Conditions to the Comprehensive Permit

The ZBA's approval of the Comprehensive Permit for the Project is subject to the Applicant's and the Project's compliance with the following conditions. All requirements imposed by these conditions or this Comprehensive Permit shall be applicable to the Applicant, its successors and assigns, and all tenants and residents of the Project, regardless of whether the condition specifically identifies the Applicant or an entity as having responsibility for a particular condition.

General

1. This Permit authorizes the construction, use and occupancy of 28 buildings as shown on the Approved Plans listed and defined in Condition 2 below:

2. Except as may be further conditioned below, the Project shall be constructed in accordance with the following plans and written materials:

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision

3. All dwelling units approved under this Comprehensive Permit shall be rental units.

4. At least twenty-five percent (25%) of the dwelling units in the Project shall be reserved in perpetuity as Low or Moderate Income Housing restricted for lease and

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occupancy by Income Eligible Households as these terms are defined in 760 CMR 56.02. At least twenty-five percent of each apartment type (one-, two- and three bedrooms) shall be Low or Moderate Income Housing. The initial rents of the Affordable Units shall be established by the Subsidizing Agency.

5. There shall be no pavement added to the Project beyond that which is depicted on the Approved Plans and there shall be no additional accessory structures added to the Project or to the Site other than what is shown on the Approved Plans.

6. The water, wastewater, drainage, and stormwater management systems servicing the buildings shall be installed and tested in accordance with applicable Town standard requirements and protocols.

7. The stormwater design shall be consistent with the Approved Plans, as revised, and with the Stormwater Report, prepared by Civil Design Consultants, Inc. dated September 15, 2025.

Submission Requirements-:-Prior to Commencement of Any Construction Activity

8. No construction activities for the Project shall commence on the Site until the Applicant has submitted evidence that it is in good standing with the Corporations Division of the Secretary of the Commonwealth's Office.

9. No construction activities for the Project shall commence on the Site until the Applicant has obtained Final Approval of its Subsidizing Agency and presented evidence of same to the Building Inspector.

10. No construction activities for the Project shall commence on the Site until the Applicant has recorded at the Middlesex North District Registry of Deeds copies of this Comprehensive Permit and the Regulatory Agreement for the Project and delivered recorded copies of the Regulatory Agreement and Monitoring Services Agreement to the Building Inspector.

11. No construction activities for the Project shall commence on the Site until the Applicant has properly marked the limits of disturbance around the Site. The Building Inspector shall inspect the Site after such marking prior to any disturbance.

12. No construction activities for the Project shall commence on the Site until the Applicant has submitted to the Building Inspector a Phasing and Construction Management Plan and Schedule ("CMP") as necessary to conform to accepted industry practice and to address all construction-related conditions specifically set forth below in this Comprehensive Permit.

13. The CMP shall be included or incorporated by reference in the general construction contract and all sub-contracts, and compliance with its terms shall be a contract condition for all contractors working at the Site.

Submission Requirements-Prior to Issuance of a Building Permit

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Prior to issuance of Building Permits, the Applicant shall:

14. No construction activities for the Project shall commence on the Site until the Applicant has provided to the Building Commissioner and the Conservations Commission a final Stormwater Pollution and Prevention Plan (SWPPP) to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures such as hay socks, silt fence, sedimentation basins, and all other erosion controls on the plans, and provides detailed construction sequencing and methods to protect the infiltration capacity of each infiltration system, all in conformance with the requirements of the Conservation Commission and consistent with any issued Order of Conditions

15. No construction activities for the Project shall commence on the Site until the Applicant has obtained a National Pollutant Discharge Elimination System Construction General Permit (NPDES) from the United States Environmental Protection Agency, if necessary, for construction of the Project at the Premises.

16. No construction activities for the Project shall commence on the Site until the Applicant has provided procedures, filed with the ZBA prior to commencement of construction, that outline the specific operation and maintenance measures for all stormwater/drainage facilities, including any temporary facilities that shall be employed to minimize or eliminate the threat of transmission of mosquito borne diseases to the residents of the Project and nearby residents.

17. The Applicant shall provide centralized mailbox units for project residents as depicted on the Site Plan and in accordance with USPS requirements.

18. No building permit shall issue until the Applicant has prepared subsequent detailed design development and construction drawings (including without limitation civil, structural, mechanical, electrical, landscaping and architectural plans) that have been revised in accordance with the terms of this Permit, and said construction drawings have been reviewed and approved by the Building Inspector and others as specifically provided for below, solely for consistency with this Comprehensive Permit:

Detailed plans of the following utilities and services shall be prepared in accordance with all applicable regulations and requirements and shall be submitted for review and approval by the listed authorities prior to endorsement of the final plans:

1. Water mains - Kenwood Water District;

    - All valves and fire hydrants must open to the right;
    - All meters must be compatible wiht the current system;
    - Service lines must be plastic;
    - Fire service lines must be installed separately from domestic water lines;

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- Backflow prevention devices are required on all services, including outdoor spigots.

2. Sewer mains – Dracut Sewer Commission

    - Agreement details here for replacement of pumps

3. Fire hydrant locations -Town of Dracut Fire Chief;

4. Primary and secondary electrical cables including distributions boxes and transformers, telephone cables and street lighting - Wiring Inspector.

19. The Applicant shall submit with the subsequent detailed design development and construction drawings provided for herein an itemization of all revisions to the Approved Plans and a certification from the Engineers of Record that these plans fully incorporate all requirements of these conditions as set forth herein.

Conditions on Construction

20. Except as specifically waived by this decision or by the relevant state or federal authority, the Project shall conform to all applicable state and federal laws, codes, regulations, and standards including, but not limited to, the following:

a. International and Massachusetts Building, Plumbing, Fire Protection, Elevator, Access and Electrical Codes;

b. The Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and the associated Regulations 310 CMR 10.00 and the Order of Conditions granted by the Dracut Conservation Commission or Massachusetts Department of Environmental Protection.

c. Massachusetts Department of Environmental Protection Wastewater Regulations;

d. EPA and DEP Stormwater requirement and accepted industry best management practices for construction of the drainage infrastructure; and

e. M.G.L. Chapter 21E, the Massachusetts Oil and Hazardous Material Release Prevention Act ("21 E"), and its regulations, 310 CMR Part 40, the Massachusetts Contingency Plan ("MCP").

f. Massachusetts Division of Fisheries and Wildlife Priority or Estimated Habitat for Rare Species under the Natural Heritage and Endangered Species Program.

21. All utility work and any other roadwork, within any public right of way shall be performed and conducted in conformance with the regulations of the Town and MassDOT, if applicable, including requirements for street opening permits and trench permits. Contractors shall be duly licensed as required by the Town of Dracut. All such work shall be performed in accordance with the approved Plans of Record.

22. Site Security. During construction, the Property entrance shall be secured against unauthorized entry or vandalism by a gate, or other appropriate means, at the proposed

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driveway entrance, and all construction materials shall be stored or stockpiled in a safe manner outside of Zoning Bylaw setbacks and 50' wetland resource area buffers .The Applicant shall be responsible to ensure that nuisance conditions do not exist in and around the site during the construction operations. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.

23. Prior to the commencement of any work on the Property, the Applicant and site general contractor shall attend a preconstruction meeting with the Community Development Director, Building Inspector, and other Town Staff as may be determined.

24. Site work and construction shall be restricted to the hours betwen7:00am and _6:00pm, Monday through Friday and between the hours of 8:00am and 4:00 pm on Saturday. There shall be no construction on Sundays, or on state or federal holidays. Additionally, construction vehicles and/or equipment shall not be started or operated prior to, or after the times stated herein. For this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and the erection of new structures.

25. Erosion control shall be employed on the Site to stop erosion during construction and prevent sedimentation from entering the abutting public ways and adjacent wetland areas.

26. During construction, the Site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner.

27. No stumps or construction debris shall be buried or disposed of at the Property.

28. The Applicant shall regularly remove construction trash and debris from the Site in accordance with good construction practice.

29. All potential safety hazards that may exist on the Site from time to time during the period of construction shall be adequately secured prior to the end of each work day.

30. The Applicant shall implement measures to ensure that noise from Project construction activities does not exceed permissible regulatory levels.

31. During construction the Applicant shall ensure that dewatering activity does not create (a) offsite issues or (b) problems for the proposed stormwater recharge system.

32. The Applicant shall be permitted to remove and/or replace earth from the Site incidental to the construction of the residential buildings, the construction of the drainage and underground infiltration system and the construction of the Project's roadways and utility infrastructure as shown on the Approved Plans.

33. The Applicant may locate trailers on the Site in connection with construction activity.

34. The Applicant shall maintain all portions of any road used for construction access free of soil, mud or debris due to use by construction vehicles associated with the Project. Any material tracked onto a public way shall be swept up and removed by the Applicant on a daily basis.

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35. A temporary construction sign no greater than twenty (20) square feet in size may be erected on the Site at the time of issuance of a building permit. This sign shall include contact information.

36. No construction workers or contractors may park on the public ways adjoining the Project site.

37. Any idling of vehicles on the Site shall be limited to five minutes or less in accordance with M.G.L. c.90, §16A, and the Applicant shall post clearly visible signage on the Site, to be maintained for the duration of the construction period, noting this requirement.

38. Truck queueing and idling in the neighborhoods

39. Construction shall conform to all applicable local, state and federal laws and regulations regarding noise, vibration, dust and sedimentation, use and interference with Town roads, except as specifically waived by the Board herein.

40. The Applicant shall implement dust control operations as necessary to comply at all times with applicable law. Methods of controlling:dust shall meet all applicable air pollutant standards as set forth by Federal and State regulatory agencies.

41. The Applicant shall, upon advance notice, permit Town and Board members, agents, and representatives to observe and inspect the Site and construction progress until such time as the Project has been completed. -1

42. The Applicant shall notify the relevant Town departments of installation of utilities and infrastructure for inspections prior to backfilling.

43. Upon completion of the Project, soil material used as backfill for pipes, access drives, infiltration beds, and other underground drainage structures shall be certified by the Engineer of Record to the Building Inspector as meeting design specifications.

44. The Project shall conform to all pertinent requirements of the Americans with Disabilities Act and.the Architectural Access Board Regulations (521 CMR 1.0 et. seq), except as may be waived, in accordance with applicable law and regulation.

Legal Requirements

45. The Applicant has proposed, and the ZBA hereby requires; that the following common facilities and services of the Project, to the extent located on the Site, shall be and shall remain forever private, and that the Town shall not have, now or ever, any legal responsibility for operation or maintenance of same:

A. All internal site drives, walkways and parking areas;

B. Stormwater management system, including the maintenance of catch basins, detention basins, infiltrator units, bio-swales, underground infiltration structures and the like;

B. Snow removal; Snow not able to remain in designated storage areas shall be removed from site.

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d. Landscaping and landscape maintenance;

e. Trash removal;

f. Fencing;

g. Play structures and base material;

h. Water system within the Site for both domestic use and fire protection, including hydrants; and

h. Wastewater infrastructure within the Site.

46. The comm facilities referred to above shall be maintained in perpetuity by the Applicant or its successor to ownership of the Project Site.

47. The Applicant shall either arrange for itself, or contract with a qualified management company, for the maintenance and repair all common areas and facilities, stormwater management system, wastewater disposal systems, landscaping, and other improvements within the Site.

48. The Applicant shall assure that the proper conditions are included in the unit leases to address the following:

A. To the extent permitted by law, there shall be no conversion of interior space into additional bedrooms not reflected in the Approved Plans.

d. Trash and recycling receptacles shall be stored inside the designated area shown on the Approved Plans except during collection.

e. All Town bylaws and regulations concerning home-based businesses shall be applicable to the units.

h. Pet waste shall be picked up on the Site and disposed of in the toilet or in provided waste receptacles.

1. The storage, use and disposal of any household hazardous wastes shall be properly and safely conducted.

J. There shall be no rentals of the market rate dwelling units for terms shorter than six **(6)** months; any rentals of affordable units shall comply with the terms of the Regulatory Agreement and Deed Rider.

49. All necessary easements shall be granted by the Applicant if and where required by public utility companies or the Town. Any such easements shall be recorded in a timely manner and shall be submitted to the Building Inspector prior to occupancy.

50. All landscaping required by this Permit shall be guaranteed for a period of twelve (12) months by the Applicant. The Applicant shall be responsible for replacing dead, dying and/or

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diseased plantings within this time period. Verification of the dates of planting must be submitted to the Building Inspector.

51. This Comprehensive Permit and the Project's Regulatory Agreement shall be recorded at the Middlesex North Registry of Deeds senior to all other liens or encumbrances other than pre-existing easements of record and existing mortgages.

52. If at any time during construction, the Building Inspector, Town Engineer or the ZBA determines that a violation of the Approved Plans or this Comprehensive Permit has occurred, the Town, through the Building Inspector or the ZBA, shall notify the Applicant and the Applicant shall be given thirty (30) days (or lesser time period if in the sole opinion of the Town that said violation creates an emergency condition) to rectify said violation or construction activities shall be ordered to cease until the violation is corrected.

53. Conservation Order of Conditions and any/all other required permits.

54. The Applicant shall pay all usual and customary permit application fees normally charged by the Town in connection with any future application filings required for the Project unless specifically provided otherwise herein.

Affordability Requirements

55. Twenty five percent (25%) of the total units in this development shall be available in perpetuity for rent and occupancy by low and moderate income households as defined in DHCD's regulations (the "Affordable Units").

56. A Massachusetts Housing Finance Agency Regulatory Agreement or a regulatory agreement with another qualifying subsidizing agency, shall be executed prior to the issuance of Building Permits for the Project. This Regulatory Agreement shall set forth the terms and agreements relative to the rental of the Affordable Units in the development. the Regulatory Agreement and Monitoring Services Agreement shall be submitted to the Building Inspector prior to its recording.

57. To the maximum extent permitted by law, and applicable regulation local preference for the occupancy of the Affordable Units shall be given to residents of the Town satisfying all applicable eligibility requirements. For the purpose of this condition, and subject to any legal requirements, "residents of the Town" shall, to the extent not otherwise prohibited or limited by the provisions of relevant governing regulations or requirements, include, but not be limited to, the following: current Dracut residents; employees of the Town, Dracut Public Schools; and members of the household of children attending the Dracut Public Schools. This Condition shall be enforceable only to the extent the local preference requirement set forth herein is approved by the Subsidizing Agency based on information that the Town shall be responsible to provide in accordance with the requirements of DHCD set forth in its Chapter 40B Guidelines. The Board generally seeks preference within residents for employees of Town and Schools and Veterans.

58. The Affordable Units shall have similar amenities as the market-rate units and the Subsidizing Agency shall approve the distribution of the Affordable Units throughout the Project. Certificates of Occupancy shall be issued such that the appropriate ratio of Affordable to Market Rate units is approximately 3:1.

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Miscellaneous

59. The Applicant shall [please describe exactly what they must do] (the Wheeler Street Pump Station improvements"). Prior to issuance of any Certificates of Occupancy the Wheeler Street Pump Station improvements shall be completed by the Applicant. The existing pumps shall be replaced with new units in compliance with final plans to be approved by the Sewer Superintendent? Pumps shall be Flygt NP 3127 HT or equivalent approved by the Sewer Superintendent.

60. Prior to issuance of any Certificates of Occupancy Street Name signs shall be installed for Emergency Access.

61. Traffic Mitigation and Improvement Program: The Applicant shall provide the traffic mitigation and improvement plan measures as described in the Applicant's Traffic Engineering Consultant's letter dated January 23, 2025 as outlined below

The Applicant shall implement the following improvements prior to the issuance of any Certificates of Occupancy for the Project, subject to receipt of all necessary rights, permits and approvals:

Route 113 at Wheeler Street Improvements

A. Intersection ahead warning signage will be installed on the Route 113 approaches to indicate the presence of Wheeler Street.

B. Vegetation will be trimmed and/or removed within sight triangle areas of the intersection within the public right of way.

C. Remove the stop-sign along the Wheeler Street northbound approach that is currently located on a utility pole and install a new sign on a break-away signpost and a new marked stop-line.

Wheeler Road at Wilshire Circle and Paddock Lane Improvements

D. Install new 12-inch wide, high-visibility stop-lines on the Wilshire Circle and Paddock Lane approaches

E. Replace and relocate the stop sign on the Wilshire Circle approach adjacent to the stop line

F. Install a stop sign on the Paddock Lane approach adjacent to the stop line

G. Install intersection ahead signs on the Wheeler Road eastbound approach to the intersection

Wheeler Road at Wilshire Circle (East Location) Improvements

H. Install a new 12-inch wide, high-visibility stop-line on the Wilshire Circle approach

I. The Applicant will coordinate with the Town of Dracut and the adjacent property owners to establish sight line easements to allow for the maintenance of adequate sight lines at

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the intersection.

Wheeler Street at Rinzee Road Improvements

J. Install a new stop sign and a new 12-inch wide, high-visibility stop-line on the Rinzee Road approach

K. The Applicant will coordinate with the Town of Dracut, the City of Methuen, and adjacent property owners at the intersection to establish sight line easements to allow for the maintenance of adequate sight lines at the intersection.

Wilshire Circle at Elizabeth Drive Improvements

L. Install a new stop sign and a new 12-inch wide, high-visibility stop-line on the Elizabeth Drive approach

M. The Applicant will coordinate with the Town to provide pedestrian connectivity between the sidewalks along Elizabeth Drive and Wilshire Circle. These connections will be shown on the Site Plans for the Project.

Rinzee Road at Poppy Lane Improvements

N. Install a new stop sign and a new 12-inch wide, high-visibility stop-line on the Rinzee Road approach to Wheeler Road

O. Install a new stop sign and a new 12-inch wide, high-visibility stop-line on the Rinzee Road approach to Poppy Lane

P. The Applicant will coordinate with the Town to provide pedestrian connectivity between the sidewalks along Rinzee Road and Poppy Lane.

Wheeler Street at Wheeler Road Improvements

Q. The Applicant will coordinate with the City of Methuen to trim and/or remove vegetation within the sight triangle areas at the intersection to provide the required stopping sight distances along Wheeler Street.

R. The Applicant should also coordinate with the City of Methuen to determine the need for regrading the embankment along the west side of Wheeler Street north of Wheeler Road. The specific improvements to address sight line deficiencies at the intersection should be codified into the Conditions of Approval for the Project.

Route 110 at Wheeler Street

S. Reapply the pavement markings for the stop line on the Wheeler Street approach, the crosswalk across Wheeler Street, and the centerline pavement markings along the Wheeler Street approach for a distance of 100 feet

Post-Construction Traffic Monitoring Program

T. The Applicant conducted a traffic signal warrants analysis (TSWA) at the intersection of

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Route 110 at Wheeler Street and indicated that based on existing traffic volumes, a traffic signal may be warranted. Traffic volumes collected in October 2024 meet the thresholds for Warrants 1, 2, and 3 (the eight-hour, four-hour, and peak-hour traffic volume warrants). The Applicant noted that they are willing to provide a fair-share contribution based on the overall Project-related increase in traffic volumes for funding the design and construction of a traffic signal at this location, should MassDOT determine that a traffic signal is needed at this location. Future traffic volumes and the need for a traffic signal at this intersection should be reviewed as part of the post-construction traffic monitoring program.

U. Given that this intersection is included as a part of MassDOT's Route 110 reconstruction project, the Applicant will monitor traffic volumes and operating conditions at this intersection as a part of the Post-Occupancy monitoring program in-lieu of the "fair-share" monetary contribution.

V. The Applicant agrees to undertake a Post-Occupancy Traffic Monitoring Program for the Project commencing at 50 percent occupancy and again three months after 100 percent occupancy. The scope of the monitoring program will be provided to the Town of Dracut Community Development Director for review and approval prior the commencement of the data collection effort that forms the basis of the Post-Occupancy Traffic Monitoring Program. The results of the Post-Occupancy Traffic Monitoring Program will be submitted to the Community Development Director within three months of the data collection effort. The purpose of the Post-Occupancy Traffic Monitoring Program is to document the measured traffic volumes and travel patterns associated with the Project as constructed to the data that formed the basis of the Transportation Impact Assessment and subsequent supporting documents, and to define the change in traffic volumes and traffic operations at the Route 110/Wheeler Street and Route 113/Wheeler Street intersections. In addition and consistent with the goal of advancing a longer-term improvement for the intersection, the Applicant will coordinate with the Town of Dracut, the City of Methuen and MassDOT to prepare and apply for a MassWorks or HousingWorks grant to facilitate the completion of geometric improvements at the intersection. This work effort will entail the preparation of an Intersection Improvement Study (IIS) with supporting analyses, a conceptual improvement plan and preliminary construction cost estimate to support the funding request. The IIS will be prepared and submitted to the Town of Dracut and the City of Methuen within 6-months of the issuance of the first building permit for the Project, unless the Town elects to accept the fair-share cost contribution outlined below in Condition 55.W. Such election shall be made by the Town no later than the date of issuance of the first building permit for the Project.

W. <u>Applicant's "Fair-Share" Cost Contribution Towards Future Off-Site Traffic Improvements in Lieu of Post-Construction Traffic Monitoring Program</u> -

Based on the findings of the crash evaluation and the left-turn warrant analysis conducted by the Applicant's traffic engineering consultant, installation of an exclusive left-turn lane is warranted along Route 113 westbound. The intersection of Route 113 at Wheeler Street is located within the City of Methuen and is under MassDOT jurisdiction. Any improvements at the intersection will be subject to their review and approval.

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In lieu of the Post-Construction Traffic Monitoring Program outlined at Conditions 55.T through 55.V above, the Town may alternatively elect that the Applicant pay a "fair-share" cost contribution. The contribution amount shall be $145,500.00 and shall be paid by the Applicant to the Town upon issuance of all final occupancy permits for the 14th building constructed in the Project and shall be used by the Town at its discretion towards the cost of traffic improvements or the study or design thereof in the vicinity of the Project. Such election shall be made by the Town no later than the date of issuance of the first building permit for the Project.

Particular obligations of the Applicant under this condition are subject to the Applicant receiving the necessary permits and approvals from the Town of Dracut, the City of Methuen, MA-DOT, and/or abutting landowners, as applicable, for work or alterations within their respective jurisdictions or ownership. Should such permits or approvals not be forthcoming, the Applicant shall not be denied the issuance of occupancy permits so long as it has made all good faith efforts to obtain such permits and approvals necessary for such work or alterations.

62. Landscaped Screening Buffer and Boundary Fence: Applicant shall install a landscaped screening buffer along a portion of the Project's boundary with neighboring homes located on Rinzee Road and Poppy Lane as shown on the plan entitled "Vegetative Screening, Murphy's Farm, Dracut, Massachusetts" dated October 10, 2024. In addition, the Applicant shall also install a 6' tall fence along this same portion of the Project's boundary to discourage and present a barrier to passage between the Project Site and the rear yards of these neighboring homes.

63. Recreation Areas: Prior to issuance of building permits for the Project, the Applicant shall submit plans depicting the design and improvement of the "prop playground", "prop dog park", and "proposed trailhead/recreation areas" shown on the Project Plans, reasonably adequate to serve the expected residents of the Project, for review and approval by the Town Planner. Final design plans for the proposed playground areas shall be at a level equivalent to the schematic plans and renderings submitted by the Applicant, prepared by UltiPlay dated 30-Sep-2025. Said recreation areas shall remain in place and not devoted to other use(s) for so long as this project remains in existence.

64. Underground Gas Pipeline Easement: Prior to commencing any work or excavation with the existing underground gas transmission easement located on the Project site, the Applicant shall seek and receive approval for such work from the holder of the easement pursuant to the terms of the easement instrument and provide written confirmation of same to the Building Inspector.

65. MA Wetlands Protection Act: As required by the Massachusetts Wetlands Protection Act, the Applicant shall obtain an Order of Conditions for the Project as required by such Act and the regulations promulgated thereunder.

66. Enforcement of the conditions of this decision shall be by the Building Inspector or the ZBA to the extent permitted pursuant to the terms of M.G.L. c.40B, §§20-23 and 760 CMR56.

Deliverables prior to issuance of final Certificate of Occupancy

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67. Prior to issuance of the final certificate of occupancy, the Applicant shall:

A. Submit to the Department of Public Works (DPW), in digital file format, a final as-built utilities plan including profiles, showing actual-in ground installation of all utilities, roadway, sidewalk and associated construction, and stormwater management systems. The file format shall be in accordance with the *DPWs* requirements. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered to the specifications of the DPW, in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet or Meters, as required by the Town.

B. Revegetate the center area of each existing cul-de-sac disturbed by construction.

C. All catch basins and detention basins shall be cleaned at the end of construction. Thereafter, the Applicant shall be responsible for maintaining the site's stormwater management system in accordance with generally accepted practices and any applicable Order of the Conservation Commission.

68. Plantings and revegetation shall be completed in accordance with the Landscaping Plan(s).

69. This Permit is granted to the Applicant and, prior to substantial completion of the Project, this Comprehensive Permit may not be transferred or assigned to any party without approval of the Subsidizing Agency and notice to the ZBA, as required by 760 CMR 56.05(12)(b). The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the Applicant and the successors and assigns of the Applicant, and the obligations contained herein shall run with the land. In the event that the Applicant sells, transfers, or assigns a portion or all of its interest in the development, this Comprehensive Permit shall be binding upon the purchaser(s), transferee(s), or assignee(s) and any successor purchasers, transferees or assignees.

70. Any and all references to the "Applicant" herein shall include any authorized successors or assigns of the Applicant, including, but not limited to, all individual unit tenants. The terms, provisions and conditions of this Permit shall burden and benefit the successors and assigns of the Applicant with the same effect as if mentioned in each instance where the Applicant is named or referred to.

71. Changes to the Project must be reviewed by the ZBA in accordance with the procedure set forth in 760CMR 56.05(11).

72. The Applicant shall comply with all local regulations and bylaws as of the date of this Permit, except for those which are specifically waived in accordance with the Exceptions granted in "Waivers" section above or as otherwise expressly set forth in this Decision or specifically reflected in the Approved Project Plans.

73. This Permit shall expire if the Applicant does not commence with development of the Project as approved herein within three (3) years of the date this Permit becomes final, in accordance

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with 760 CMR56.05(12). Commencement of development shall mean that the Applicant obtains a building permit to commence construction of the Project and commences substantive construction work under that permit. The ZBA may grant extensions for good cause if application is made prior to expiration This time period shall be tolled during any time period that any permitting approval that is necessary for or is a precursor to commencement of development is subject to appeal.

74. All construction of the Project shall be completed within five (5) years from the last date of issuance of a building permit unless a request is filed with, and approved by, the ZBA extending such time.

75. If any provision of this Comprehensive· Permit or portion of such provision or the application thereof to any person or circumstances is for any reason held invalid or unenforceable, the remainder of this Comprehensive Permit (or the remainder of such provision) and the application thereof to other persons or circumstances shall not be affected thereby.

Additional Conditions

76. The developer shall submit final construction plans for all buildings, roadways, stormwater management system, and other infrastructure to Dracut town staff or officials for final comprehensive permit review and approval pursuant to 760 CMR 56.05(10)(b).

A. A plan showing sidewalk connections to Poppy Lane, Rinzee Road and to the existing sidewalks on Elizabeth Drive and Wilshire Circle. The connections and the associated sidewalk improvements will be designed and constructed as a part of the Project commensurate with the construction phase that includes the roadway infrastructure connections to these roadways and subject to receipt of all necessary rights, permits and approvals.

77. Upon the issuance of this decision, the Board shall endorse the ANR Plan included in the Project Plans and Applicant may record same at the Middlesex County Registry of Deeds.

78. The subsidizing agency or project administrator may impose additional requirements for site and building design so long as they do not result in less protection of local concerns than imposed by this decision.

79. If anything in this decision should seem to permit the construction or operation of housing in accordance with standards less safe than the applicable building and site plan requirements of the subsidizing agency, the standards of such agency shall control.

80. construction and marketing in all particulars shall be in accordance with all presently applicable state and federal requirements, including, without limitation, fair housing requirements.

81. No construction shall commence until detailed construction plans and specifications have been reviewed and have received final approval from the subsidizing agency, until such agency has granted or approved construction financing, and until subsidy funding for the project has been committed.

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82. This comprehensive permit is subject to the cost certification requirements of 760 CMR 56.00 and EOHLC guidelines issued pursuant thereto.

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