

Town of Stoughton

10 Pearl Street • Stoughton, MA 02072 • (781) 341-1300 • FAX (781) 344-5048

Date: March 3, 2011

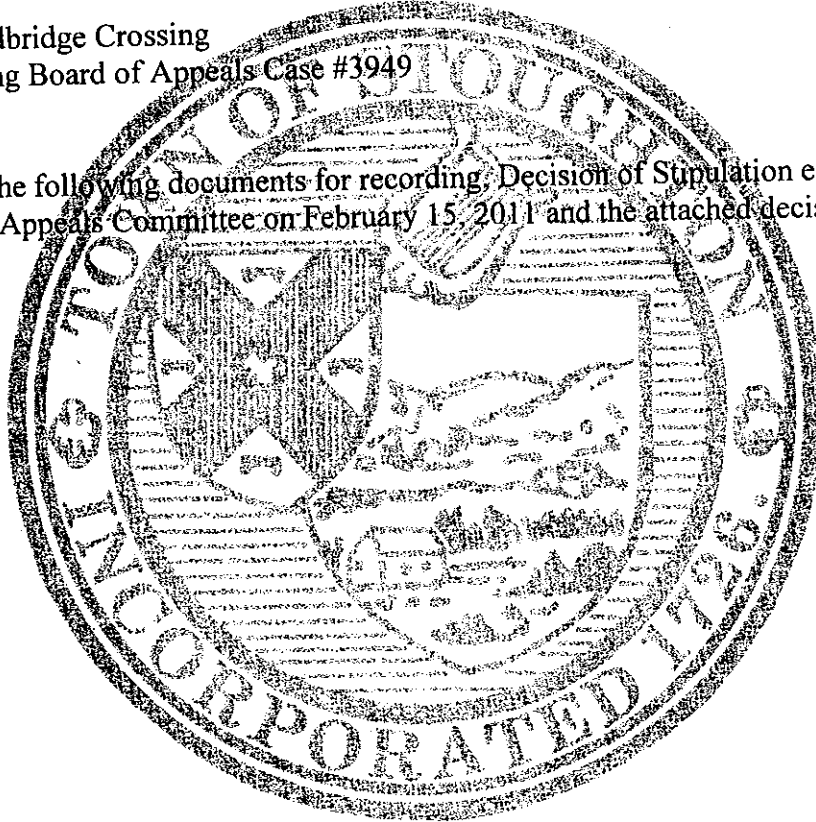
To: Cheryl Mooney
Town Clerk

From: Zoning Board of Appeals

Re: Woodbridge Crossing
Zoning Board of Appeals Case #3949

Attached is the following documents for recording: Decision of Stipulation endorsed by the Housing Appeals Committee on February 15, 2011 and the attached decision and exhibits.

/m



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TOWN CLERK
2011 MAR -3 AM 8:52

COMMONWEALTH OF MASSACHUSETTS
HOUSING APPEALS COMMITTEE

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WOODBRIDGE CROSSING, INC,
Appellant

v.

STOUGHTON ZONING BOARD
OF APPEALS,
Appellee

No. 09-16

DECISION ON STIPULATION

Subsequent to a Comprehensive Permit issued on May 27, 2008, and litigation related thereto, in a decision dated December 3, 2009 and filed with the Stoughton Town Clerk on December 15, 2009, the Stoughton Zoning Board of Appeals Granted the application of Woodbridge Crossing, Inc. for a comprehensive permit pursuant to G.L. c. 40B, §§ 20-23 for the construction of affordable housing on an 23.94-acre site on Mill Street in Stoughton. The housing would be financed under the New England Fund of the Federal Home Loan Bank of Boston, subject to project administration by MassHousing (Massachusetts Housing Finance Agency).


The developer appealed to the Housing Appeals Committee, and during proceedings before the Committee, the parties entered into settlement discussions. The negotiations have proven fruitful, and the parties have presented to the Committee an Agreement and Stipulation for Entry of Judgment dated February 11, 2011 together with an attached Revised 2011 Comprehensive Permit Decision dated February 3, 2011 for the construction of the 179 rental units, of which 45 will be affordable.

I have examined the Agreement and Stipulation and attached revised Decision, and I find them satisfactory. I hereby incorporate the Agreement and Stipulation and revised Decision, making them part of this decision of the Housing Appeals Committee.

Although the Stoughton Zoning Board of Appeals has already voted its decision, it is directed in accordance with 760 CMR 56.05(10) and 56.07(6) to take any further steps necessary to issue the decision and formalize the permit for recording or other purposes. If the Board fails to act within thirty days of this decision, this decision shall be deemed, pursuant to G.L. c. 40B, § 23, to be a comprehensive permit issued by the Board.

No construction shall commence until detailed construction plans and specifications and a regulatory agreement have received final approval by the subsidizing agency or Project Administrator.

Housing Appeals Committee



Werner Lohe
Presiding Officer

Date: February 15, 2011

LPc/s

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT

HOUSING APPEALS COMMITTEE
DOCKET NO. 09-16

WOODBRIDGE CROSSING,)
INC.)
)
Appellant,)
)
v.)
)
TOWN OF STOUGHTON)
ZONING BOARD OF)
APPEALS,)
)
Appellee.)

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 Per LN

AGREEMENT AND STIPULATION FOR ENTRY OF JUDGMENT

Now come Woodbridge Crossing, Inc. ("Woodbridge") and the Town of Stoughton Zoning Board of Appeals ("the Board"), the parties in the above-entitled action, and stipulate and agree that the Housing Appeals Committee shall enter a Decision on Stipulation and/or other Order approving the attached "STOUGHTON ZONING BOARD OF APPEALS WOODBRIDGE CROSSING APARTMENT PROJECT REVISED 2011 COMPREHENSIVE PERMIT DECISION" dated February 3, 2011 as the Comprehensive Permit for the project which is subject of this appeal:

I. GRANT OF COMPREHENSIVE PERMIT

The parties agree that by entering into this Agreement and Stipulation for Entry of Judgment, through its execution hereof by their respective counsel, they agree to, and are

bound by, the terms of the attached Revised 2011 Comprehensive Permit Decision, whether or not this Agreement and Stipulation for Entry of Judgment is approved by the Housing Appeals Committee.

II. BINDING AGREEMENT

This Agreement and Stipulation for Entry of Judgment shall be enforceable as a Decision, Order, and/or Judgment of the Housing Appeals Committee, shall not be extinguished by merger as a result of incorporation in such Decision, Order and/or Judgment, shall in all events survive such Decision, Order and/or Judgment and be forever binding upon the parties, their heirs, successors and assigns; and shall retain its independent legal significance as a legally enforceable Agreement, whether or not approved by the Housing Appeals Committee. The parties agree that they will not appeal said Decision, Order, and/or Judgment, expressly waiving any right of appeal, whether statutory or otherwise, and acknowledge that they have been fully represented by counsel and informed of their rights, and that they have voluntarily entered into this Agreement and Stipulation for Entry of Judgment.

Dated: February 11, 2011

The Appellant, Woodbridge Crossing, Inc.

By its attorney,

Peter L. Freeman 10/1/11

Peter L. Freeman, Esq.

BBO # 179140

86 Willow Street

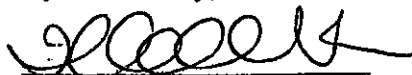
Yarmouthport, MA. 02675

508-362-4700

with permission

The Appellee, the Stoughton Zoning Board
of Appeals

By its attorney,



Ilana M. Quirk, Esq. (BBO # 409850)

Town Counsel

Kopelman and Paige, P.C.

101 Arch Street – 12th Floor

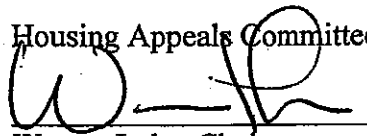
Boston, MA 02110

617-556-0007

APPROVED:

Date: 2/15/14

Housing Appeals Committee



Werner Lohe, Chairman

**STOUGHTON ZONING BOARD OF APPEALS
WOODBIDGE CROSSING APARTMENT PROJECT
REVISED 2011 COMPREHENSIVE PERMIT DECISION**

RECEIVED

FEB 11 2011

Per LN

I. BACKGROUND

- Applicant:** Woodbridge Crossing, Inc. (500 Broadway, Everett, MA)(the "Applicant").
-
- Property Owner:** Jeanne Jones, Trustee of Sabrina Kaitlyn Realty Trust, f/k/a Thomas G. Kennedy, Trustee of the Mill/Central Trust f/k/a Stoughton Bidding Trust u/d/t dated November 15, 1993 (the "Owner").
- Property:** The land consists of four parcels, totaling @ 23.94 acres, on Mill Street, Island Street and Central Street (further identified as land on Mill Street/Assessors Map 17, Lot 84; 75 Island Street/ Assessors Map 30, Lot 12; 1779 Central Street/Assessors Map 30, Lot 9; and land on Island Street/Assessor's Map 30, Lot 15)(the "Property"). The Property is shown on a plan, entitled "Plan of Land in Stoughton, Mass.," prepared for K.S.K. Neponset Valley Trust, 95 Mill Street, Stoughton, MA, by Ryan Engineering Corp., February 6, 1990, and recorded at the Norfolk Registry as Plan No. 152 of 1990 in Plan Book 390, with @16.21 buildable acres.
- Existing Permit:** On May 27, 2008, a comprehensive permit issued for 192 condominiums on 24 acres with 48 affordable units (41 1-bedroom, 144 2-bedroom and 7 3-bedroom units), with a maximum of 350 bedrooms (the "Condominium Project").
- 2008 Settlement** The parties settled prior litigation by agreeing that the Applicant could apply for a rental project with a maximum of 179 units, with at least 40% (72) 1-bedroom and the rest 2 bedroom units with a maximum of 288 bedrooms.
- Proposed Project:** The Applicant sought and obtained the Board's permission to apply for 208 rental units, with the Board reserving the right to reduce the number to 179 units and a maximum of 288 bedrooms, with the revised project to take place on 26 acres, with 118 1-bedroom and 90 2-bedroom units (298 bedrooms). On May 7, 2009, the Applicant requested a bedroom mix of 62 1-bedroom and 146 2-bedroom units (354 bedrooms)(the "Apartment Project"). As part of its appeal to the Housing Appeals Committee, the Applicant requested a bedroom mix of 125 two bedroom units and 54 one bedroom units, for 304 bedrooms.)
- Action:** On December 3, 2009, at a duly posted public meeting, the Board voted to approve a comprehensive permit for 179 rental units with 72 one bedroom units and 107 two bedroom units, with conditions. This Decision was

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WOODBIDGE CROSSING APARTMENT PROJECT
REVISED 2011 COMPREHENSIVE PERMIT DECISION**

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3. A drainage report, prepared by Allen & Major Associates, Inc., dated May 27, 2008, as revised through August 5, 2010 (the "Drainage Report")
4. Traffic information submitted by Greenman-Pedersen, Inc., including a "Traffic Impact and Access Study" dated May 2008.
5. A June 18, 2009 "Stoughton ZBA Comprehensive Permit Presentation Submitted Site Design and Revised Site Design," prepared by Allen & Major Associates, Inc., detailing unit and bedroom summary for the submitted application and revised application, as revised through the final August 5, 2010 plans.
6. The Site Development Plans for Woodbridge Crossing Lantern Lane & Lamplighter Circle Stoughton, MA, Final 179 Unit Plan Issued Date October 7, 2010, prepared by Allen & Major Associates, Inc.

II. COMPLIANCE WITH G.L. c.40B AND 760 CMR 56.00

Statutory Minima: At the outset of the public hearing, the Board timely notified the Applicant under 760 CMR 56.03(8) that the Town had achieved the statutory minima under G.L. c.40B, but agreed with the Applicant to allow the Applicant to move forward with the application, while reserving all of the Town's rights, as agreed upon in the Settlement Agreement.

Project: Eligibility: On March 4, 2009, MassHousing issued an eligibility letter to Thomas G. Kennedy and Kennedy Development Group, Inc. for the Project, with funding to be provided under the New England Fund and the Housing Start Program. MassHousing made the required findings as to site control and financial feasibility and that the Project as designed is generally appropriate for the Property as required under 760 CMR 56.04(4).

The Board voted, under the Settlement Agreement, as amended, to return to the 179 unit proposal as previously agreed and to approve the 179 unit proposal; and voted not to approve the proposal either for 208 rental units with 298 bedrooms or 208 units with 354 bedrooms.

III. 2011 GRANT OF COMPREHENSIVE PERMIT WITH CONDITIONS

On January 6, 2011 the Board voted 5 to 0 to grant approval for the Project, with 179 rental units, with 125 two bedroom units and 54 one bedroom units for a maximum of 304 bedrooms, with the following conditions and waivers (see Exhibit A) and with this Permit and each waiver granted contingent upon fulfillment of each and every condition set forth hereunder and with any violation of any condition set forth hereunder to constitute a separately enforceable zoning violation.

IV. MITIGATION

The Applicant shall provide mitigation to support construction of the Apartment Project; such mitigation shall be constructed at the Applicant's sole cost and expense, and shall be as described in the narrative and plan attached hereto as Exhibit B. Such mitigation shall be constructed on the schedule described in said Exhibit B.

V. CONDITIONS

A. Phasing of the Project

The October 7, 2010 Phasing Plan submitted by the Applicant to the Board was reviewed and approved by the Board's peer review consultant on January 6, 2011, subject to specific conditions. On January 6, 2011, the Board approved the October 7, 2010 Phasing Plan, subject to the following conditions:

- To ensure the site is secured from the public, limits of temporary construction fencing shall be added to the drawings for each phase.
- Signage shall be added to the Central Street and Island Street entrances, restricting access to construction vehicles during Phase 1 and at the existing end of Lantern Lane and the Phase 1 wetland crossing roadway during Phase 2.
- A rock construction entrance shall be added to the entrance from Central Street.
- Jersey barriers or guardrails shall be erected at the end of the partially constructed 100-foot roadway stub at the edge of Phase 1. In addition, reflectorized "Do-Not-Enter" or "No Parking" signage shall be provided to discourage traffic from this area. A temporary bituminous berm shall be added at this entrance during Phase 1 to keep sediment-laden stormwater from this area.
- If the crossing from Phase 1 to Phase 2 is not completed continuously, a detail of the retaining wall and interim grading at the edge of this phase shall be added to the Plans.
- The temporary settling basin west of Building #1 shall be constructed as far west as possible, outside and downgradient of the future parking area and construction traffic access roadway.
- Should construction of Phase 2 be delayed for any reason, the Phase 1 water main shall be extended to provide a second point of connection to the Town's water distribution system within three years following issuance of the first Certificate of Occupancy for Phase 1. Furthermore, money-based surety shall be provided by the Applicant to the Town, before any occupancy permit issues in Phase 1, to secure the extension, in the amount of \$25,000, which amount may be used, in the event of a default, to construct the connection and for all attendant costs for the Town to perform the work. The Town shall have the right, but not the obligation, to perform the work in the event of a default.
- A temporary settling basin shall be added to the Plans, near Building #5.

- The temporary settling basin near Building 3 shall be maintained away from the proposed recharge galleys.

B. Review of the Plans

Where review of plans or other submissions by the Applicant is required and approval of either the Board, peer review consultants, the Town Engineer or other town officials is required under any of the Conditions, then such approval shall be deemed granted unless the Applicant receives written notice to the contrary within forty-five (45) days of the submission, and such notice shall contain the specific reasons why such approval has not been given. ~~The submissions by the Applicant shall include a written notice announcing that approval of the plans shall be deemed granted unless the Applicant receives written notice to the contrary within forty-five (45) days of the submission.~~

If the Plans approved by the Board on January 6, 2011 are submitted for the review and approval of any Town Board, department or consultant, including but not limited to the Department of Public Works and the Town Engineer, such approval shall not require the Applicant to provide any additional off-site improvements or mitigation, including but not limited to infrastructure improvements or mitigation, other than those specifically identified in the Mitigation section of this Decision. This shall not apply, however, to any plan revision or modification that is found to be a substantial modification under 780 CMR 56.05(11) or any successor regulation.

C. Site Specific Conditions

1. Drainage

As required by the Project Eligibility Determination (Page 3, ¶2), the Project shall comply with all applicable regulations regarding the protection of the public water supply protection area, stormwater runoff and hazardous waste safety. On a per phase basis, prior to obtaining any building permits for a building in a particular phase, the Applicant shall provide to the Building Commissioner and the Board final plans for the provision of water, sanitary sewer, and stormwater drainage necessary to service the building or buildings in the phase in question. The Board acknowledges that these plans have been peer reviewed by the Board's peer review consultant, Professional Services Corporation, PC, and were found to be satisfactory, subject to the conditions set forth in PSC's January 6, 2011 report. Therefore, as long as these plans are in conformity with the plans approved by PSC on January 6, 2011 and satisfy the conditions set forth therein, no further peer review shall be necessary. (A copy of the January 6, 2011 PSC Report is attached hereto as Exhibit D.)

Each phase and the final design of storm water management system shall comply with Department of Environmental Protection Storm Water Management Policy, in particular Volume 2 Best Management Practices and shall be, when completed, certified by the Applicant's Engineer, Allen & Majors Associate, Inc., or other professional engineers, as complying with said Storm Water Management Policy BMP Vol. 2 and shall be subject to the approval of the Town Engineer, with peer review at the Town's expense. All drainage work shall be performed in accordance with current engineering and construction standards and performed to best management

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shall provide for a maximum of two parking permits per unit, with the number of permits issued by the Applicant or the building management company not to exceed the overall number of spaces provided for, with a provision by the Applicant or the building management company within the permit program, for the issuance of temporary guest parking permits upon request by a tenant.

- E. The Applicant or the building management company shall manage the parking program at the Property by placing appropriate signage at the Property and by including a provision in the leases that the Applicant or building management company has the right to tow any vehicles at the Property that do not have the required permit.

4. Sewer.

The Project shall be serviced by municipal sewer. All sewer improvements shown on the Plans submitted with the Application to serve the Project shall be made at the Applicant's expense; and, if buildings are constructed within the sewer or piping easement area, then a portion of the sewer line shall be improved for approximately 434 linear feet between sewer manholes numbered 1, 10 and 4 and approximately 474 linear feet between manholes A and B as shown on the plan entitled "Sewer Profile Plan P-2 of the Plans".

The Applicant shall obtain all required local, state and federal permits and submit detailed final engineering/design plans with respect to the sewer improvements to the Town's Engineering Department and Department of Public Works for review and final approval. All work shall comply with the design, construction, testing and inspection requirements of the Town. The Applicant shall conform to the final design and construction requirements of the Town's Public Works Department, which shall conform to the same standards as for all projects.

5. Traffic.

The improvements to Central Island and West Streets shall be as shown in the Plans submitted with the Application and in accordance with the mitigation agreement attached hereto as Exhibit B. As required by the Project Eligibility Determination (Page 3, ¶1), the site entry/egress design shall comply with all applicable local and state requirements governing safe design. During construction, Island Street shall not be used for access and Central Street shall be the main access. Furthermore, trucks and equipment shall not park or queue on any public street and a staging area off of Central Street shall be created and used. There shall be no interference with picking up or dropping off of students at the Hanson Elementary School.

6. Water.

The Project shall be serviced by municipal water. The Town is a member of the MWRA and rigorous water conservation measures are required as part of the Town's membership in the MWRA and the Applicant shall equip each apartment with water saving plumbing fixtures in every bathroom, kitchen, and laundry area, and all underground water pipes with water tight joints.

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constructed, completed and managed in conformance with the Application and the Plans and any all conditions of approval set forth herein. The Applicant shall execute a restrictive covenant in favor of the Town so limiting the density of the project and it shall be finalized and signed before issuance of the first building permit.

2. The Applicant shall not receive any Certificate of Occupancy until the Applicant has fully and duly executed a Regulatory Agreement (which includes monitoring provisions as required by the Subsidizing Agency) and an Affordable Housing Restriction and Covenant consistent with all of the requirements of the Subsidizing Agency and G.L. c.40B and delivered copies of same to the Building Commissioner, together with evidence of recording of same; and in addition, until the Applicant has executed and recorded a Permanent Restriction/Regulatory Agreement with the Town of Stoughton requiring that at least twenty-five percent of the apartments in the project shall be rented in perpetuity to low and moderate income tenant as that term is defined in M.G.L. c. 40B. The affordability requirement shall enforceable by the Town of Stoughton, by and through the Board of Selectmen or its designee, to the full extent allowed under G.L. c.40B; provided, however, that this clause shall not be used or construed or otherwise exercised in conflict with the Zoning Board of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to G.L.c.40B.
3. A minimum of twenty-five percent of the apartments within the Project shall be low or moderate income units as defined in M.G.L. c. 40B and the regulations promulgated thereunder and the affordable apartments (herein the "affordable" apartments) and all of the units in the Project shall be permanently eligible for inclusion the Town's "Subsidized Housing Inventory," in accordance with the regulations of the Commonwealth of Massachusetts Department of Housing and Community Development ("DHCD").
4. The affordable apartments shall be designated by the Applicant by agreement with the Subsidizing Agency and shall be located randomly throughout the Project. The affordable apartments shall be indistinguishable from the exterior from the market rate apartments.
5. The affordable apartments shall be constructed on a schedule that provides substantially for the construction of affordable apartments and market-rate apartments on a proportionally equal basis.
6. Insofar as allowed under M.G.L. c. 40B and other applicable law, with respect to at least 70% of the affordable apartments or the full extent allowed by law, the Applicant shall provide a preference category for Stoughton residents, their parents and children and for those persons who had resided in Stoughton within two years immediately preceding their Application for housing. This preference shall be implemented through the designated lottery agent, which shall also review the Applicant's fair housing marketing plan. The costs associated with the marketing plan, including the advertising and processing for the affordable apartments, shall be borne by the Applicant.

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7. The Applicant shall install the proposed water, sewer, and drainage system over Town owned property pursuant to the Plans submitted with the Application. All utility work shall be performed and conducted in conformance with the regulations of the Town, if any. All such work shall be performed in accordance with current engineering and construction standards. All construction shall be done to best management standards. Final design of storm water management system shall comply with Department of Environmental Protection Storm Water Management Policy, in particular, Volume 2 Best Management Practices and shall be, when completed, certified by the Applicant's ~~Engineer as complying with said Storm Water Management Policy BMP Vol. 2~~ subject to review of the Town Engineer or the Board's consulting engineer at the Town's expense..
8. All ways within the Project shall remain private in perpetuity, with the Project owners to bear the cost of maintenance, repairs, snow-plowing and trash removal.
9. Before any building permit for the Project is issued, an updated landscaping plan shall be submitted to the Building Commissioner and shall provide a permanent, year-round visual screen in the portion of the site that abuts single-family homes on the North East perimeter as required under the Project Eligibility Determination (Page 3, numbered ¶2.).
10. Fire hydrants and pull boxes shall be located as required by the Fire Chief. Locations shall be shown on the final Plans. The Project shall comply with the requirements of G.L. c.148, §26I as to sprinklers. The Applicant shall provide the Fire Chief with the final fire alarm/sprinkler plan for approval. The Applicant shall equip each apartment with water saving plumbing fixtures in every bathroom, kitchen, and laundry area.
11. All drainage and roadway and water infrastructure shall be constructed as shown on the Plans submitted with the Application, as amended consistent with this Permit.
12. The Project may be built in phases, as per the proposed Phasing Plans attached hereto as Exhibit C. Construction shall begin within three years of the grant of this permit. Phase 1 shall be completed within two (2) years after the commencement of construction of the project. Phase 2 shall be commenced within one (1) year of the completion of Phase 1 and shall be completed within two (2) years of the commencement of Phase 2 construction. Prior to the issuance of any occupancy permit for any unit in a particular phase of the Project, all infrastructure in the particular phase in question needed to service the building in question shall be constructed as shown on the Plans submitted with the Application, as amended consistent with this Permit. At all times, there shall be two means of egress to serve the development.
13. Prior to issuance of any Certificate of Occupancy for a unit in a particular phase for the Project, any gates with fire department lock boxes for the phase in question shall be installed as required by the Fire Chief.
14. Condition 14 intentionally omitted.

7. The Applicant shall install the proposed water, sewer, and drainage system over Town owned property pursuant to the Plans submitted with the Application. All utility work shall be performed and conducted in conformance with the regulations of the Town, if any. All such work shall be performed in accordance with current engineering and construction standards. All construction shall be done to best management standards. Final design of storm water management system shall comply with Department of Environmental Protection Storm Water Management Policy, in particular, Volume 2 Best Management Practices and shall be, when completed, certified by the Applicant's Engineer as complying with said Storm Water Management Policy BMP Vol. 2 subject to review of the Town Engineer or the Board's consulting engineer at the Town's expense..
8. All ways within the Project shall remain private in perpetuity, with the Project owners to bear the cost of maintenance, repairs, snow-plowing and trash removal.
9. Before any building permit for the Project is issued, an updated landscaping plan shall be submitted to the Building Commissioner and shall provide a permanent, year-round visual screen in the portion of the site that abuts single-family homes on the North East perimeter as required under the Project Eligibility Determination (Page 3, numbered ¶2.).
10. Fire hydrants and pull boxes shall be located as required by the Fire Chief. Locations shall be shown on the final Plans. The Project shall comply with the requirements of G.L. c.148, §26I as to sprinklers. The Applicant shall provide the Fire Chief with the final fire alarm/sprinkler plan for approval. The Applicant shall equip each apartment with water saving plumbing fixtures in every bathroom, kitchen, and laundry area.
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13. Prior to issuance of any Certificate of Occupancy for a unit in a particular phase for the Project, any gates with fire department lock boxes for the phase in question shall be installed as required by the Fire Chief.
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18. The final sewer system design shall be reviewed by the Town Engineer prior to issuance of any building permit for the Project.
19. Prior to issuance of any building permit for a particular phase for the Project, the Applicant shall, for the phase in question:
 - a. Provide road right-of-way design data (width, radii, paving sections, etc.) for the proposed roadways.
 - b. Provide roadway profiles including all utilities.
 - c. Provide details, including but not limited to, all proposed drainage and stormwater elements, proposed retaining walls and proposed pavement, water supply, wastewater and all other applicable design elements; and then, with the as-built plans, the Applicant shall provide a schedule of elevations for all sewer and drainage facilities, including detention pond outlet structures.
20. All rim and invert elevations for all drainage and sewer structures shall be provided. Clear labeling of which catch basins will be double catch basins, and clear labeling of types of grates to be used, shall be provided.
21. The Applicant shall abide by orders issued by the Building Commissioner in conformance with applicable law and this Permit in conjunction with construction of the Project, subject to the Applicant's rights of appeal under applicable law.
22. For each phase of the Project, prior to any clearing activity for the phase in question (except such clearing as required to install the erosion control measures), erosion and sedimentation control measures for the phase in question shall be installed, including physical barriers to provide tree protection along the limit of clearing line and around specimen trees to be preserved. Erosion controls and tree protection measures shall be continuously maintained throughout the course of construction. Adjacent public streets shall be swept as needed to remove sediment and debris. Disturbed areas shall be brought to final finished grade and stabilized permanently against erosion as soon as practicable. Bare ground that cannot be permanently stabilized within 60 days shall be stabilized with annual rye grass following U.S. Natural Resource Conservation Service (NRCS) procedures. Clearing or partial clearing for a subsequent phase shall not be commenced until such time as that phase is actually under construction.
24. The Applicant shall install and maintain speed humps throughout the development to control traffic speed within the development and to curtail cut through traffic from adjacent streets. At least one speed hump shall be placed between the Island Street entrance and the top of the access way leading from Island Street to the development and between the Central Street Entrance and the top of the access way leading from Central Street to the development and at both ends of the access way leading between Phases 1 and 2 (when the access way to Phase 2 is built) and at the entrances to the parking lots for the buildings in Phase 2. The speed humps shall be designed and installed with industry

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- a. Utilities, including on-site utilities and connections to utilities in adjacent public ways, which shall conform to all requirements of municipal departments or private utility companies having jurisdiction and to all applicable codes;
 - b. Stormwater Pollution and Prevention Plan (SWPPP) notes that address mitigation of sedimentation and erosion, including details relating to any temporary drainage basins;
 - c. Letter from a qualified consultant providing that the Project complies with Architectural Access Board (AAB) Regulations; and
 - d. Details of any temporary construction signs.
-
2. The landscape development sheets of the site Endorsement Plans shall include the following:
 - a. Shade trees as shown on the Plans submitted by the Application;
 - b. A water efficient irrigation system shall be installed for the Project or Applicant shall guaranty the landscaping for five (5) years from the time of planting (on a phased basis as per the approved phasing plan). Any plantings that are replaced within the first year shall be subject to a new five year guaranty. Any plantings that are replaced within the second year shall be subject to a new four year guaranty. Any plantings replaced within the third through fifth years shall be subject to a new two year guaranty.
 - c. Revised masonry structure designs when necessary (not including modular retaining walls) that provide foundations that extend a minimum of 4 feet below grade or as required by the Massachusetts Building Code for frost stability; and
 - d. Revised planting requirements that exclude Norway maple (*Acer platanoides*) and Sycamore maple (*Acer pseudoplatanus*) and all other species listed on the Department of Agricultural Resources' Massachusetts Prohibited Plant List dated January 1, 2006.
 - e. Planting schedules that list the specific species and caliper of all plants and appropriate planting details. All plant materials shall have the cold tolerance required for the site's plant hardiness zone.
 - f. Tree protection requirements that utilize physical barriers such as snow fencing shall be placed at the limit of work line or at the drip line of specimen trees to be preserved within work areas.
 3. Prior to issuance of any Certificate of Occupancy or rental of any apartment or portion of the Project, the Applicant shall provide the Board with evidence that the Affordable Housing Restriction and Covenant as required by Condition No. B 2 of this Permit have been duly recorded. The Applicant and shall be responsible for:
 - a. Contracting for plowing, sanding, and snow removal;

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1. With respect to the work to be done by the Applicant within a public way, on Town property or in any Town easement (the "work"), a form of money-based surety mutually agreed upon in an amount to be determined by the Town Engineer and Building Commissioner in consultation with Town boards and officials and other consultants shall be given to the Town prior to starting any activity authorized by this approval, to ensure the proper and timely completion of the work that shall be held by the Town Treasurer until he is notified by the Town Engineer to release the surety. Requests to reduce the surety may be submitted as work progresses and shall include the amount of requested reduction, a list of work outstanding and a cost estimate of the same. The surety retained shall be based on the work remaining.
2. On a per phase basis, no Certificate of Occupancy for a building shall be issued until all site drainage work, all required sewer and water infrastructure and the binder course of pavement for the driveways and parking necessary to serve the building in question has been installed; and, as to any remaining work such as lighting and landscaping, until and unless sufficient surety, based upon the assessment of a professional engineer hired by the Board at the Applicant's expense, to guarantee completion of any remaining work, has been provided to the Town to the Board's satisfaction, in consultation with the Town Engineer and Building Commissioner.

I. Construction.

1. Prior to the start of any activity that may be authorized hereunder ("Authorized Activity"), adequate erosion and sedimentation control measures to be implemented by the Applicant shall be submitted to the Town Engineer. Said measures shall be maintained throughout the Project and until all disturbed areas have been permanently stabilized with either an adequate vegetative or asphalt cover in accordance with the Plans.
2. Prior to any Authorized Activity, the Applicant's final construction plans shall be revised to expressly provide that construction of the Project shall be performed in accordance with all applicable laws and regulations regarding noise, vibration, dust and sedimentation control and that no stumps or construction debris shall be buried or disposed of on-site.
3. Prior to any Authorized Activity, the Applicant shall designate areas at the Site for stockpiling any and all construction material, debris, fill and excavated material, after consulting with the Building Commissioner. Said material shall be stabilized to prevent erosion and to control dust. All excess fill and excavated materials that are not used in conjunction with construction shall be removed from site and disposed of in accordance with state laws and regulations. The Board shall be notified in writing of final disposition. At no time shall any debris or other material be buried or disposed of within a Resource Area as defined by G.L. c. 131 §40.
4. Prior to any Authorized Activity, the Applicant and the General Contractor shall hold a preconstruction meeting with the Building Commissioner, Conservation Agent, and

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8. After Authorized Activity begins and until its completed, at the end of each work day, the Applicant shall cause all erosion control measures to be properly in place and shall cause all materials and equipment to be properly secured.
9. During construction, the Applicant shall keep the Site clean. Upon completion of all work at the Site and prior to As-Built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations and the Building Commissioner and Town Engineer shall be notified in writing of the final disposition of the materials.
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11. After backfilling and after the site is brought to subgrade, but prior to paving, all segments of the drainage system shall be inspected and any sagged or deformed pipe sections shall be replaced.
12. "No Parking" signs shall be located along the access ways for the Site. Signs acceptable to the Town Engineer shall also be placed in any areas where snow is to be placed by snow removal operations. These signs shall indicate that no parking will be allowed in these designated areas during snowstorm events.
13. Parking spaces for residents, visitors and emergencies shall all be located as depicted on the plans and shall be properly designated.
14. All parking is to be provided within the property lines of the Project and not on any public way.
15. Sidewalks as shown on the Plans shall be handicap accessible.
16. Any section of a public way that is disturbed during construction of the Project shall be repaved from curb to curb.
17. The Applicant shall be responsible for the following at the Project:
 - a. all plowing, sanding, and snow removal. In the event that snow accumulation at the Project exceeds the capacity of the designated Snow Storage Locations shown on the Snow Storage Plan included in the Plans,

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23. Within ninety (90) days of completion of the Authorized Activities under any phase approved hereunder, the Applicant shall submit to the Board two sets of As-Built Plans for all infrastructure improvements and, if applicable, evidence of compliance with this Comprehensive Permit and any other permits required for the construction of the improvements contemplated by this Comprehensive Permit. The site engineer of record shall provide a written description of any material deviations from the Building Permit plans. The Town Engineer shall approve the As-Built Plans.
24. All catch basins and detention basins shall be cleaned at the end of construction. Thereafter, the Applicant and/or Applicant's successor shall be responsible for maintaining the site's stormwater management system in accordance with generally accepted practice, as the same may, from time to time, change.
25. Prior to issuance of the first final Certificate of Occupancy, the Applicant shall obtain approval from the U.S. Postmaster of the centralized location for mail boxes and parcel areas in each of the Project's residential buildings.
26. The Building Commissioner or his agent shall have authority to enter the Premises during construction of the Project and until As-Built Plans are approved, with or without prior notice to determine conformance with this Decision.

J. Ownership and Affordability

1. Any Comprehensive Permit approved hereunder shall issue to the Applicant and shall not be transferable, except in accordance with the provisions of M.G.L. c. 40B, §§20-23 and the regulations promulgated pursuant thereto.
2. At all times, the Applicant or its successor or assign shall be a limited dividend entity and comply with the limited dividend requirement of G.L. c. 40B, §20, as a "Limited Dividend Organization."
3. The Applicant shall provide the Board with a copy of any cost certification financial information that is provided to the Subsidizing Agency, and to the extent allowed by law, the Board shall be permitted independently to enforce the Applicant's limited dividend obligations.

K. Lapse.

Under 780 CMR 56.05(12) or any successor regulation, this Permit shall lapse if the Applicant has not begun construction of the Project within three (3) years of the date that this Decision becomes final, unless otherwise extended by the Board for good cause. Furthermore, construction shall be completed and occupancy permits issued as provided in Section V C Condition 12, above, and if not so completed and occupancy permits so

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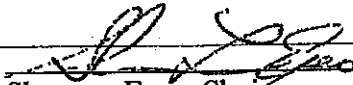
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IX. VOTE OF THE BOARD

On January 6, 2011, with Members Epro, O'Regan, Savage, Ilacqua and Musmon present, and notwithstanding that the Town had achieved 10 percent affordable housing under G.L. c.40B when the Application was filed, the Board voted 5 to 0 to approve this decision and authorized the chairman to execute it.

STOUGHTON ZONING BOARD OF APPEALS



Sherman Epro, Chairman

Date: February 3, 2011

EXHIBIT A - WAIVERS

The Board voted as follows regarding the requested waivers.

I. Wetlands Protection By-Law:

The Applicant acknowledged that the Project is subject to the jurisdiction of the Conservation Commission under the Wetlands Protection Act G.L. c.131, § 40.

Request: The Applicant requested a waiver of all provisions of the Town of Stoughton Wetlands Protection By-Law Chapter 178, and the regulations promulgated there under as General Regulation section 178.01 et seq., insofar as such bylaw and regulation are inconsistent with the Wetlands Protection Act or are in excess of the requirements of that Act and duly adopted DEP regulations.

Response: The Board denied this general waiver request, without prejudice to the Applicant returning, as needed, to the Board for specific waiver requests in the future.

The following specific waiver requests from the Town of Stoughton Wetlands Protection By-Law Chapter 178 and the Town of Stoughton Wetlands Protection By-law Regulation were made:

Request: Waiver from Section 178.92 (2) (b)(ii); Drawings must include a delineation of all wetlands as surveyed from April 1 to October 30, within one year of the filing date, including permanent, seasonal, natural, and manmade wetland areas, and showing wetland flag numbers. Portions of the site have been wetland delineated and surveyed past October 30th of this year.

Response: Moot: The Wetlands have been flagged, surveyed and a Notice of Intent under the state WPA has been filed with the Town of Stoughton. The resource areas have been verified with the peer review consultant and an Order of Conditions was obtained.

Request: Waiver from Section 178.81 (3); 50 ft. Limit of Work. Portions of the roadways, sidewalks, detention basins, maintenance paths, utilities, and retaining walls will be located within the 50 ft. Limit of Work.

Grant of the waiver would allow:

- A. 0' setback between flags 2G BK/BVW and 11G BK/BVW as well as 1H BK/BVW and 8H BK
(Entrance road area)
- B. 10' setback between wetland flags 11CD BVW and 15C BVW
(Infiltration basin #2 area)
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be disturbed and replicated at a 1:1 ratio adjacent to Bordering Vegetated Wetlands.

Response: Granted.

Request: Waiver from Section 178.81 (3); 50 ft. Limit of Work. Portions of the roadways, sidewalks, detention basins, maintenance paths, utilities, and retaining walls will be located within the 50 ft. Limit of Work.

Response: ~~Granted.~~

Request: Waiver from Section 178.81; 75 ft. Limit of Building. A portion of Buildings 2, 7 and 8 will be located within the 75 ft. Limit of Building.

Response: Granted.

Request: Waiver from Section 178.92 local Riverfront Area. The Applicant assert that it is exempt from 310 CMR 10.58; Riverfront Area due to the Historic Mill Complex. However a waiver is requested from the local Riverfront Area.

Response: Granted.

Request: Waiver from Section 178.57(2) Bordering Land Subject to Flooding. The Applicant requested the waiver for all types of Bordering Land Subject to Flooding during the Conservation Commission process. Bordering Land Subject to flooding was negotiated and signed off on by the Peer Review Consultant and the Conservation Commission.

Response: Granted, as approved by the Conservation Commission.

Request: Waiver from Section 178.56 Land Under Water Bodies and Waterway. The development will alter the intermittent stream to reconstruct the stream crossing.

Response: Granted.

Request: Waiver from Section III A; Jurisdiction. The development will alter Bordering Vegetated Wetland.

Response: Granted, for filling of 908 sq. ft. as approved by the Conservation Commission.

Request: Waiver from Section III C; Jurisdiction. The development will alter the intermittent stream to reconstruct the stream crossing.

Response: Granted, as approved by Conservation Commission.

be disturbed and replicated at a 1:1 ratio adjacent to Bordering Vegetated Wetlands.

Response: Granted.

Request: Waiver from Section 178.81 (3); 50 ft. Limit of Work. Portions of the roadways, sidewalks, detention basins, maintenance paths, utilities, and retaining walls will be located within the 50 ft. Limit of Work.

Response: Granted.

Request: Waiver from Section 178.81; 75 ft. Limit of Building. A portion of Buildings 2, 7 and 8 will be located within the 75 ft. Limit of Building.

Response: Granted.

Request: Waiver from Section 178.92 local Riverfront Area. The Applicant assert that it is exempt from 310 CMR 10.58; Riverfront Area due to the Historic Mill Complex. However a waiver is requested from the local Riverfront Area.

Response: Granted.

Request: Waiver from Section 178.57(2) Bordering Land Subject to Flooding. The Applicant requested the waiver for all types of Bordering Land Subject to Flooding during the Conservation Commission process. Bordering Land Subject to flooding was negotiated and signed off on by the Peer Review Consultant and the Conservation Commission.

Response: Granted, as approved by the Conservation Commission.

Request: Waiver from Section 178.56 Land Under Water Bodies and Waterway. The development will alter the intermittent stream to reconstruct the stream crossing.

Response: Granted.

Request: Waiver from Section III A; Jurisdiction. The development will alter Bordering Vegetated Wetland.

Response: Granted, for filling of 908 sq. ft. as approved by the Conservation Commission.

Request: Waiver from Section III C; Jurisdiction. The development will alter the intermittent stream to reconstruct the stream crossing.

Response: Granted, as approved by Conservation Commission.

G.3. Minimum lot area requirement for Multi-Family Developments (80,000 s.f. min. lot area x 179 units = 16,640,000 S.F. required). Proposed density of 8 units per acre, is consistent with federal and state guidelines for suburban multi-family developments of this type

G.3. Minimum distance required between walls of principal buildings which contain windows for multi-family developments shall be twice the minimum side yard (20' x 2 = 40')

~~G.4. Outdoor recreation area requirement (93,000 S.F. required). Approximately 50,000 S.F. provided throughout complex as passive and active recreation area.~~

G.10.(a) 25' building setback required along residential zones, 23 +/- provided.

G.10.(b) 15' green space area with evergreen screening required along residential zones, Vegetated buffer varies, but at a minimum 6-10' +/- WIDTH is provided.

G.11. Buffer strip requirement (100 ft.) for multi-family dwellings within 100 ft. of single family dwellings, 23 ft. provided.

G.12. Setback requirement of 25 ft. for any building in a "B" or "I" District from lot line of any residential home, 23 ft. provided.

Response: Granted, provided that the vegetative screens shall be at least six feet in height and provide continuous, year-round screening and that the screening shall be secured so that it shall be maintained and survive for at least three years following installation and be replaced if it does not survive for the first three years and then have an additional three year guaranty of survival from the date of replacement. In addition, the Applicant shall install and maintain a chain link, vinyl covered fence, six feet in height, that shall be placed in front of the vegetative screening (i.e., on the side of the Project). In addition, the recreational spaces shall be as conditioned in the Permit. In addition, the Plans must be revised before building permits are sought to reflect each noncompliant locations as to the minimum distance required between walls of principal buildings, so that the distance between Buildings 1 and 2 shall be 20 feet and the distance between Buildings 5 and 6 shall be 25 feet.

Request: Section VII – Off Street Parking and Loading Requirements.

A. (a) 483 Required for 179 units. 322 Proposed.

Response: Granted, subject to the conditions imposed above in §V.A. 3 of the Permit.

Request: Section XII – Natural Features Conservation and Landscape Review

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EXHIBIT B

Mitigation Narrative and Plan

Central Street at West Street and Proposed Site Driveway

The existing intersection of Central Street and West Street currently operates with capacity constraints in addition to experiencing long queues on the West Street approach. ~~Based on 2003 Existing average-month traffic volumes, the intersection of Central Street~~ at West Street meets the four-hour warrant (Warrant 2) and the one-hour warrant (Warrant 3) of the volume-related warrants for traffic signal installation as established in the Manual on Uniform Traffic Control Devices (MUTCD), a Federal Highway Administration publication. In addition, based on the four hours of count data that was collected on West Street, the intersection currently meets the eight hour warrants during all four hours. Accordingly, and based on the traffic operating conditions without such control, a traffic control signal should be installed at the Central Street and West Street intersection independent of the proposed residential project. In addition to traffic signal control, geometric improvements are proposed at the intersection of Central Street, West Street, and the site driveway to improve operating conditions. Due to the operational constraints that would be experienced without traffic signal control and geometric improvements, the proponent has committed to implement the following improvements prior to site occupancy:

- * Install fully-actuated traffic control signal capabilities.
- * Widen the Central Street eastbound and westbound approaches to provide an exclusive left-turn lane and a shared through/right-turn lane.
- * Widen West Street to provide a shared left-turn/through lane and a channelized right-turn lane.

Central Street at Island Street

Geometric improvements are proposed at the intersection of Central Street and Island Street to improve operating conditions. Due to the operational constraints that would be experienced without geometric improvements, the proponent has committed to implement the following improvements prior to site occupancy:

- * Widen the Central St. eastbound approach to provide an exclusive left-turn lane and a through lane.
- * Widen the Central Street westbound approach to provide a through lane and a channelized right-turn lane.
- * Widen Island Street to provide an exclusive left-turn lane and a channelized right-

EXHIBIT B

Mitigation Narrative and Plan

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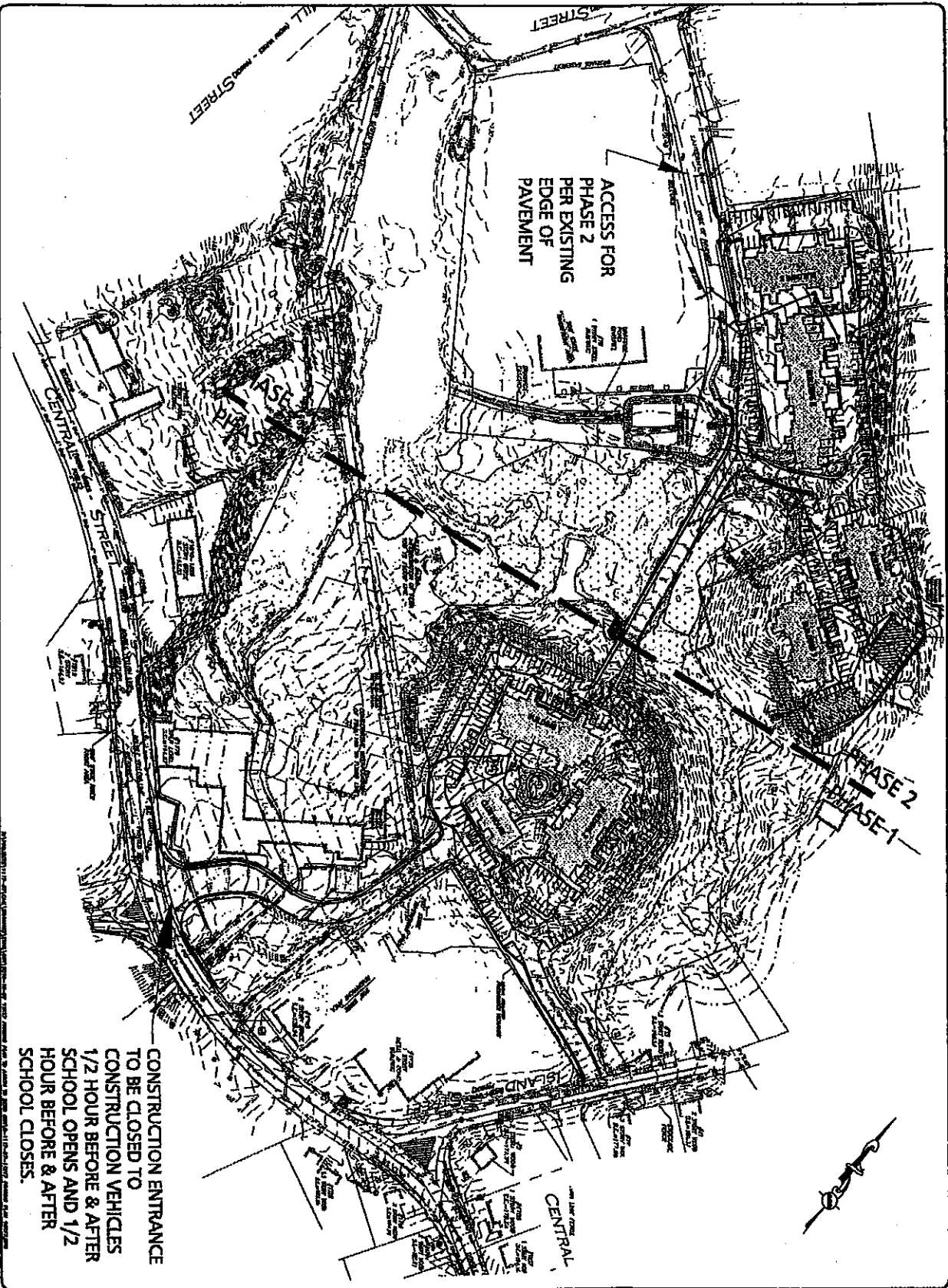
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EXHIBIT C

Phasing Plan



WOODBRIDGE CROSSING
STOUGHTON, MA

WOODBRIDGE CROSSING, INC.
500 BROADWAY
BRIGHT, MA 02119

PROJECT NO.	ISSUE	DATE	DESCRIPTION
100-000000-000	1	12/15/10	ISSUE FOR PERMITS
100-000000-000	2	01/15/11	ISSUE FOR PERMITS
100-000000-000	3	02/15/11	ISSUE FOR PERMITS
100-000000-000	4	03/15/11	ISSUE FOR PERMITS
100-000000-000	5	04/15/11	ISSUE FOR PERMITS
100-000000-000	6	05/15/11	ISSUE FOR PERMITS
100-000000-000	7	06/15/11	ISSUE FOR PERMITS
100-000000-000	8	07/15/11	ISSUE FOR PERMITS
100-000000-000	9	08/15/11	ISSUE FOR PERMITS
100-000000-000	10	09/15/11	ISSUE FOR PERMITS
100-000000-000	11	10/15/11	ISSUE FOR PERMITS
100-000000-000	12	11/15/11	ISSUE FOR PERMITS

ALLEN & MAJOR
ASSOCIATES, INC.

100 CHANDLER STREET
MASSACHUSETTS 01911
TEL: 508-885-1111
WWW.ALLENMAJOR.COM

PHASING PLAN
EXHIBIT C

Exhibit D

January 6, 2011 Professional Service Corporation, P.C. Report

CASE # 3949



January 6, 2011

Mr. Sherman Epro, Chairman
Stoughton Board of Appeals
Town Hall
10 Pearl Street
Stoughton, Massachusetts 02072

Re: Engineering Peer Review of the Revised Comprehensive Permit (40B) Submission for the Final 179 Unit Plans for Woodbridge Crossing off Central, Island, and Mill Streets, in Stoughton, MA

Dear Chairman Epro and Members of the Board:

Professional Services Corporation, PC (PSC) is pleased to submit this engineering review of the Final 179 Unit Plans for the Woodbridge Crossing Comprehensive Permit (40B) Project, Lantern Lane and Lamplighter Circle, off Central Street, Island Street, and Mill Street.

On May 27, 2008, a Comprehensive Permit was issued for 192 condominiums including forty-one (41) one-bedroom, one hundred forty-four (144) two-bedroom and seven (7) three-bedroom units. The locus included four parcels having a combined area of 23.94 acres on Mill Street, Island Street and Central Street (Assessors Map 17, Lot 84; Map 30, Lot 12; Map 30, Lot 9; and Map 30, Lot 15. Subsequently, the Board voted to approve a Comprehensive Permit with conditions for 179 rental units with 72 one-bedroom units and 107 two-bedroom units for a maximum of 288 bedrooms on 26 acres. The Final 179 Unit Plan containing twenty-nine (29) drawings issued October 7, 2010 by Allen & Major Associates, Inc. (hereinafter the "Final 179-Unit Drawings") served as basis for review of the Revised Comprehensive Permit.

On the Final 179-Unit Drawings, two of the four originally-proposed multi-unit buildings have been removed from the design, both in the southern, Phase 1 portion of the project. The clubhouse in this area has been relocated to the southwest, away from the outer riparian 200-foot riverfront buffer. Each of the three buildings in Phase 1 is now sited outside the state and local jurisdictional resource areas and buffers. In the northern, Phase 2 portion of the site, four multi-unit buildings are proposed, two of which have also been re-oriented on the Final 179-Unit Drawings to be located outside the state and local jurisdictional resource areas and buffers.

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Suite 201
Foxboro, Massachusetts 02035

Tel 508.543.4243
Fax 508.543.7711

Mr. Sherman Epro, Chairman
Stoughton Board of Appeals
January 6, 2011
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1. PSC reviewed the Final 179-Unit Drawings which accurately incorporate the design and layout approved by the Conservation Commission. We find the Final 179-Unit Drawings to be consistent with the prior Board of Appeals Decision. The configuration of all improvements appears identical on both sets of drawings, with exception of exterior recreation areas. The Final 179-Unit Drawings incorporate two basketball half-court areas, one adjacent to the clubhouse in Phase 1 and a second court near Building 6 in Phase 2. To accommodate these additional amenities, the playground areas have been slightly re-oriented.
2. PSC reviewed supplemental waiver requests and offers the following comments.
 - a. The applicant requests carte-blanche waiver of all provisions of the Town of Stoughton Wetlands Protection By-Law Chapter 178, the Subdivision Rules and Regulations, and other ordinances, regulations and by-laws, including those pertaining to curb relocations, utility connections, street opening and other permits necessary to construction the project as described in the application and in the Final 179-Unit Drawings. In order for the board to meaningfully consider such requests, each deviation from local by-laws, regulations and ordinances must be specified by the applicant. We concur with denial of carte-blanche waivers.
 - b. A reduction from the Section II Parking Space stall dimensions from the required 9'x19' to 9'x18' is reasonable; however a reduction in stall dimensions should not be extended to the accessible spaces which would remain subject to separate CMR 521 requirements without prior approval of the Town's handicapped compliance officer.
 - c. A reduction from Section IV-G.3 minimum distance required between walls of principal buildings which contain windows for multi-family developments from twice the minimum sideyard (20'x2=40') has been requested and is necessary to facilitate the proposed layout. However, we recommend that each noncompliant location should be specified. It appears that the waiver would apply to Buildings #1 and #2 that are separated by 20 feet and to Buildings #5 and #6 that are separated by 25 feet.
3. PSC evaluated the Phasing Plans for constructability of Phases 1 and 2 and in terms of access, circulation, utilities and stormwater management facilities. To ensure the site is secured from the public, limits of temporary construction fencing should be added to the drawings for each phase. Signage should be added to the Central Street and Island Street entrances restricting access to construction vehicles during Phase 1 and at the existing end of Lantern Lane and the Phase 1 wetland crossing roadway during Phase 2.

PHASE 1: Phase 1 encompasses construction of Buildings #1 and #2 and the Clubhouse, the entrance roadways from Central Street and Island Street, utilities and stormwater management system associated with this phase and surface parking for each building. A phasing limit-of-work line, which falls 135 feet south of Building #2 has been identified on Sheet PH1 as the limit of

Mr. Sherman Epro, Chairman
Stoughton Board of Appeals
January 6, 2011
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'Phase 1'. In terms of traffic circulation, utilities, and stormwater management, Phase 1 generally appears adequate as a stand-alone portion of the overall project. Construction traffic will utilize Central Street or may utilize the proposed Lamplighter Circle from Island Street subject to restrictions as set forth hereinafter (which is identified on the plan as a private way). A rock construction entrance has been specified within the site at the edge of this entrance. A similar construction entrance should be added to the entrance from Central Street.

We recommend that Jersey barriers or guardrail be erected at the end of the partially constructed 100-foot roadway stub at the northerly edge of Phase 1. Reflectorized Do-Not-Enter or No Parking signage should be provided to discourage traffic from this area. A temporary bituminous berm should be added at this entrance during Phase 1 to keep sediment-laden stormwater from this area. If the crossing from Phase 1 to Phase 2 is not completed continuously, a detail of the retaining wall and interim grading at the edge of this phase should be added to this sheet. The temporary settling basin west of Building #1 should be constructed as far west as possible, outside and downgradient of the future parking area and construction traffic access roadway. Should construction of Phase 2 be delayed for any reason, the Phase 1 watermain should be extended to provide a second point of connection to the Town water distribution system within two years following issuance of the first Certificate of Occupancy for Phase 1.

PHASE 2: As identified on Sheet PH2, Phase 2 encompasses construction of Buildings #3, #4, #5 and #6, completion of 320 feet of the roadway connection from Phase 1, the extension of Lantern Lane from Mill Street to the Phase 2 work area, subsurface utilities and stormwater management system and surface parking for each of the four Phase 2 buildings. Construction of Phase 2 roadways will provide the third means of access to Phase 1 via the Lantern Lane and the connecting drive. The utilities and stormwater management for Phase 2 are segregated from Phase 1 and should not require any construction during the initial phase. A temporary settling basin should be added to the plan near Building #5. The temporary settling basin near Building 3 should be maintained away from the proposed recharge galleys.

4. PSC evaluated the Conditions of Approval and offers comments as follows:

We recommend that construction traffic be allowed to use Island Street on a limited basis during Phase 1 pursuant to such limitations as may be imposed by the Building Commissioner and Police Department including without limitation restrictions on hours of operations and vehicle classification. A rock construction entrance should be provided at Central Street prior to installation of binder course.

We recommend that fencing at the half basketball courts be setback from the playing surface in accordance with applicable athletic facility design standards.

5. PSC evaluated the proposed 2,000 sq.-ft. threshold of incremental impervious area.

Subsequent to PSC's review of the stormwater management calculations, the project has been upgraded to include two outdoor basketball half-courts, one per phase. Increased runoff flow rates and volumes from the proposed impervious 1,000 square-foot court surfaces compared to a no-build



Professional Services
Corporation, PC

Mr. Sherman Epro, Chairman
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1,000 square-foot grass surface were calculated and found not to increase significantly under even the 100-year storm. The addition of 2,000 total square feet of impervious area should not impair the function of the stormwater management facilities as designed, (specifically, the Phase 1 CB#5, DMH#5B, SC1 and Infiltration Basin #2; and the Phase 2 CB#16, CB#16B, DMH#16, SC7 and Detention Pond #4). Also, the additional impervious areas do not appear to create a post-developed violation of Stormwater Management Standard #2.

Please contact me should you have any questions concerning the above.

Very truly yours,

Professional Services Corporation, PC

Thomas C. Houston, AICP, PE
President

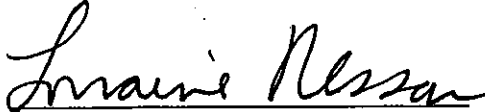
Certificate of Service

I, Lorraine Nessar, Clerk to the Housing Appeals Committee, certify that this day I caused to be mailed, first class, postage prepaid, a copy of the within Decision on Stipulation in the case of Woodbridge Crossing, Inc. v. Stoughton Zoning Board of Appeals, No. 2009-16, to:

Peter L. Freeman, Esq.
Freeman Law Group, LLC
86 Willow Street, Unit 6
Yarmouthport, MA 02675

Ilana Quirk, Esq.
Kopelman and Paige, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110

Dated: 02/15/11


Lorraine Nessar, Clerk
Housing Appeals Committee