Board find there has or will be, a substantial deviation in the plans as approved.
51. Charcoal roof shingles, colonial white and sterling gray siding and shake and gray fieldstone wainscot shall be used on all Units and the Clubhouse.
52. The Clubhouse shall be completed prior to the issuance of the thirty-third 33<sup>rd</sup> Certificate of Occupancy.
53. The Clubhouse shall have no kitchen and the Clubhouse shall be limited to the following appliances: refrigerator, microwave and dishwasher. There shall be no food preparation allowed or provided for in the Clubhouse.
54. The condominium documents shall contain provisions restricting the Clubhouse use to residents of the condominium only and preventing the rental of any part of the condominium to non-residents of the condominium for functions.
55. The Applicant shall provide an operations and maintenance plan for the pool for review and approval by the Board of Health prior to the use of the pool as required by law.
56. Construction and worker vehicles shall be kept within the Premises and shall not be parked along Willow Road (Route 133) and traffic flow shall be maintained on said road.
57. The Applicant/Owner shall comply with the provisions of the Irrigation Well Permit as issued by the Board of Health.
58. Any changes to the most recent plan sets submitted, as detailed in Appendix A, shall be timely submitted to the Board of Appeals.
59. The structure shall be constructed in accordance with the plans filed with the Zoning Board of Appeals.
60. The Special Permit shall lapse if substantial construction has not begun, except for good cause, within 12 months of this approval, plus such time as is required to pursue or await the determination of an appeal or from the grant thereof. .

61. This decision shall be recorded or registered in the Essex South District Registry of Deeds and proof provided to the Inspector of Buildings and the Zoning Board of Appeals before any work shall commence.
62. This Special Permit is subject to all other pertinent laws, regulations and permits from all necessary departments in the Town of Boxford.

The documents listed in Exhibit A List of Plans and Documents shall be incorporated herein by reference. Should there be a conflict between the documents listed in Exhibit A, then this decision shall control.

**Appeal:** You are hereby notified that you have the right to appeal the above decision to the Court and any appeal must be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, as amended, and must be filed within 20 days after the date of filing this decision with the Town Clerk.

**Recording:** Any applicant who receives a special permit or variance is required by Massachusetts General Law 40A to have the decision recorded or registered at the Essex South District Registry of Deeds. A copy of the recorded document shall be forwarded to the Boxford Zoning Board of Appeals office.

## APPENDIX A

- Elderly Housing, Shared Driveway, Site Plan and Soil Stripping Special Permit Application prepared by The Morin-Cameron Group, Inc. on November 19, 2020.
- Technical Narrative and Stormwater Management Report, The Willows at Boxford, Located Off Willow Road, Boxford, MA prepared by The Morin-Cameron Group, Inc. on November 19, 2020, revised April 23, 2021, June 15, 2021 and August 26, 2021.
- Site Plan of Land, The Willows at Boxford an Active Adult Community Located off Willow Road, Boxford, MA prepared by The Morin-Cameron Group, Inc. on November 19, 2020, revised April 23, 2021, June 15, 2021 and August 26, 2021.
- Landscape and Lighting Plans for The Willows at Boxford located off Willow Road, Boxford MA prepared by ESE Consultants, Inc. on November 19, 2020, revised April 2, 2021, Sheet 10 revised December 22, 2021.
- Traffic Impact Study Active Senior Residential Development Willow Road (Route 133) Boxford, MA prepared by McMahon Associates, Inc. in November 2020.
- The Willows at Boxford Architectural Elevations and Material List prepared by Toll Brothers, Inc. on February 1, 2021 and revised March 11, 2021
- Civil Engineering Peer Review #1 prepared by The Engineering Corp on February 1, 2021
- Draft Declaration of Trust the Willows at Boxford Condominium Trust prepared by Toll Brothers, Inc. on February 10, 2021
- Draft Master Deed the Willows at Boxford Condominium Trust prepared by Toll Brothers, Inc. on February 10, 2021
- Traffic Engineering Peer Review #1 prepared by The Engineering Corp on March 5, 2021
- Town of Boxford Street Name Approval dated March 25, 2021
- Active Residential Community Parking Area Access Sight Distance Review, Willow Road, Boxford, MA prepared by McMahon Associates on April 1, 2021.
- Response to Civil Engineering Peer Review #1 prepared by the Morin-Cameron Group, Inc. on April 29, 2021
- Response to Traffic Peer Review #1 prepared by the Morin-Cameron Group, Inc. on April 29, 2021
- Swept Path Analysis prepared by the Morin-Cameron Group, Inc. on April 29, 2021

- Entrance Renderings prepared by ESE Consultants, Inc. and Toll Brothers, Inc. on May 27, 2021
- Civil Engineering Peer Review #2 prepared by The Engineering Corp on June 11, 2021
- Response to Peer Review #2 prepared by The Morin-Cameron Group, Inc. on June 16, 2021
- Conservation Bond Estimate Willows at Boxford prepared by Toll Brothers, Inc. on July 15, 2021
- Proposed Water Supply Summary letter prepared by Northeast Geoscience, Inc. on July 30, 2021
- Copy of Plan of Land located in Boxford, MA prepared by The Morin-Cameron Group, Inc. on August 6, 2021
- Final Plan Revisions letter prepared by The Morin-Cameron Group, Inc. on August 26, 2021
- Drainage System Key Map prepared by The Morin-Cameron Group, Inc. on August 30, 2021
- Stormwater Maintenance Log prepared by The Morin-Cameron Group, Inc. on August 30, 2021
- Final Civil Engineering Peer Review prepared by The Engineering Corp on September 14, 2021.
- MA Endangered Species Act (G.L. c. 131A) Conservation and Management Permit issue by the Massachusetts Division of Fisheries and Wildlife on October 6, 2021.
- Order of Conditions 114-1313 dated October 18, 2021.
- Well and Pump Permit (Irrigation) from Boxford Board of Health dated October 25, 2021.
- Mail Storage Kiosk and Pavilion Plan and Elevations submitted December 7m 2021.
- Binder paving areas submitted December 7, 2021.
- Board of Health vote 4-0 with 1 member abstaining to conditionally approve the sanitary disposal system design under the Small Package Plant Regulations, January 19, 2022.