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TOWN OF ASHLAND

NOTICE OF DECISION
MODIFICATION OF COMPREHENSIVE PERMIT
RHW DEVELOPMENT, LLC
ROBERT HILL WAY
OFF INDEPENDENCE LANE
ASHLAND, MA
ZONING BOARD OF APPEALS CASE NO. _____

OCTOBER 28, 2013

At its meeting of October 28, 2013, the Zoning Board of Appeals for the Town of Ashland (the "Board") voted, pursuant to 760 CMR 56.05(11)(c), to approve a variety of "substantial changes," all as hereinafter described, to the project known as "Robert Hill Way" (the "Project"), located off Independence Lane in Ashland (the "Property"). The Project was originally authorized by a comprehensive permit from the Board to the Town and its Affordable Housing Committee, dated April 7, 2008 (the "Comprehensive Permit"). The Project shall continue to be subject to the terms and conditions of the Comprehensive Permit, except as modified in accordance herewith.

I. PROCEDURAL HISTORY

1. By correspondence dated May 29, 2013, RHW Development, LLC (the "Applicant") requested that the Board approve modifications to the Project and to the Comprehensive Permit pursuant to which it was authorized (the "Modifications"), as follows:

- (a) a change in the number of dwelling units, bedrooms-per-dwelling-unit and location of the same on the Property, from eighty-eight (88) one- and two-bedroom units in eleven (11) buildings to 112 one-bedroom units in two (2) buildings;
- (b) phasing of the Project, with Phase I to include one building with sixty-four (64) of the aforesaid units and Phase II to include the other building with forty-eight (48) of the aforesaid units;
- (c) a change in housing tenure from a mix of ownership and rental units to all rental units, with an accompanying modification to the form of ownership of the Project, i.e. from a condominium to a rental development privately-owned;
- (d) a different affordability offering, from eighteen (18) units at market-rate and seventy (70) units affordable to households earning at or below eighty percent (80%) of the Median Family Income, as defined by the U.S. Department of Housing and Urban Development, to all 112 units satisfying the affordability requirements of the Low Income Housing Tax Credit (LIHTC) program;

- (c) an expansion of the age restriction, from sixty-four (64) age-restricted and twenty-four (24) unrestricted units to all 112 units being age restricted;
- (f) replacement of the original plans for the Project with revised versions of the same, showing the aforesaid modifications as well as others including but not limited to an increase in the width of the way providing access to the Project from twenty-two (22) to twenty-four (24) feet, a reduction in the number of parking spaces from 176 to 146 and an increase in the width of said spaces to nine (9) feet; and
- (g) modification of certain conditions in the Comprehensive Permit so as to be consistent with the foregoing.

The Applicant conceded that the aforesaid modifications qualified as "substantial changes" pursuant to 760 CMR 56.05(11), thereby requiring a public hearing on the same with notice thereof provided in accordance with G.L. c. 40A, § 11.

2. A duly-advertised public hearing on the Modifications was commenced on June 17, 2013, and continued to July 25, 2013, August 5, 2013, August 14, 2013, August 22, 2013 and September 23, 2013.

3. During the public hearing, the Board was represented by Adam J. Costa, Esq., of Blatman, Bobrowski & Mead, LLC, 9 Damonmill Square, Suite 4A4, Concord, Massachusetts. Technical peer review was conducted on the Board's behalf by Michael J. Carter, P.E., of GCG Associates, Inc., 84 Main Street, Wilmington, Massachusetts. The Modifications were also reviewed by Town staff and such other boards and/or commissions as were provided with notice thereof.

4. The public hearing on the Modifications was closed on September 23, 2013.

5. Prior to the close of the public hearing, the additional documents and plans referenced in Attachment "A" hereto were received by the Board and made a part of the record.

6. Deliberations occurred at the Board's meetings of October 17, 2013, October 23, 2013 and October 28, 2013.

II. FINDINGS

7. As did its predecessor, the Applicant qualifies as an eligible recipient of the Comprehensive Permit, modified as hereinafter specified, in that: (a) the Applicant will become a "limited dividend organization," as that term is used in G.L. c. 40B, § 21 and 760 CMR 56.04(1)(a), in part through its execution of a Regulatory Agreement in a form provided by the Subsidizing Agency, defined by 760 CMR 56.02, as required by the Comprehensive Permit; (b) fundability was already established through the issuance of a Project Eligibility Letter, so-called, by the Massachusetts Housing Finance Agency ("MassHousing") prior to the Board's grant of the Comprehensive Permit, which Letter

need not and will not be amended since the Subsidizing Agencies defer review of Project modifications until final approval is issued pursuant to 760 CMR 56.04(7); and (c) the Applicant has "control of the site," as that term is used in 760 CMR 56.04(1)(c), as a party to a Purchase and Sale Agreement for the portion of the Property upon which Phase I of the Project will be developed and within which the Applicant is granted an option to acquire the remainder of the Property upon which Phase II of the Project may be developed.

8. As modified, all 112 units in the Project will be restricted in perpetuity as low- to moderate-income housing for rent to households earning a percentage¹ of Median Family Income for the Boston-Cambridge-Quincy MA-NH HMFA, as defined by the U.S. Department of Housing and Urban Development, which percentage may differ as among the various units but which shall be in accordance with the affordability requirements of the Low Income Housing Tax Credit (LIHTC) program.

III. MODIFICATIONS

9. Substitute the following Project Plans for those referenced in Condition No. 1 of the Comprehensive Permit:

- (a) Site development plans entitled "Ashland Affordable Housing, Robert Hill Way, Ashland, Massachusetts," prepared by Horsley Witten Group, Inc., dated June 12, 2013, revised through August 20, 2013 and consisting of seventeen (17) Sheets, as follows:

Sheet C-1	Cover Sheet
Sheet C-2	Notes & Legend
Sheet C-3	Existing Conditions
Sheet C-4	Phasing Plan
Sheet C-5	Proposed Site Plan
Sheet C-6	Grading & Erosion Control
Sheet C-7	Profiles (1)
Sheet C-8	Profiles (2)
Sheet C-9	Utility Plan
Sheet C-10	Details 1
Sheet C-11	Details 2
Sheet C-12	Details 3
Sheet C-13	Details 4
Sheet C-14	Details 5
Sheet C-15	Details 6
Sheet C-16	Landscape Plan
Sheet C-17	Landscape Details

¹ Subject to approval from the Department of Housing and Community Development (DHCD), Phase I of the Project will include fifteen (15) units made available to households earning thirty percent (30%) of Median Family Income, twenty-five (25) units made available to households earning fifty percent (50%) of Median Family Income and twenty-four (24) units made available to households earning sixty percent (60%) of Median Family Income. The affordability mix for Phase II of the Project has yet to be determined by the Applicant, but will be as required by the Low Income Housing Tax Credit (LIHTC) program.

- (b) Architectural plans entitled "Robert Hill Way Senior Apartments, Robert Hill Way, Ashland, Massachusetts," prepared by The Architectural Team, Inc., dated October 10, 2012, revised through June 6, 2013 and consisting of ten (10) Sheets, as follows:

Sheet T1.01 Cover Sheet
Sheet T1.02 Drawing List & Project Information
Sheet A1.01 Basement, First & Second Floor Plans – Building A
Sheet A1.02 Ground & First Floor Plans – Building B
Sheet A2.01 Typical Unit Floor Plans
Sheet A4.01 Building Elevations – Building A
Sheet A4.02 Building Elevations – Building A
Sheet A4.03 Building Elevations – Building B
Sheet A4.04 Building Elevations – Building B
Sheet A5.01 Building Sections & Wall Sections

- (c) Photometric plan entitled "Ashland Affordable Housing, Robert Hill Way, Site Lighting," prepared by SK & Associates, dated June 28, 2013 and revised through July 17, 2013.

10. Delete Condition No. 2 of the Comprehensive Permit in its entirety, and substitute the following therefor:

The Project shall be limited to 112 one-bedroom rental units in two (2) buildings, with Phase I of the Project including one building with sixty-four (64) of the aforesaid units and Phase II of the Project including the other building with forty-eight (48) of the aforesaid units. All 112 units shall be restricted in perpetuity for rent to low- to moderate-income households consistent with the affordability requirements of the Low Income Housing Tax Credit (LIHTC) program. All 112 units shall be age-restricted.

11. Delete Condition No. 4 of the Comprehensive Permit in its entirety, and substitute the following therefor:

To the extent allowed by law, preference in the selection of tenants shall be given to qualified: (a) Ashland residents, defined as a household with one (1) or more member(s) residing in Ashland at the time of application to rent a unit in the Project; or (b) Town employees (the "Local Preference Units"). The Applicant or its designee shall run the lottery to select tenants for the Project (the "Lottery Agent"). The Applicant shall be responsible for ensuring that the lottery complies with all legal requirements, and shall pay all Lottery Agent costs.

12. In Condition No. 5 of the Comprehensive Permit, delete the phrase "and the condominium units shall include no more than two bedrooms each."

13. In Condition No. 10 of the Comprehensive Permit, delete the phrase "unless the Project Plans are inconsistent with one or more subdivision standards or requirements in which case the requirement or standard is waived" and substitute therefor "except to the

extent waiver(s) are granted therefrom, in Attachment B hereto.”

14. Delete Condition No. 11 of the Comprehensive Permit in its entirety, and substitute the following therefor:

No waivers are granted by the Board from any Town fees; provided, however, that a total of 68% of the combined sewer hookup and inflow and infiltration (I&I) fees applicable to the Project is hereby waived.

15. Delete all references to a “condominium association” in Condition Nos. 12 and 13 of the Comprehensive Permit.

16. Delete Condition No. 15 of the Comprehensive Permit in its entirety, and substitute the following therefor:

Prior to the issuance of a building permit for the first to occur of Phase I or Phase II of the Project, the Applicant shall submit to the Board executed Regulatory Agreement(s)² with provisions relative to the Project’s affordability in perpetuity and the limitation on dividends received by the Applicant. Affordability shall be preserved in the event of foreclosure by a lender.³ The distribution of return from the Project to the Applicant shall be in accordance with 760 CMR 56.00, *et seq.*, DHCD’s “Guidelines for G.L. c. 40B Comprehensive Permit Projects” dated July 30, 2008, as modified from time to time, and the aforesaid Regulatory Agreement(s). Returns shall be analyzed on an annual basis pursuant to the Regulatory Agreement(s), with copies of said analyses provided to the Town of Ashland. Excess profit, if any, shall be paid by the Applicant to the Town as per the Regulatory Agreement(s).

17. In Condition No. 16(c) of the Comprehensive Permit, delete the phrase “or the Project Plans are inconsistent with one or more subdivision standards or requirements in which case the requirement or standard is waived.”

18. In Condition Nos. 17 and 18 of the Comprehensive Permit, substitute “Prior to the issuance of a building permit for the first to occur of Phase I or Phase II of the Project” for “Prior to the commencement of construction.”

19. Delete Condition No. 18(p) of the Comprehensive Permit, in its entirety.

² The Board acknowledges that there may be multiple Regulatory Agreements for the Project: a Tax Credit Regulatory Agreement, so-called, in connection with financing of the Project through the LIHTC program; and a standard Regulatory Agreement required by the Subsidizing Agency. The Regulatory Agreement(s) shall be in substantial conformance with the form of Agreement presently used by lenders for projects developed in accordance with the LIHTC program and pursuant to G.L. c. 40B, §§ 20-23, respectively. The terms and conditions of the Regulatory Agreement(s) shall be consistent with those found herein.

³ The Board also acknowledges that a provision preserving affordability post-foreclosure may not be found in the Tax Credit Regulatory Agreement referenced in Footnote 2, but will be included in the standard Regulatory Agreement required by the Subsidizing Agency and again referenced in said Footnote.

20. In Condition Nos. 19 and 20 of the Comprehensive Permit, insert the phrase "for Phase I or Phase II of the Project" after "Prior to the issuance of a building permit".
21. In Condition No. 20 of the Comprehensive Permit: (a) delete the reference to "MassHousing"; and (b) substitute "the Subsidizing Agency's Final Approval Checklists" for "the MassHousing Final Approval Checklists."
22. Delete Condition Nos. 22 and 23 of the Comprehensive Permit, in their entirety.
23. In Condition Nos. 24 and 25 of the Comprehensive Permit, add the phrase "for the first to occur of Phase I or Phase II of the Project" following "building permit."
24. Delete Condition Nos. 26(a) and (b) of the Comprehensive Permit, in their entirety.
25. Delete Condition No. 27 of the Comprehensive Permit in its entirety, and substitute the following therefor:

No certificate of occupancy shall be issued for any building in the first-to-occur of Phase I or Phase II of the Project until all infrastructure and improvements specified herein and referenced in or shown on the Final Plans for such Phase are completed so as to adequately serve said building. At least two (2) weeks prior to seeking a certificate of occupancy from the Building Inspector, the Applicant shall submit a written request to the Building Inspector, copying the Board, for such inspection(s) as are necessary to verify completion. In the event that any infrastructure and/or improvements are found to be incomplete, such determination to be made by the Building Inspector in his/her sole and unfettered discretion, the Building Inspector shall so notify the Applicant and the Board. The Applicant shall thereafter provide a performance guarantee as referenced in Condition 26(c) of the Comprehensive Permit; only following receipt thereof may the Building Inspector issue the aforementioned certificate(s) of occupancy. The choice of performance guarantee supplied by the Applicant shall be governed by the provisions of G.L. c. 41, § 81U, excluding the statutory covenant which shall not apply hereto, and shall be approved as to form by the Board's legal counsel. In determining the amount of a bond or surety, if chosen as the preferred form of guarantee, the Board shall be guided by the following formula: (a) the Board's estimate of the cost to complete all outstanding work; plus (b) a ten percent (10%) margin of error; plus (c) an appropriate rate of inflation over a five (5) year period. All performance guarantees shall contain the following provision: "If the Principal shall fully and satisfactorily observe and perform in accordance with the qualifications herein and as specified in the covenants, agreements, terms and provisions found in the plans-of-record for the Project and in the Comprehensive Permit therefor, as modified, then its obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid sum shall be paid to the Town of Ashland as liquidated damages." The Board and the Applicant shall follow the procedural requirements in G.L. c. 41, §

81U regarding notice of completion or non-completion, as the case may be, of infrastructure and improvements as aforesaid.

26. Delete the caption "Condominium" applicable to Condition Nos. 28 through 30 of the Comprehensive Permit, and substitute therefor the caption "Rental Development."

27. In Condition No. 28 of the Comprehensive Permit, substitute "All tenants of the Project" for "The condominium association (the 'Association') and purchasers of all units."

28. In Condition No. 29 of the Comprehensive Permit: (a) substitute "the Applicant or a management company engaged by the Applicant" for "the Association"; and (b) add to the end thereof: "In the event that a management company is engaged, the Applicant shall provide the Board with a copy of its contract with said company."

29. Delete Condition No. 30 of the Comprehensive Permit in its entirety.

30. In Condition No. 32 of the Comprehensive Permit, delete the first sentence in its entirety and substitute the following therefor: "The Applicant shall provide a copy of its cost certification to the Town simultaneously with its submittal thereof to the Subsidizing Agency." Also, in the second sentence thereof, substitute "the Subsidizing Agency" for "MassHousing or its designee."

31. No modification is made to Condition No. 33 of the Comprehensive Permit; provided, however, that Attachment B to said Comprehensive Permit is deleted in its entirety and a new Attachment B, annexed hereto, is substituted therefor.

32. Delete Condition No. 35 of the Comprehensive Permit in its entirety, and substitute the following therefor:

The Applicant shall comply with the Fair Housing Act, 42 U.S.C. §§ 3601-3619, and the Massachusetts Anti-Discrimination Law, G.L. c. 151B, relative to making reasonable accommodations to afford person(s) with disabilities equal opportunity to use, enjoy and occupy units in the Project.

33. Delete Condition No. 42 of the Comprehensive Permit, in its entirety.

34. Add the following, new Conditions to the end of the Comprehensive Permit:

(a) As was anticipated when the original Comprehensive Permit as issued, access to the Property shall be via a forty-(40)-foot-wide parcel of land identified as "Parcel D" on a plan of land entitled "Definitive Subdivision of 'Oregon Heights' Cluster Development, '45 Lot Single-Family Residential Subdivision' in Ashland, Massachusetts," prepared by GLM Engineering Consultants, Inc., dated August 11, 1997, revised through October 20, 1997 and recorded with the Middlesex South District Registry of Deeds as Plan No. 763 of 1999. Said "Parcel D" shall be conveyed to the Applicant by Pulte Homes of New England, LLC, its successor or assign, as

required by a modification of Special Permit No. 96-3 issued by the Planning Board on September 15, 2011 and recorded with the aforesaid Registry of Deeds at Book 57831, Page 266.

- (b) Prior to construction of the way providing access to the Project from nearby Independence Lane, the Applicant shall install stone markers so as to delineate the four (4) corners of the aforementioned "Parcel D."
- (c) Acknowledging the potential classifications of the way providing access to the Project as a street or only as a driveway, the Applicant has sought and the Board has granted, as per Attachment B hereto, waivers from provisions of the Ashland Zoning Bylaw and the Planning Board's Subdivision Rules and Regulations applicable to both. Notwithstanding the same and without waiving provision(s) of the Subdivision Rules and Regulations from which waiver(s) have not been granted, it is the determination of the Board, not only for consistency with the original Comprehensive Permit but also finding no disadvantage to its so concluding, that the referenced way shall be considered a driveway for all other purposes herein.
- (d) Central delivery mail receptacles shall be provided in each of the two (2) buildings in the Project, and not in any other location on the Property exterior to the buildings themselves.
- (e) Site lighting shall be in accordance with the Project Plans, namely the photometric plan referenced in Paragraph 9(c), above. All lighting of the aforementioned driveway shall be low-impact, "Dark Sky compliant" lighting designed so as to avoid unnecessary spill or glare onto adjacent or nearby properties.
- (f) The Applicant shall work with the Ashland Public Schools and/or the School Committee to effect a temporary or permanent relocation of the school bus stop, presently sited by the entrance to the Property from Independence Lane, to another, nearby location at least during pre-construction and construction activities hereunder.
- (g) The Applicant has offered and the Board hereby requires a contribution in the amount of \$50,000.00 toward installation by the Town of a booster-pump station serving the Project, the Independence Lane neighborhood and such other nearby area(s), if any, as may be deemed appropriate by the Town (the "Booster-Pump Station"), in lieu of the Applicant's construction of on-site pump(s). Said contribution shall be made by the Applicant and held by the Town in escrow upon the occurrence of both of the following: (i) the Town's receipt of all rights, permits and/or approvals, if any, necessary for construction of the Booster-Pump Station, its resolution of any appeal(s) thereof or litigation related thereto and its securing of sufficient funds for and useable toward said construction (the "Town Approvals and Financing"); and (ii) the Applicant's receipt of an award or allocation of tax credits by DHCD in

connection with the Project (the "Tax Credit Allocation"). The aforesaid \$50,000.00 shall be released from escrow and thereafter become Town property nonrefundable to the Applicant upon the earlier to occur of the following: (iii) the Tax Credit Allocation, if and only if as of the date of the same the Booster-Pump Station has been constructed by the Town, has been tested and is operational; or (iv) the Applicant or a related entity or affiliate of the Applicant has acquired the Property or any portion thereof for the purpose of development of the Project, building permit(s) have issued hereunder and, meanwhile, the Town has made substantial progress in the design and construction of the Booster-Pump Station so as to complete the same prior to the Applicant's anticipated readiness to apply for and receive certificate(s) of occupancy for the Project ("Substantial Progress").

- (h) Notwithstanding the foregoing, new Condition (g), above, the Applicant shall be permitted to undertake construction of its own booster-pump station on the Property, subject to approval of plans for the same by the Town's Department of Public Works (DPW) and at the Applicant's sole cost and expense, if either of the following fails to occur: (i) as of the date of issuance of a building permit for Phase I of the Project, the Town Approvals and Financing have been received, obtained or secured, as the case may be; or (ii) as of a date six (6) months from the date of issuance of a building permit for Phase I as aforesaid, Substantial Progress has been made by the Town as above-described. In the event the Applicant elects to construct its own, on-site booster-pump station as aforesaid, it shall provide the Town, via its Board of Selectmen and copying the Board, with thirty (30) days written notice of its intention to do so, stating the basis therefor, i.e. the Town's failure to satisfy either Item (i) or (ii) above, and shall provide the Town an opportunity to cure the same. Should the Town be unable to satisfy its aforementioned obligation(s) within thirty (30) days of the date of receipt of said notice, the Town shall thereafter release to the Applicant the \$50,000.00 payment referred to in Condition (g).
- (i) In no event shall a certificate of occupancy for the Project be issued to the Applicant prior to either the Booster-Pump Station or, in accordance with new Condition (h), above, an on-site booster-pump station being constructed, tested and made operational and, thereafter, connection of the Project thereto. Prior thereto and before commencement of "vertical construction," so-called, the Project shall either be connected to the Town's water system, with water usage restricted to fire suppression and/or other emergency circumstances, or an alternative means of fire suppression shall be provided, as determined by and with the approval of the DPW.
- (j) The Applicant has submitted to the Board a plan entitled "Ashland Affordable Housing, Robert Hill Way, Ashland, Massachusetts: ANR

Plan,” prepared by Horsley Witten Group, Inc. and dated June 27, 2013, seeking endorsement of the same so as to allow for division of the Property into “Parcel 1” and “Parcel 2” for the construction thereon of Phases I and II of the Project, respectively. Pursuant to G.L. c. 41, § 81P and the Board’s role thereunder as per G.L. c. 40B, § 21, the Board hereby agrees to endorse the referenced plan “approval not required under the Subdivision Control Law,” simultaneously herewith, which plan shall thereafter be recorded by the Applicant with the Middlesex South District Registry of Deeds.

- (k) While it is understood by the Board that approval of the Modifications is being sought by the Applicant so as to permit construction of a Project that is consistent with the 2002 Fall Town Meeting vote authorizing the “construct[ion of] affordable rental housing for elderly low- or moderate-income persons” on the Property, a.k.a. Article 12, verification of consistency of the Project, as modified, with said vote is the sole obligation of the Applicant and/or the Town, and is not within the Board’s scope of review of the Project under G.L. c. 40B, § 21, or 760 CMR 56.00, *et seq.* Nothing herein shall be deemed an interpretation by the Board of the requirements of the aforesaid Article 12 or of conformity of the Project, as modified, to the same.

35. Except as modified above, the terms and conditions of the Comprehensive Permit are hereby ratified and shall remain in full force and effect.


36. If the construction authorized hereunder has not begun by the third anniversary of the filing hereof with the Town Clerk, except for good cause, the Comprehensive Permit shall lapse, unless extended pursuant to 760 CMR 56.05(12)(c). To the extent necessary, the Board hereby extends the current expiration date of the Comprehensive Permit, as amended hereby, from its current expiration date of April 7, 2014, to the third anniversary of the filing hereof with the Town Clerk.

IV. MOTION

On motion to approve the aforementioned “substantial changes” to the Project, permitting construction at the Property of 112 one-bedroom rental units in two (2) buildings, with Phase I of the Project to include one building with sixty-four (64) of the aforesaid units and Phase II of the Project to include the other building with forty-eight (48) of the aforesaid units, all 112 units to be age-restricted and offered for rent in perpetuity to low- to moderate-income households consistent with the affordability requirements of the Low Income Housing Tax Credit (LIHTC) program, all construction hereunder to be substantially as shown on the Project Plans and, hereafter, on the Final Plans, subject to the conditions of the Comprehensive Permit modified as specified herein.

RECORD OF VOTE

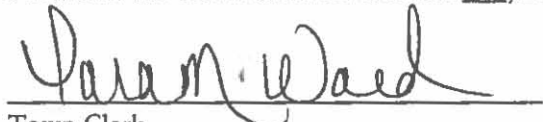
The following members of the Board vote to approve "substantial changes" to the Comprehensive Permit, as above-described.





The following members of the Board are in opposition to the approval of said "substantial changes" to the Comprehensive Permit.

Filed with the Town Clerk on October 30, 2013.



Town Clerk

Attachment A

ADDITIONAL DOCUMENTS AND PLANS
RECEIVED BY THE BOARD

- A. Submitted by the Applicant
1. Correspondence from E.A. Fish Development, LLC (“E.A. Fish Dev’t”), addressed to the Board, introducing the Project as modified, dated May 29, 2013 and including the following exhibits as identified therein:
 - (a) A copy of the Purchase and Sale Agreement between the Applicant and the Town for the portion of the Property upon which Phase I of the Project will be developed and within which the Applicant is granted an option to acquire the remainder of the Property upon which Phase II of the Project may be developed, dated February 21, 2012.
 - (b) A project narrative, entitled “Robert Hill Way: Phase I – Narrative Description of the Project.”
 - (c) The site development plans referenced in Paragraph 9(a) of this Notice of Decision, dated June 12, 2013 but subsequently revised and/or expanded upon as specified in said Paragraph.
 - (d) A summary of the modifications to the Project as originally approved, addressed to the Board and dated May 29, 2013.
 - (e) An anticipated budget, a.k.a. a *pro forma*, for Phase I of the Project
 2. The architectural plans referenced in Paragraph 9(b) of this Notice of Decision, dated October 10, 2012 but subsequently revised and/or expanded upon as specified in said Paragraph.
 3. “Zoning Summary, Robert Hill Way Senior Apartments,” prepared by The Architectural Team, Inc. and dated June 3, 2013.
 4. Correspondence from the Applicant, addressed to the Board, regarding improvements made to the site development and architectural plans for the Project since its May 29, 2013 submittal, dated June 17, 2013.
 5. “Trip Generation Assessment,” prepared for the Applicant by Gary McNaughton, P.E., PTOE, of McMahon Transportation Engineers & Planners, and dated June 19, 2013.
 6. The ANR plan, so-called, referenced in Paragraph 34(j) of this Notice of Decision, dated June 27, 2013.
 7. The photometric plan referenced in Paragraph 9(c) of this Notice of Decision, dated June 28, 2013 but subsequently revised as specified in said Paragraph.

8. "List of Requested Exemptions/Exceptions/Waivers from the Applicable Ashland Town By-Laws," undated, originally submitted on or about July 26, 2013 but subsequently revised. The final version thereof is annexed to this Notice of Decision as Attachment B.

B. Submitted by Others

9. Correspondence of David M. Manugian, the Town's Director of Public Works, addressed to the Board, concerning water pressure in the Independence Lane neighborhood and dated July 17, 2013.

10. Correspondence of Michael J. Carter, P.E., of GCG Associates, Inc., the Board's consultant, addressed to Nathaniel Strosberg, Town Planner, but forwarded to the Board, containing comments and recommendations made following his review of the site development plans and drainage design for the Project and dated July 19, 2013.

11. Correspondence of Daniel C. Hill, Esq., of Hill Law, raising concerns of abutters and/or neighbors to the Project and dated July 24, 2013.

12. Correspondence Joseph E. Longo, of the Horsley Witten Group, Inc., the Applicant's consultant, addressed to Nathaniel Strosberg and to GCG Associates, Inc. but copying the Board, containing a response to the aforementioned, July 19, 2013 correspondence of Michael J. Carter, P.E. and dated July 29, 2013.

13. Correspondence of Joseph E. Longo, addressed to the Conservation Commission but copying the Board, containing a response to letters to the Commission from Patrick C. Garner Company, Inc. and Daniel C. Hill, Esq. and dated July 31, 2013. Neither of these letters was provided to the Board.

14. Correspondence of Michael J. Carter, P.E., addressed to Nathaniel Strosberg but forwarded to the Board, as a follow-up to his aforementioned, July 19, 2013 correspondence and dated August 7, 2013.

Attachment B

**LIST OF REQUESTED EXEMPTIONS/
EXCEPTIONS/WAIVERS FROM THE APPLICABLE
ASHLAND TOWN BY-LAWS**

ZONING BY-LAWS – CHAPTER 282

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
1. § 282-3.1 Use Regulations	Multifamily dwelling not permitted in Residence A zoning district.	2008 Comprehensive Permit granted relief to allow land in Residence A Zoning District to be used for proposed Development and facilities ancillary thereto.
2. § 282-4.1.1 Table of Dimensional Requirements	Establishes minimum lot area, minimum lot frontage, and minimum front, side and rear yard distances	2008 Comprehensive Permit granted relief to allow the proposed forty feet (40') of frontage and six feet (6') of rear yard. Proposed Development maintains 40' of frontage but requires revised waivers for distance from buildings to lot lines, all as shown on the Plans. The proposed Development includes subdivision of the Property into two lots which will create an interior lot line that requires additional waivers from dimensional requirements.
3. §282-4.1.6 Dimensional Requirements for Multiple Principal Uses	Not more than one principal building shall be erected on a lot except for multifamily dwellings and commercial accommodations.	The proposed Development will be subdivided and each building will be located on a separate lot; however, to the extent this provision applies, the proposed Development containing two buildings requires relief.
4. §282-5.1.2 – Schedule of Parking Area Requirements	Dwellings require 2 spaces per dwelling unit	2008 Comprehensive Permit granted relief to allow for 1.14 parking spaces per unit for each Senior Affordable Apartment Unit. The proposed Development (which contains only age-restricted affordable rental apartments, thereby qualifying for the definition of Senior Affordable Apartment Unit) will contain 146 parking spaces, a ratio of 1.3 parking spaces per dwelling unit.
5. §282-5.1.7 – Off-Street Parking – Special Permit from Planning Board	The Planning Board may authorize by special permit fewer parking spaces than are required by the Zoning By-Law.	To allow the proposed 146 parking spaces without obtaining a Special Permit from the Planning Board.
6. §282-5.4.1 – General Landscaping Requirements	Establishes requirements for landscaped buffers, screening and perimeter landscaping.	To allow the proposed Development as shown on the Plans.

	<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
7.	§282-5.4.4 – Interior Landscaping in Parking Areas	Establishes requirements for landscaping within parking areas, including a minimum area of 150 square feet, a minimum width of 8 feet, one tree for every 100 square feet, a maximum of 25 parking spaces per cell, dimensions of landscaped islands and buffers.	To allow the proposed Development as shown on the Plans.
8.	§282-5.4.5 – Planting Standards	Establishes requirements for size and location of plantings within landscaped areas.	To allow the proposed Development as shown on the Plans.
9.	§282-5.4.5 – Special Permit required from Planning Board to reduce the Landscaping Requirements	The Planning Board may authorize by special permit reduced landscaping requirements than are required by the Zoning By-Law.	To allow the proposed Development as shown on the Plans without obtaining a Special Permit from the Planning Board.
10.	§282-5.7.3.1 – Erosion Control	Requires a maximum slope of 3:1.	To allow the proposed Development as shown on the Plans, with some slopes at 2:1.
11.	§282-5.8 – Site Alteration	Establishes site alteration requirements, including the need to obtain a Site Alteration Permit from the Planning Board.	To allow the proposed Development as shown on the Plans without obtaining a Site Alteration Permit from the Planning Board.
12.	§282-6.3.1 – Driveways	Establishes general requirements for location and design of driveways, including provision that “all driveways shall be constructed in a manner ensuring reasonable and safe access from the public way serving the premises to within a distance of 100 feet or less from the building site of the residential structure on the premises, for all vehicles, including, but not limited to, emergency, fire, and police vehicles.”	To allow the proposed Development as shown on the Plans, including the driveway that exceeds 100 feet in length.
13.	§282-6.3.2 – Driveways	Recommends that a driveway shall not be located within five (5) feet of any side or rear lot line.	2008 Comprehensive Permit granted relief to allow the proposed Development as shown on the Plans, including the driveway that may be located within five feet of a side lot line.
14.	§282-7.5 – Multifamily Dwellings	Establishes requirements for multifamily dwellings in the Residence Multifamily Zoning District.	The proposed Development is a multifamily dwelling but is located in the Residence A zoning district; however, to the extent the entire Section applies, to allow the proposed Development as shown on the Plans.
15.	§282-9.4 – Site Plan Review	Establishes requirements for Site Plan Review.	2008 Comprehensive Permit granted relief from the requirement to obtain Site Plan Review.
16.	§282-9.4 – Design Plan Review	Establishes requirements for Design Plan Review.	2008 Comprehensive Permit granted relief from the requirement to obtain Design Plan Review.

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
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STORMWATER MANAGEMENT – CHAPTER 343

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
1. §343-6.1 – Administration – Coordination with Other Permits	Allows for combined permitting process with Conservation Commission.	To waive the combined process and to grant relief from this Chapter for the proposed Development.
2. §343-6.2 – Administration – Waiver of Regulations	Allows waivers from provisions of Chapter 344, provided waiver requests submitted to Conservation Commission.	To waive the requirements of this Chapter.
3. §343-7 – Filing Procedures and Requirements	Establishes Stormwater Management Permit (SMP) procedures and requirements.	To waive the requirements of this Section.
4. §343-7.6.9 – Application Contents – Locus Plan	Requires Locus Plan with detailed information be submitted.	Reserving all rights and without waiving the request to waive all of Section 343-7, above, to waive the specific requirements to show the Zoning Districts and location of private wells.
5. §343-7.6.10.6 – Application Contents – Site Composite Plan	Requires pre-and post-development topography in two (2) foot contours, or as appropriate to the proposed development, with reference to the NGVD of 1929.	Reserving all rights and without waiving the request to waive all of Section 343-7, above, to waive the requirement to provide NGVD of 1929 data.
6. §343-7.6.10.9 – Application Contents – Site Composite Plan	Requires reference to location of nearest public wells and known private wells on abutting properties.	Reserving all rights and without waiving the request to waive all of Section 343-7, above, to waive the specific requirements to show the well locations.
7. §343-7.6.12 – Application Contents – Drainage Calculations	Requires calculations that demonstrate flow capacity and velocity for pipes and swale.	Reserving all rights and without waiving the request to waive all of Section 343-7, above, to waive the specific requirements with respect to the grass channel shown on the Plans.
8. §343-7.6.13 – Application Contents – Earth Removal/Fill Calculations	Requires earth removal and fill calculations with written summary including, but not limited to, methods of excavation and source of fill material.	Reserving all rights and without waiving the request to waive all of Section 343-7, above, to waive the specific requirements of this Section.

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
9. §343-7.6.13 – Application Contents – Stormwater Management Plan Contents	Establishes that SMP application includes submission of Stormwater Management Plan to Conservation Commission.	Reserving all rights and without waiving the request to waive all of Section 343-7, above, to waive the specific requirements of this Section; Applicant will submit Storm Water Pollution Prevention Plan that will include requested information.
10. §343-7.6.13 – Application Contents – Operation & Maintenance Plan Contents	Requires submission of an Operation & Maintenance Plan at the time of the SMP Application.	Reserving all rights and without waiving the request to waive all of Section 343-7, above, to waive the specific requirements of this Section; Applicant will submit Storm Water Pollution Prevention Plan that will include requested information.

SUBDIVISION OF LAND – CHAPTER 344¹

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
1. §344-6 – Plan not involving subdivision (ANR)	Establishes procedures and standards for obtaining Approval Not Required authorization from Planning Board.	Reserving all rights and without waiving the request to waive all of Chapter 344, above, to waive the specific requirements regarding Planning Board ANR approval procedures and to authorize the Zoning Board to endorse the Form A Plan as presented by the Applicant. As stated in Item 1, above, to waive the strict requirements of Section 344-6 including the requirement in subsection C that “the subject parcel shall conform to Chapter 282, Zoning, as to area, shape, dimensions and the Rule of 22.”
2. §344 -7 and §344-8 – Preliminary Plan and Definitive Plan	Establishes application submission requirements, procedures and standards for Preliminary Plan and Definitive Plan stages of subdivision approval.	To allow the proposed Development as shown on the Plans including the division of land pursuant to M.G.L. Chapter 41, Section 81P (Approval Not Required) through Section 344-6 of the Subdivision Control Laws and to waive all requirements of Section 344-7 and 344-8 as not relevant because the division of land is being effected through an ANR Plan.

¹ The Applicant is requesting the following waivers for the plans, regardless of whether the access drive is viewed as a minor street or collector street.

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
3. §344-12(A)(5) - Design Standards – Streets – Location and Alignment	Sets forth requirements that center-line offsets of street jogs with less than 125 feet should be avoided.	2008 Comprehensive Permit included blanket waiver from Chapter 344; the plans approved by the 2008 Comprehensive Permit did not conform to this requirement. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirement that center-line offsets of street jogs with less than 125 feet should be avoided.
4. §344-12(A)(6) - Design Standards – Streets – Location and Alignment	Sets forth requirements for the minimum center-line radii of curved streets.	2008 Comprehensive Permit included blanket waiver from Chapter 344; the plans approved by the 2008 Comprehensive Permit did not conform to this requirement. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirement regarding minimum center-line radii of curved streets.
5. §344-12(A)(8) - Design Standards – Streets – Location and Alignment	Sets forth requirements that property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than 30 feet.	2008 Comprehensive Permit included blanket waiver from Chapter 344; the plans approved by the 2008 Comprehensive Permit did not conform to these requirements. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirements because the property line at the intersection of the drive with Independence Lane is not rounded.

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
6. §344-12(B) - - Design Standards Streets - Width	Establishes that the minimum width of street rights of way shall be 40 feet for a lane, 50 feet for a minor or collector street and a greater width if deemed necessary by the Planning Board.	2008 Comprehensive Permit included blanket waiver from Chapter 344; the plans approved by the 2008 Comprehensive Permit did not conform to this requirement. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 - Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the minimum width requirement because access to the proposed Development is provided via a driveway that was approved in the 2008 Comprehensive Permit; however, acknowledging that the driveway right of way is 40 feet wide.
7. §344-12(C)3 - Design Standards - Streets - Grade	Sets forth requirements that vertical curves are required when the algebraic difference in the grade between the center-line tangents is 2.0% or more.	2008 Comprehensive Permit included blanket waiver from Chapter 344; the plans approved by the 2008 Comprehensive Permit did not conform to this requirement. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 - Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirement because a profile with vertical curves was provided as part of the Applicant's submissions in this Modification proceeding and a profile of the roadway will be prepared as part of the construction documents.
8. §344-12(D) - Design Standards - Streets - Sight distances	Sets forth requirements that forward sight distances shall not be less than 150 feet on lanes, 250 feet on minor streets or 350 feet on collector streets.	2008 Comprehensive Permit included blanket waiver from Chapter 344; the plans approved by the 2008 Comprehensive Permit did not conform to this requirement. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 - Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirement as the Applicant believes the 2008 Comprehensive Permit approved the proposed layout and the Applicant further believes that the proposed Development provides a sight distance of 250 feet which complies with the requirements.

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
9. §344-12(E and F) - Design Standards – Streets – Grading, Location of Pavement and Utilities, Dead-end streets	Sets forth requirements for grading and location of pavement and intersection sight distances. and dead-end streets including that the length of a dead-end street shall not be longer than 500 feet and shall end at a turnaround.	2008 Comprehensive Permit included blanket waiver from Chapter 344; the plans approved by the 2008 Comprehensive Permit did not conform to these requirements. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirements as the 2008 Comprehensive Permit plans did not show detailed intersection site distances and a loop road was shown instead of a cul-de-sac.
10. §344-12(G) and (H) - Design Standards – Streets – Access	Requires any subdivision with more than one street greater than 500 feet to have a minimum of two streets providing separate access into the subdivision, requiring a turnaround, and limits length of dead-end streets to 500 feet.	2008 Comprehensive Permit included blanket waiver from Chapter 344; 2008 Comprehensive Permit granted the driveway configuration and length in excess of 500 feet. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirements mandating a second access point and a turnaround, and to approve the proposed driveway with a length that exceeded 500 feet which was already approved by the 2008 Comprehensive Permit.
11. §344-16 Design Standards – Open Spaces	Sets forth requirements for open space.	2008 Comprehensive Permit included blanket waiver from Chapter 344; the plans approved by the 2008 Comprehensive Permit did not conform to these requirements. Reserving all rights that that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirements of this section

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
12. §344-20(A)-(J) - Design Standards – Preparation and Surfacing of Roadway	Establishes requirements for clearing right-of-way, preparing right-of-way, minimum foundation to be placed beneath traveled ways, compacted gravel base along right-of-way, paved surface and width of paved surface.	2008 Comprehensive Permit granted the driveway configuration including its proposed paved width of 24 feet. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirements regarding preparation and surfacing of the access point roadway.
13. §344-21- Design Standards – Curbs, inlets and berms	Establishes requirements for granite curbing.	2008 Comprehensive Permit included blanket waiver from Chapter 344; the plans approved by the 2008 Comprehensive Permit did not conform to these requirements. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirements and allow curbing as shown on the Plans.
14. §344-22(A)-(H) - Design Standards – Sidewalks	Establishes requirements for sidewalks and handicapped access requirements between the street and the sidewalk.	2008 Comprehensive Permit included blanket waiver from Chapter 344; the plans approved by the 2008 Comprehensive Permit did not conform to these requirements. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirements and allow the sidewalk configurations; handicapped access is provided to and from both proposed buildings and throughout the proposed Development site.

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
15. §344-23(B)1 - Design Standards – Utilities – Storm Drainage System	Requires catch basins on both sides of the roadway on continuous grades at intervals of not more than 300 feet and at all sags or low points along roads.	2008 Comprehensive Permit included blanket waiver from Chapter 344; the plans approved by the 2008 Comprehensive Permit did not conform to these requirements. Reserving all rights that the 2008 Comprehensive Permit provides any necessary relief, and further reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirements for catch basins along roadways because the site utilizes low impact design techniques including roadside swales and bioretention areas for stormwater collection in place of conventional catch basins.
16. §344-23(B)4 - Design Standards – Utilities – Storm Drainage System	Requires storm drains and culverts to have at least 12-inch inside diameter, reinforced concrete pipe with a minimum cover of 24 inches.	Reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirements for drain pipe minimum diameter, material and cover requirements because the proposed stormwater management system is a low impact design that requires smaller diameter drain pipes.
17. §344-28(A) - Design Standards - Grading of Slopes	Establishes that the grade of side slope from the edge of the right of way shall not be steeper than a slope of 3:1 except that in ledge, as determined by the Planning Board, the grade may be 1:1.	Reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirement to allow slopes steeper than 3:1.
18. §344-29 – Plantings	Establishes the requirements for tree preservation and planting.	Reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirements and allow the planting shown on the plans.

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
19. §344-32 – Street Acceptance	Establishes the procedures for street acceptance	Reserving all rights that the Design Standards of the Subdivision regulations (Chapter 344 – Article IV) do not apply because the division of the Property is being effectuated pursuant to an ANR Plan process and not a definitive plan process which would trigger Article IV, to waive the specific requirements for street acceptance and allow the access driveway to remain a private drive as shown on the plans.

WETLANDS PROTECTION – CHAPTER 280 and WETLANDS PROTECTION REGULATIONS – CHAPTER 348

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
1. Chapter 280	Protects wetlands by restricting work or disturbances in or near Wetlands Resource Area.	2008 Comprehensive Permit waived Chapter 280.
2. Chapter 348	Regulations promulgated pursuant to Chapter 280; enacted in 2011 after 2008 Comprehensive Permit.	To be consistent with the 2008 Comprehensive Permit waiver of Chapter 280, the requirements of Chapter 348 should also be waived.

SEWER – CHAPTER 326

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
1. Chapter 326	Sets forth general construction requirements, and construction methods and materials for sewer connections.	To waive the requirements of Chapter 326 as all substantive requirements regarding the sewer connection will be addressed through the course of the Comprehensive Permit and construction process.

WATER – CHAPTER 334

<u>Section</u>	<u>Provision</u>	<u>Allowed Exemption/Exception/Waivers and Notes</u>
1. Chapter 334	Sets forth permit requirements, user responsibilities, meter requirements, distribution system requirements, and specifications for water connections.	To waive the requirements of Chapter 334 as all substantive requirements regarding the water connection will be addressed through the course of the Comprehensive Permit and construction process.
2. Chapter 334-39.C	For subdivisions, requires an impact study report to accompany each set of plans.	Although the property is technically being subdivided, the particular requirements of the Subdivision of Land (Chapter 344) are being waived and the requirement for an impact study report should likewise be waived.