

**COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS OF THE TOWN OF DRACUT**

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Pursuant to G.L. c.40B, the Zoning Board of Appeals of the Town of Dracut, after a public hearing and findings of fact, hereby grants a Comprehensive Permit to Petitioner/Applicant pursuant to Massachusetts General Laws, Chapter 40B, Sections 20 through 23, as amended, to allow the construction of six buildings with twenty-four(24) attached townhouse style rental living units on property known and numbered as 135 Greenmont Avenue in Dracut, subject to the following conditions.

The Petitioner in this matter is Greenmont Commons, LLC. ("Petitioner" or "Applicant").

The Petitioner is proposing to construct a rental development on approximately 2.45 +/- acres of land, which will consist of twenty-four (24), three (3) bedroom attached townhouse style and duplex garden style rental units situated in Dracut, Massachusetts. The Development consists of six (6) affordable three (3) bedroom units as well as eighteen (18) three (3) bedroom market rate units. The property is located at 135 Greenmont Avenue in Dracut, MA and is in the Residential Zoning district (R-1). The Project is more particularly described and set forth in the Comprehensive Permit Application dated as of June, 22, 2023 (the "Application").

The Petitioner/Applicant is further requesting waivers from the of the Town of Dracut General Bylaws, the Dracut the Zoning By-laws and the Dracut Stormwater Management Rules and Regulations. The Petitioner is requesting waivers from General and Zoning By-laws and Stormwater Management Rules and Regulations as set forth in Appendix A.

The property is identified on Assessor's Map 47 as Lot 126; Middlesex North Registry of Deeds Book 31043, Page 105.

I. SUMMARY OF PROCEEDINGS

Notice was given to abutters deemed affected as shown on the latest tax rolls of the Town Board of Assessors, and by publication in the Lowell Sun on July 6 & 13, 2023. The first date of the public hearing in this matter was held on July 20, 2023. Subsequent dates of the public hearing were: August 24, 2023, September 21, 2023, October 19, 2023, November 16, 2023, December 21, 2023, March 21, 2024, May 2, 2024, June 20, 2024, July 18, 2024, August 29, 2024, September 26, 2024, October 17, 2024, November 21, 2024, December 19, 2024, February 27, 2025, March 6, 2025, March 20, 2025. A site walk was held on June 17, 2024.

The Board of Selectmen, Town Administrator, Inspector of Buildings, Planning Board, Town Engineer, Department of Public Works, Board of Health, Conservation Commission, Police Department, and Fire Department were notified of this hearing. Comments were received from:

Alison Manugian, Community Development Director
Jackie Anderson, Previous Conservation Agent
Marguerite Hoover, Previous Kenwood Water Superintendent
Ann Vandal, Previous Town Manager
Richard Patterson, Previous Fire Chief
Peter Bartlett, Police Chief

Below is the roster of Zoning Board of Appeals members and their dates of missed hearings

Member	Date of Missed Hearing(s)	Voting ?
R. Scott Mallory	--	Yes
Warren Hunt	8/24/2023	Yes (Mullin Certificate Filed)
Ezekial Haradji	11/21/2024	Yes (Mullin Certificate Filed)
Brian Lussier	5/2/2024	Yes (Mullin Certificate Filed)
Nicholas Jarek	3/21/2024 & 9/26/2024	No
Joe DiCarlo	9/26/2024 & 10/17/2024	No
Edward Brown	5/2/2024 & 9/26/2024	No

The Decision in this matter is based upon the petition and supporting documentation, public records of the Town, and testimony and evidence as set forth at the hearing, all of which are incorporated by reference.

The public hearing was closed by the Board on March 20, 2025.

II. SUBMITTALS FROM APPLICANT¹

Application for Comprehensive Permit dated June 22, 2023 including the following materials:

1. Dracut Zoning Board Comp Permit Application with Owner Authorization
2. Comp Permit Binder Index
3. Project Narrative
- EXHIBIT A - Surrounding Development Plan
- EXHIBIT B - MassHousings Corporate Information
- EXHIBIT C - Program Overview
- EXHIBIT D - UPDATED SUBMITTED Project Eligibility Application 4.3.2023
- EXHIBIT E - PROJECT ELEGIBIUTY LETTER (PEL) 135 Greenmont Ave,
Dracut - issued 3.28.23
- EXHIBIT F - UPDATED SUBMITTED Project Eligibility Application 4.3.2023

¹ This list is not necessarily exhaustive. The entire record of this matter, as held by the Town of Dracut and/or the Zoning Board of Appeals, is incorporated herein.

EXHIBIT G - UPDATED PRO FORMA
EXHIBIT H - NEF Rental Regulatory Agreement rev 08152022 - 4.3.23
EXHIBIT I - Soils Report
EXHIBIT J - SITE PLANS -Greenmont Commons - Comp Permit Plan Set
051823
EXHIBIT K - NHESP Map and Statement
EXHIBIT L - Landscaping and Lighting Plan
EXHIBIT M - Architectural Floor Plan & Rendering 050822
EXHIBIT M - Architectural Floor Plans 050822
EXHIBIT N - Stormwater Report-Drainage Calcs
EXHIBIT O - List of Waivers-Exceptions
EXHIBIT P - Site Control
EXHIBIT Q - Legal Existence
EXHIBIT R - Abutter List (June 2023) - 135 Greenmont Avenue
EXHIBIT S - Submitted Filing Fees
EXHIBIT T - Traffic Memorandum 051823

The following plans entitled “Site Plan in the Town of Dracut Middlesex County Commonwealth of Massachusetts Greenmont Commons 135 Greenmont Avenue Dracut, MA” dated May 18, 2023, were prepared by Cornerstone Land Associates, LLC (the “Site Plans”).

Sheet No.	Title	Latest Revision Date
C-100	Cover Sheet	December 10, 2024
C-101	Existing Conditions Plan	October 5, 2023
C-102	Layout and Utilities Plan	December 10, 2024
C-103	Grading and Drainage Plan	December 10, 2024
C-104	Erosion Control Plan	December 10, 2024
C-106	Details Plan	December 10, 2024
C-107	Details Plan	December 10, 2024
C-108	Details Plan	December 10, 2024
C-109	Details Plan	December 10, 2024
C-110	Emergency Access Plan	December 10, 2024

The following plans were prepared and submitted by Philip Thibeault, Architect, LLC, Inc. (the “Architectural Plans”) and dated September 28, 2023:

Sheet No.	Title	Latest Revision Date
A1.1	Lower Level Plan Accessible Dwelling Unit	December 29, 2023
A1.2	Upper Level Plan	December 29, 2023
A2.1	Elevations	December 29, 2023
A2.2	Elevations	December 29, 2023
A1.1	Grade Level Plan First Floor Plan	January 6, 2025
A1.2	Second Floor Plan	January 6, 2025
A1.3	Typical Unit Plans	January 6, 2025
A2.1	Elevations	January 6, 2025

The following plans were prepared and submitted by Weinmayr/Jay Associates, Inc. (the "Landscape Plans") and dated October 17, 2024 and revised through March 20, 2025.:

Sheet No.	Title	Latest Revision Date
L-1	Landscape Plan	March 20, 2025
L-2	Landscape Notes	March 20, 2025

The Applicant/Petitioner applied to the Dracut Conservation Commission for an Order of Conditions on November 29, 2023, in connection with the application for a Comprehensive Permit, and was assigned DEP number 145-1236 following resubmission to DEP on January 30, 2025. The Conservation Commission voted to issue an Order of Conditions on March 19, 2025.

III. FINDINGS AND DECISION

A. Factual Findings.

1. The Property is located in the Residential 1 (R-1) Zoning District on the Dracut Zoning Map.
2. The Project consists of a rental development on approximately 2.45 +/- acres of land, which will consist of twenty-four (24), three (3) bedroom attached townhouse style and duplex garden style rental units situated in Dracut, Massachusetts. The Development consists of six (6) affordable three (3) bedroom units as well as eighteen (18) three (3) bedroom market rate units
3. 25% of the dwelling units will be affordable and restricted for rent to those households earning no more than 80% of area median family income, adjusted for household size for the designated United States Department of Housing and Urban Development (HUD) Fair Market Rent (FMR) Area, as determined by the Massachusetts Department of Housing and Community Development (DHCD)
4. The building units will be substantially as shown on the Architectural Plans.
5. The site development plans, drainage plans, and utility plans for the Project will be substantially as shown on the Site Plans.
6. Aspects of the Development were reviewed by the departments of the Town of Dracut including but not limited to the Health Department, Department of Public Works, Engineering, Conservation, Planning, Police and Fire Departments, as well as, GCG Associates, Civil Engineering and Land Surveying as the Town's Peer Review Engineer.

B. Legal Findings

1. Pursuant to the most recent DHCD Chapter 40B Subsidized Housing Inventory (SHI), the Town of Dracut has, as of the date of the application, 12,304 housing units of which 657, or 5.34% are considered affordable. Therefore, it is presumed that a local need for affordable housing exists in the Town of Dracut.
2. The Town does not have information that there are existing affordable housing units in the Town of Dracut on sites comprising more than 1.5% of the total land area of unzoned or zoned land, for residential, commercial, or industrial use (but excluding land owned by the United States, the Commonwealth or any political subdivision thereof, the Department of Conservation and Recreation or any state public authority, prohibited by restrictive order of the Department of Environmental Protection pursuant to M.G.L. c. 131, § 40A, water bodies, and flood plain, conservation or open space zone if said zone completely prohibits residential, commercial and industrial use, or any similar zone where residential, commercial or industrial use are completely prohibited. As a result, the Project does not meet the General Land Area Minimum pursuant to 760 CMR 56.03(3)(b).
3. The granting of this Comprehensive Permit will not result in the commencement in any one calendar year of the construction of Low or Moderate Income Housing on sites comprising more than 0.3 of 1% of the Town of Dracut's land area or ten acres, whichever is larger. As a result, the Project does not meet the Annual Land Area Minimum pursuant to 760 CMR 56.03(3)(c).
4. The Town of Dracut has an approved Housing Production Plan entitled "Town of Dracut Housing Production Plan -- 2020-2024, dated October 2019, "which was approved on October 4, 2019, but the Town was not eligible for certification within the meaning of 760 CMR 56.03(4) at the time the Applicant filed the Comprehensive Permit Application.
5. To the extent applicable, the Town has not achieved recent progress toward its Statutory Minima in that the number of SHI Eligible Housing units that have been created within the municipality during the 12 months prior to the date of the Comprehensive Permit application, or under permit as of the date of the Applicant's initial submission to the Board, is not equal to or greater than 2% of the municipality's total housing units pursuant to 760 CMR 56.03(5).
6. The Project does not constitute a Large Project pursuant to 760 CMR 56.03(6)
7. The Applicant is a "Limited Dividend Company" consistent with the application statutory and regulatory requirements under Massachusetts General laws, Chapter 40B.

8. MassHousing issued a Site Approval letter dated March 28, 2023, approving the project under the Housing Stabilization Fund ("HSF") program, and creating a presumption of fundability under 760 CMR 56.04.
9. The Applicant has demonstrated sufficient "control of the site" as that term is used in 760 CMR Part 56 in that the Applicant/Petitioner holds title to the parcel in fee simple, pursuant to a deed recorded in the Middlesex North Registry of Deeds at Book 31043, Page 105.
10. Therefore, the Board finds that the Applicant meets the jurisdictional requirements under Chapter 40B to receive a Comprehensive Permit.

After reviewing the evidence and extensive testimony, the Board votes to **GRANT** the Comprehensive Permit under the Provisions of M.G.L. Chapter 40B and the regulations promulgated pursuant to said Chapter 40B with the waivers as requested by the Applicant, conditioned upon the Conditions set forth in Section IV below. The Board considered conditions it felt would best ameliorate the issues raised by the construction and operation of the Project, including concerns regarding health and safety of the occupants of the Project and of occupants of neighboring properties, and environmental issues. The Board finds that the conditions as approved strike the appropriate balance between protecting health, safety and welfare of the residents of the Town, the Project, and the abutters, and providing for additional affordable housing in Dracut.

IV. CONDITIONS TO THE COMPREHENSIVE PERMIT

The Board's approval of the Comprehensive Permit for the Project is premised on the Applicant's and Project's compliance with the following conditions listed below. All requirements imposed by these conditions or this Permit shall be applicable to any and all successors in interest to the Applicant or other entity responsible for the administration of the Project regardless of whether the condition specifically identifies the Applicant.

A. Regulatory Conditions

1. The total number of dwelling units that may be constructed within the Project shall be limited to twenty-four (24), three (3) bedroom attached townhouse style and duplex garden style rental units situated in Dracut, Massachusetts. The Development shall consist of six (6) affordable three (3) bedroom units as well as eighteen (18) three (3) bedroom market rate units. 25% of the dwelling units in the Project shall be and shall remain affordable in perpetuity and shall be rented to individuals or households earning no more than 80% of area median family income, adjusted for household size for the designated United States Department of Housing and Urban Development (HUD) Fair Market Rent (FMR) Area, as determined by the Massachusetts Executive Office of Housing and Livable Communities (EOHLC).

2. The Applicant shall notify the ZBA and the Community Development Director when building permits are issued and cooperate with the preparation of request forms to add the units to the Town's SHI.
3. The Applicant shall notify the ZBA and the Community Development Director when occupancy permits are issued and cooperate with the preparation of request forms to add the units to the SHI.
4. The Affordable Units shall remain affordable in perpetuity, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23. No more than three certificates of occupancy shall be issued by the Building Inspector, for units designated for rent at fair market prices (the "Market Rate Units") until at least one certificate of occupancy is issued for an Affordable Unit. The proportion of Market Rate Unit certificates of occupancy issued to Affordable Unit certificates of occupancy issued shall at no time exceed 3:1. The Affordable Units shall be reasonably interspersed within the Project.
5. The Applicant shall execute a Regulatory Agreement that shall be countersigned by the Town and by the Subsidizing Agency as required under G.L. c.40B and submit annual reports to the Town and the Subsidizing Agency in accordance with the Regulatory Agreement.
6. The Applicant shall annually recertify to the Town and the Subsidizing Agency, or less frequently as may be required by the Town and/or Subsidizing Agency, the continuing eligibility of any tenant in an affordable unit. If a previously eligible tenant becomes ineligible to occupy an affordable unit, the Applicant may charge the tenant a market rate rent; however, the Applicant shall comply with the Subsidizing Agency's requirements for converting another unit to an Affordable Unit. Upon request, the Applicant shall provide the Town with all necessary information to determine whether the required affordability levels are in place.
7. The Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the Town and shall require that the Affordable Units shall remain affordable rental units in perpetuity.
8. While the original Regulatory Agreement with the Town and the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency and may take any steps allowed under G.L. c.40B and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.
9. When the Regulatory Agreement takes effect, the affordability requirements shall be enforceable by the Town or its designee, to the full extent allowed by G.L. Chapter 40B, Sections 20-23.

10. No condition of this Comprehensive Permit shall be used or construed or otherwise exercised in conflict with the holding in 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. Chapter 40B, §§20-23, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. At such time as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall provide the Town with a reasonable monitoring fee. Said monitoring fee shall be reasonably consistent with the monitoring fees required by the Subsidizing Agency.
11. To the extent allowed under G.L. c. 40B and the regulations promulgated thereunder and other applicable law, with respect to at least 70% of the affordable units, the Applicant shall provide a preference category for Dracut residents in the order as follows:
 - Employees of the Town of Dracut and Dracut Public Schools
 - Dracut residents who are Veterans.

The Town shall be responsible for providing the Applicant with all necessary information and data to support the local preference request. This preference shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town for compliance with the local preference set forth herein. The foregoing local preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. The costs associated with the marketing of units in the Project, including the advertising and processing for the Affordable Units shall be borne by the Applicant.

12. The Applicant shall submit to the ZBA a report on marketing activity at the Project during the lottery process and initial lease-up of the Project demonstrating compliance with all requirements pursuant to the plan approved by the Subsidizing Agency as set forth below.
13. The ZBA acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. If the ZBA or its designee does not provide such information within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency or EOHLC, then this condition shall be void.
14. The Applicant shall develop a marketing plan for the Affordable Units for review and approval of the Subsidizing Agency, said plan to conform to any and all affirmative action requirements or other requirements as imposed by federal or state regulation and shall conform with the local preference requirement set forth above.

15. If at any time it appears that the Applicant is in violation of the affordable housing restriction with the Town when said restriction is in effect as described above, following a hearing of which the Applicant has been given prior notice, the ZBA may pursue such enforcement rights as it may have under the affordable housing restriction and/or any applicable law.
16. Profits from the Project in excess of those allowed under applicable law and regulations shall be utilized as provided in the regulatory agreement with the Subsidizing Agency and as required and provided for under G.L. c.40B and 760 CMR 56.00.
17. The Applicant shall annually provide the ZBA or its designee with copies of any and all documents and statements provided by the Applicant to the Subsidizing Agency or its designated auditor of the Applicant's costs and revenues for informational purposes upon request by the Town.
18. The Town, by and through the ZBA or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Comprehensive Permit and Decision.
19. Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to 760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Commissioner and the ZBA.

B. General Conditions

1. A minimum of 45 days prior to the application for any Building Permit, the Applicant's Professional Engineer shall provide to the Building Inspector and Community Development Director, the items listed below for peer review. The Town shall engage civil engineering peer review of the information and analysis to confirm representations made by the Applicant during the public hearing. Such peer review shall be contracted with the Town and paid for by the Applicant with funds held in an account pursuant to M.G.L. Chapter 44 Section 53G.
 - a. Revised Stormwater drainage design/calculations to be provided for peer review to include:
 - i. Revised final stormwater analysis, that includes verification of the contributing watershed to the 12-inch culvert at Spring Park Avenue, survey verification of the depression to the rear of #57 and #67 Spring Park and elevation of standing water to verify the volume used in the HydroCAD model is accurate. The updated survey shall also include the basement, floor and adjacent ground elevations for the homes at #57 and #67 Spring Park Avenue and topography on Spring Park Road confirming the pathway of overflow from the catch basin to the opposite side of the road. The revised analysis shall demonstrate that the staging of water in the depression does not change between pre and post development conditions considering the 100-year 24-hour storm frequency (NRCC

Cornell Extreme Precipitation) within a tolerance of two (2) inches. The Town shall engage civil engineering peer review of the revised analysis to confirm there will be no increase in the staging of water in the depression.

- ii. buoyancy calculations for the underground pipe system,
- iii. sizing calculations for the vortech units and the emergency spillway;

b. Revised site plan to be submitted for review and verification of accuracy to include:

- i. plan showing that the total elevation/height of the two larger rear multifamily buildings has been reduced by 1' from the plans dated 12/19/2024;
- ii. plan showing the entry driveway and streetscape area with the proposed ADA/AAB compliant sidewalk crossing
- iii. labeling of sight distances and any plantings and signage near the entry shall not interfere with one another or shown sight distances
- iv. labeling of retaining wall heights for determination of status as a structure;
- v. guardrail where needed at the top of the retaining wall(s) shall be as shown in the building permit/construction plan set;
- vi. Lighting detail for pole lighting and building mounted lighting, anticipated at the rear of each unit, to reflect dark sky compliance;
- vii. Construction details and sizing calculations for catch basins;
- viii. Construction detail for the proposed 6' vinyl fencing;
- ix. Note that all stormwater structures within the parking and drive aisles shall meet HS20 loading requirements;

c. Revised landscape plan to be provided inclusive of additional plantings beyond those shown on the landscaping plans dated 3/20/25 by Weinmayr/Jay Associates, Inc and shall be approved by the Zoning Board of Appeals.

2. Prior to issuance of building permits, approval for the USPS mailbox from the Dracut Postmaster shall be submitted to the Building Inspector.
3. The Applicant shall construct the project as provided on the approved Plans of Record referenced herein and as updated above. See the attached Waivers List for an outline of the local Bylaws, Rules and Regulations of the Town of Dracut which have been waived.
4. Except as specifically waived by this decision, 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 under DEP File No. 145-1236
 - 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 ("21E"), and its regulations, 310 CMR Part 40, the Massachusetts Contingency Plan ("MCP").
- 5. There shall be no exterior construction activity, including fueling of vehicles, on the Premises before 7:00 a.m., or after 6:00 p.m., Monday through Friday and before 8:00 a.m. or after 4:00 p.m. on Saturday. There shall be no construction on the Premises on the following days unless a special approval for such work has been issued by the Dracut Police Department: Sundays or on Holidays as recognized by the Commonwealth of Massachusetts and the Town of Dracut. The Applicant agrees that the hours of operation shall be enforceable by the Dracut Police Department.
 - 6. All utilities within the Premises shall be installed underground.
 - 7. The interior and exterior of all buildings and structures shall be constructed substantially as represented in the Application, as revised, and in the Plans of Record.
 - 8. The Project shall be served by the municipal sewer system and all internal connections and construction shall be at the Applicant's sole expense.
 - 9. Landscaping shall be installed in accordance with the final landscaping plan approved by the Zoning Board of Appeals prior to issuance of any certificates of occupancy.
 - 10. 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.
 - 11. Any internal sidewalk and street trees to be planted adjacent to the sidewalk shall be installed before issuance of any occupancy permits for the Project.
 - 12. All structures and site improvements within the Project Site shall remain private in perpetuity, including any and all ways, parking areas, street lighting, drainage, buildings, sewer and water infrastructure necessary to connect to the public water and sewer line in the

public way, and landscaping, and the Applicant shall bear the cost of maintenance, repairs, replacement, snow plowing within the Project Site for same in perpetuity.

13. The Applicant shall provide 24/7 monitoring of the Project, either by on-site management or an off-site management entity that is available by phone 24/7. In the event the Applicant engages a management company, the Applicant shall post the name and telephone number of the management company in each building in a prominent place and shall provide the ZBA and Town with a current copy of the management contract upon applying for a certificate of occupancy, and thereafter, upon request.
14. The structures within the Project shall be sprinklered as required by applicable fire codes. The Applicant shall submit final fire alarm/sprinkler plans and plans showing hydrant locations and details in compliance with applicable codes to the Fire Chief for review and approval.
15. Flow Testing shall be done in compliance with the Fire Department and Dracut Water Supply District/Water Department requirements. Results shall be forwarded to the Fire Department and Water Supply District.
16. The Applicant shall ensure that all underground water pipes shall have water-tight joints.
17. No Certificate of Occupancy for any unit shall be issued until the infrastructure or common improvements specified in this decision and set forth on the Plans of Record are constructed and installed so as to adequately serve said building, or adequate security has been provided reasonably acceptable to the Building Commissioner and approved as to form by Town Counsel to ensure the completion of such improvements. No such performance guarantee shall be requested until all drainage facilities and the base course of the pavement have been installed. The choice of performance guarantee shall be governed by the provisions of G.L. c. 41, § 81U (excluding the statutory covenant which shall not apply in this matter) and shall be approved as to form by Town Counsel. The Applicant shall have all statutory choices of performance guarantees available under G.L. c. 41, §81U at all stages of construction up until request for certificate of occupancy. The Applicant acknowledges that a letter of credit is not a suitable form of surety under G.L. c.41, §81U, ¶7.
18. Final drawings showing on-site water distribution system and wastewater system shall be submitted to the Department of Public Works and the Town Engineer. Should either require peer review of the information, such shall be contracted with the Town and paid for by the Applicant with funds held in an account pursuant to M.G.L. Chapter 44 Section 53G.
19. Prior to issuance of Building Permits, the Applicant shall:
 - a. Provide 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

- b. Obtain 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.
 - c. Provide procedures, filed with the ZBA prior to commencement of constructions, 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.
- 20. Fertilizer, pesticide and herbicide use shall be minimized to the extent consistent with good landscape maintenance practice, and any requirements of the Order of Conditions for the Project.
 - 21. Dumping of landscape debris, including leaves, grass clippings and brush, within 100 feet of any wetland shall be prohibited.
 - 22. No disturbance or construction work shall be done and no portion of any structure or any pavement shall be placed any closer to any wetland than as depicted on the Plans of Record, and any future proposal to alter this condition shall require advance approval by the ZBA of a modification to the plans and this permit, except as expressly and clearly shown on the Plan of Record.
 - 23. All grading shall be substantially consistent with the Plan of Record as revised and as approved by the Building Inspector prior to issuance of Building Permits.
 - 24. The Applicant shall provide post-permit documents and plans required in this Decision to the Building Inspector and Community Development Director, who shall forward such documents and plans to their peer review engineers and Town Counsel, if deemed necessary. Such peer review shall be contracted with the Town and paid for by the Applicant with funds held in an account pursuant to M.G.L. Chapter 44 Section 53G.
 - 25. If the Building Inspector determines that deficiencies exist in the post-permit documents and plans, they shall notify the Applicant of the deficiencies and the Applicant shall have an opportunity to cure the deficiencies and the Applicant and the Building Inspector may mutually agree to extend the 45 day period for review to cure the deficiencies if deemed reasonably necessary by the Building Inspector.

26. If the deficiencies are not timely cured, then the Building Inspector may determine that the relevant conditions of the Comprehensive Permit have not been satisfied and the Applicant may avail itself of any avenue of appeal that may exist or may take further action to make additional submissions to the Building Inspector and their peer review consultant, to try to obtain the approval required by this condition, so long as this Comprehensive Permit has not lapsed and so long as the Applicant pays the reasonable fees of the peer review consultant, if deemed reasonably necessary by the Building Inspector and Town Counsel.
27. Prior to the issuance of any occupancy permit, the Applicant shall provide the Building Inspector and the Board of Health with an operations plan for the storage and collection of solid waste and recycling, to make sure that odor and nuisance problems are avoided. The hours for trucks to collect or otherwise service the solid waste and recycling containers shall occur only during weekday daylight hours between the hours of 7:00 a.m. and 4:00 p.m.
28. If an irrigation system is installed utilizing municipal water, it may be done only in full compliance with the specifications of the Town of Dracut. The Applicant shall implement water conservation measures for the care and maintenance of the landscaped areas.
29. Connection of proposed sewer service(s) to the system in Greenmont Avenue shall be done in compliance with the requirements of the Dracut Sewer Department.
30. All water and sewer construction and materials shall be in accordance with the requirements and specifications of the Town of Dracut. Water and sewer connection fees may be waived by vote of the Boards of Commissioners upon request by the Applicant.

C. Construction and Inspection Conditions

1. The Applicant shall provide the Building Inspector, Health Inspector, and/or agents with authority to enter the Premises during construction of the Project (subject to conformance with applicable health and safety requirements, including, but not limited to hard hat, safety glasses, reflective vests and work boot requirements), to determine conformance with this Decision.
2. The Applicant shall abide by orders issued by the Building Inspector in conformance with applicable law in conjunction with construction of the Project, subject to the Applicant's rights of appeal under applicable law.
3. Work and operations within wetlands and/or with the buffer zones up to 100 feet from wetlands, and any other jurisdictional areas, shall be governed by the Conservation Commission.
4. Prior to the issuance of any building permit, the Site and Engineering Plans, finalized as necessary as provided in this Comprehensive Permit and Decision, shall be signed and sealed

by a Massachusetts Professional Engineer and/or a Massachusetts Registered Landscape Architect and filed with the ZBA and the Building Inspector, and shall include the following:

- 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; and,
 - c. Letter from the Project architect and/or civil engineer confirming that the Project complies with Architectural Access Board (AAB) Regulations.
5. Prior to starting any activity authorized under this Comprehensive Permit, the Applicant and the general contractor shall hold a preconstruction meeting with the Building Inspector, Conservation Agent, and Health Agent, to review this approval.
6. Prior to starting any activity authorized under the Comprehensive Permit, the Applicant shall provide to the Building Inspector:
 - a. the company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on site;
 - b. a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Site have been paid, if deemed necessary by the Building Inspector;
 - c. certification from the Applicant that all required federal, state and local licenses and permits have been obtained;
 - d. proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work;
 - e. proof that street signage is in place to ensure that emergency personnel can locate the site to provide emergency services to protect and secure the site and construction personnel; and
 - f. at least 48 hour written notice prior to restarting work at any time that activity on site ceases for longer than one month.
7. During construction the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured. Upon completion of all work on 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 Inspector shall be notified in writing of the final disposition of the materials.
8. Prior to the backfilling of the underground stormwater pipe detention system, the Applicant shall submit to the Building Inspector, results of a water tightness test performed on the lined system by a Professional Engineer dictating and overseeing the testing methodology and shall certify that the system is of sufficient water tightness in his/her professional

opinion so as not to impact the conclusions of the stormwater analysis with regard to rate and volume attenuation.

9. If blasting is needed, it shall be performed by a licensed professional in keeping with all requirements of the Town of Dracut Fire Department and Building Department. All works shall be in keeping with 527 CMR 1.00, 527 CMR 1.00 and other applicable State and Federal Regulations.
10. Within ninety (90) days of the issuance of the final certificate of occupancy, the Applicant shall submit to the ZBA, the Building Inspector, and the Community Development Director 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 As-Built Plans shall be provided in paper form, as pdf file(s) and as AutoCAD plans, in a version approved by the Town Engineer so as to be compatible with the Town Engineer's software and hardware. The site engineer of record shall provide a written description of any material deviations from the Building Permit plans.
11. 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 storm-water management system in accordance with generally accepted practices and any applicable Order of the Conservation Commission.
12. The Applicant shall be permanently responsible for the following aspects of the Project:
 - a. all plowing, sanding, and snow removal. Snow shall be piled in designated locations as shown on the Approved Plans or removed from the site;
 - b. all site maintenance and establishing a regular schedule for site maintenance;
 - c. maintaining all any and all easements shown on the Plans;
 - d. stormwater management systems;
 - e. landscaping;
 - f. and, site lighting;
 - g. sidewalks and paving, inclusive of pavement markings.
13. Prior to commencing Authorized Activity, the Applicant's final construction plans shall provide that the construction of the Project shall be performed in accordance with all applicable laws and regulations regarding noise, vibration, dust, sedimentation control and blocking of Town roads and the Applicant shall install aprons at entry points and provide for dust control in the form of sweeping and spraying of water whenever necessary.
14. No stumps or construction debris shall be buried or disposed of at the Property.
15. The Applicant shall use all reasonable means to minimize inconvenience to residents in the general area, during construction.

16. Any Permit granted hereunder is granted to the Applicant and may not be transferred or assigned to any party without the approval of the Subsidizing Agency and notice to the ZBA, as required by 760 CMR 56.05(12)(b).
17. Any changes to the Project after issuance of the Comprehensive Permit shall be reviewed and approved by the ZBA in accordance with 760 CMR 56.05 (11). The Project shall be constructed substantially in accordance with the Plan of Record. Proposed and reasonable adjustments to the Plan following the issuance of this Comprehensive Permit decision are allowed. Changes shall be submitted to the Building Inspector who may determine whether the adjustment constitutes an adjustment or a "change" Adjustments may be approved directly by the Building Inspector with input from appropriate department heads, if requested. Proposed insubstantial or substantial change shall be submitted to the ZBA for review and authorization in accordance with applicable regulatory provisions.
18. Building construction may begin simultaneously with the commencement of construction of the infrastructure, but no occupancy permit shall issue until compliance with the state Building Code has been achieved or adequate security has been posted.
19. Final plans shall be approved by the Fire Department and Dracut Water Department with regard to hydrant locations and access to buildings.
20. The ZBA's approval of this Application is for the Project as set forth in the Project Plans. No other structures or uses shall be allowed unless approved by the ZBA.
21. Require installation of connection to live sewer line to comply with DPW requirements.
22. Snow not able to remain in designated storage areas shall be removed from site.
23. Trash pickup shall be private. There shall be no dumpsters or other outdoor storage of trash allowed on the site.
24. Signage shall comply with the Dracut Zoning Bylaw.
25. Contract and Inspection Reports for stormwater inspection and cleaning shall be shared with the Building Inspector annually

V. LAPSE

Any Comprehensive Permit granted hereunder shall be recorded and shall lapse three years from the date that it takes final effect (i.e., the date that it is filed with the Town Clerk, subject to tolling in the event of any appeal and as provided in 760 CMR 56.05(12)(c)), unless construction on the Project has substantially commenced within such period. The ZBA may extend the three year period in writing, if such a request is submitted by the applicant in writing, at least 60 days prior to the date of the lapse of the Comprehensive Permit.

VI. WAIVERS

1. The Applicant shall comply with the State Building Code and the Town of Dracut Zoning Bylaw as of the date this Application was filed with the ZBA, and all other local development controls as of the date of this Application, except as expressly waived and provided for herein. Any waiver not expressly granted or not shown on the approved Plan of Record is hereby not granted. Grant of the Comprehensive Permit and the Waivers is expressly conditioned upon compliance with all of the conditions of approval as set forth in Section IV of this Comprehensive Permit.
2. Water, Sewer and other connection fees shall be waivable upon authorization of the appropriate Boards or Commissions.
3. The Waivers in APPENDIX A are hereby granted.

VII. VALIDITY OF PERMIT

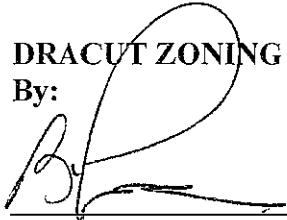
This permit shall not be valid until recorded with the Registry of Deeds and evidence of such recording is provided to the ZBA, the Building Inspector, and the Community Development Director. Any modification of this permit shall be subject to 760 CMR 56.07(4) or any successor regulation thereto. Any person aggrieved by this decision may appeal to a court of competent jurisdiction within 20 days as provided by G.L. c. 40A, § 17 or G.L. c. 40B, §20 et seq., as applicable.

RECORD OF VOTE

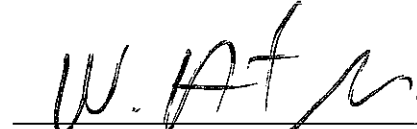
The following members of the Zoning Board of Appeals voted, 4 to 0, at its public meeting on April 17, 2025, to grant a Comprehensive Permit, including the approval of the Waivers, subject to the above-stated Conditions, with this Decision as attested by the signatures below.

DRACUT ZONING BOARD OF APPEALS

By:



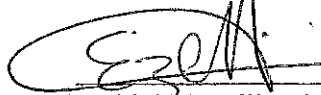
Brian Lussier, Chair



Warren Hunt, Jr., Clerk



R. Scott Mallory, Vice Chair



Ezekiel Haradji, Alternate Member

TOWN CLERK
DRACUT, MA

RECEIVED
TOWN CLERK'S OFFICE
2025 APR 22 PM 3:36

Not Voting

Joe DiCarlo

Not Voting

Nicholas Jarek

Not Voting

Ed Brown

Dated: April 17, 2025

The following members of the Zoning Board of Appeals are in opposition to the grant of the Comprehensive Permit Decision:

none

none

Filed with the Town Clerk on 04/22/2025.



Jayne Boissonneault, Town Clerk

NOTICE: Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Town Clerk's Office, Town Hall, Dracut, Massachusetts. Any appeal filed by the Applicant shall be filed with the Housing Appeals Committee pursuant to M.G.L. c. 40B, s. 23, within twenty (20) days after the filing of this notice with the Town Clerk's Office.

Decision in Case No. 2023-06
Greenmont Commons, LLC
135 Greenmont Avenue, Dracut

APPENDIX A – See Attached WAIVERS Document

Chapter 8A, Sections 1 through 17	Streets and Sidewalks	Street opening permit issued, and related fee required, by Sewer Commissioners and/or Highway Surveyor and/or Town Engineer.	Requires street opening permit for the disturbance of the surface of any public way, and for the installation of sewer, water and other utilities under the surface of any public way.	Street opening schedule and procedures to comply with the requirements of the Town of Dracut Department of Public Works.
Chapter 9, Sections 10, 11	Building Construction	Construction on Undeveloped Streets	Requires that No Building Permit Shall Issue on Undeveloped Streets Without Planning Board Approval.	Waived. To Be Governed By Comprehensive Permit.
Chapter 13, Section 15.2	Fire Lanes	Requirements for Fire Lanes.	Requires fire lanes for condominium complexes to be a minimum of 25 feet in width.	Waived to allow for a Fire Lane of not less than 24' upon approval of the Fire Department
Chapter 24	Stormwater and Erosion Control Bylaw	Stormwater Management Permit	Requires all New Development to File for a Stormwater Management Permit with the Stormwater Permitting Authority (SWPA).	Waived. To be Governed By Comprehensive Permit and Order of Conditions.

TOWN OF DRACUT ZONING BYLAWS AS AMENDED THROUGH JUNE 14, 2021 ANNUAL TOWN MEETING				
BY LAW/REG.	REFERENCE	DESCRIPTION	REQUIRED	PROPOSED
1.16.20 - 1.16.23	Site Plan Special Permit	Site Plan Special Permit	Site Plan Special Permit required for certain uses and construction.	Waived. To be governed by Comprehensive Permit.
2.11.00 - 2.11.50; 4.12.00 - 4.12.30	Use Regulations and Definitions.	Use Regulation Requirements and Schedule for uses within the Residential (R-1) Zoning District; Multifamily Development Special Permits.	Prohibits two family and multi-family dwellings in R-1 Zoning District and other uses not specifically permitted in the Table of permitted Uses (Section 2.11.30) or Section 2.11.40. Permits no more than one dwelling purposes on a lot (Section 2.11.42).	Waived. Permit the use of the Property for 24 residential dwelling units, and related accessory uses, parking (including garage and surface parking), utilities, accessory utility/storage/maintenance facility serving the project, and other appurtenant uses customary to such residential uses, as well as designated open space uses. Also allow the use of one temporary construction and/or marketing trailer as Applicant's project office until all certificates of occupancy are issued.
2.12.00-2.12.10	Intensity of Use (Dimensional Requirements)	Dimensional Requirements.	No land can be used or structure constructed except in accordance with 2.12.00 and Table of Dimensional Requirements.	Waived. To be governed by Site Plans as described in the Comprehensive Permit Decision.

2.12.00 -- 2.12.50 (Table of Dimensional Standards)	Dimensional Requirements	General Dimensional Requirements.	Min. Lot Area (40,000 s.f.); Frontage (200 ft.); Lot Width (50 ft); Front Yard (100 ft); Side Yard (15 ft); Rear Yard (40 ft); Max. Height (45 ft. and 2.5 stories).	Waiver of front setback to 18'
2.12.80	Principal Structures	Permits More Than One Principal Structure on Lot.	Permits More Than One Principal Structure on Lot, subject to conditions.	Waived. To be governed by Comprehensive Permit, including Site Plans referenced therein.
3.10.00 - 3.10.24, 3.10.40-3.10.49	Parking and Loading Requirements	Parking Requirements	Parking and loading requirements for R-1 Zoning District, including minimum spaces by use, setback, location and landscaping requirements.	Waived to the extent the parking shown on Site Plans is inconsistent with parking requirements. Parking to be provided shall be as shown and located on the Site Plans, and shall comply with the rules and regulations of the Massachusetts Architectural Access Board.
3.12.00 - 3.12.80	Permit for Soil, Vegetation, Rock and Gravel Removal.	Permit for Soil, Vegetation, Rock and Gravel Removal.	Prohibits Soil, Vegetation, Rock and Gravel Removal unless incidental to construction of ways approved by Planning Board, or in connection with site specific building.	Waived in its entirety. Allow earth removal as provided in the Comprehensive Permit Decision.
3.14.00 - 3.14.73	Buffering, Screening and Grading Requirements.	Standards for Buffering, Screening and Grading Requirements.	Standards for Buffering, Screening and Grading Requirements.	Waived. Buffering, Screening and Grading are to be as shown on the Site Plans.

4.12.00-4.12.30	Special Permits-Multifamily Development.	Requires special permit for multifamily development based upon specified criteria.	Requires special permit for multifamily development based upon specified criteria.	Waived.
TOWN OF DRACUT STORMWATER MANAGEMENT PERMITTING AND REGULATIONS (2020)				
Section 6.iv -- Fees; Multi-family project	Stormwater Management Rules and Regulations	Stormwater Management Permit	Multi-family project: The larger of \$100.00 or \$0.0030 per square foot of the total parcel size to which the permit will be issued, up to a maximum of \$500.00 non-refundable, plus public hearing legal notice fee, if applicable.	Waived. To be governed by Comprehensive Permit.
Section 7.A	Stormwater Management Rules and Regulations	Stormwater Management Permit	The application for a Stormwater Management Permit shall include a Stormwater Management Plan. The Stormwater Management Plan shall contain sufficient information for the Stormwater Permitting Authority to evaluate the environmental impact, effectiveness, and acceptability of the site planning process and the measures proposed by the applicant to reduce adverse impacts from stormwater runoff during construction, and post-construction in the long-term.	Waived. To be governed by Comprehensive Permit.

Section 7.B.(4)(b)	Stormwater Management Rules and Regulations	Stormwater Management Permit	Groundwater recharge calculations and BMP drawdown (time to empty);	Waived. To be governed by Comprehensive Permit.
Calculations				
Section 7.C.(1) General Performance Standards for all sites	Stormwater Management Rules and Regulations	Stormwater Management Permit	LID site planning and design strategies must be utilized to the maximum extent feasible.	Waived. To be governed by Comprehensive Permit.
Section 7.G.(1) Stormwater Management Design Standards	Stormwater Management Rules and Regulations	Stormwater Management Permit	Projects must be designed to collect and dispose of stormwater runoff from the project site in accordance with Massachusetts Stormwater Management Standards, the Small MS4 General Permit, Department of Public Works, Special Permit Requirements, and recognized engineering methodologies and these regulations with an emphasis on including LID techniques in the design.	Waived. To be governed by Comprehensive Permit.
Section 7.G.(2) Stormwater Management Design Standards	Stormwater Management Rules and Regulations	Stormwater Management Permit	Projects must manage surface runoff so that no proposed flows are conducted over public ways, nor over land not owned or controlled by the Applicant unless a drainage easement in proper form is obtained permitting such discharge.	Waived. To be governed by Comprehensive Permit.

Section 7.G.(3) Stormwater Management Design Standards	Stormwater Management Rules and Regulations	Stormwater Management Permit	Projects must use LID techniques where adequate soil, groundwater and topographic conditions allow. These may include but not be limited to reduction in impervious surfaces, disconnection of impervious surfaces, bio-retention (rain gardens) and infiltration systems. The use of one or more LID site design measures by the applicant may allow for a reduction in the water quality treatment volume required by these regulations. The applicant may, if approved by the Stormwater Authority, take credit for the use of stormwater LID measures to reduce some of the requirements specified in these regulations. The site design practices that qualify for these credits and procedures for applying and calculating credits are identified in the Massachusetts Stormwater Handbook and/or local LID Credit bylaw.	Waived. To be governed by Comprehensive Permit.
Section 7.G.(10) Stormwater Management Design Standards	Stormwater Management Rules and Regulations	Stormwater Management Permit	Soils tests to be conducted by a Registered Professional Engineer or Massachusetts Soil Evaluator, performed at the location of all proposed LID techniques and BMPs, to identify soil descriptions, depth to estimated seasonal high groundwater, depth to bedrock, and soil texture.	Waived. To be governed by Comprehensive Permit.
Section 7.G.(15) Stormwater Management Design Standards	Stormwater Management Rules and Regulations	Stormwater Management Permit	Size stormwater basins to accommodate the 100-year storm event with a minimum of one foot of freeboard.	Waived. To be governed by Comprehensive Permit.

Section 7.G.(18) Stormwater Management Design Standards	Stormwater Management Rules and Regulations	Stormwater Management Permit	Catch basins adjacent to curbing are to be built with a granite curb inlet as required by the Town of Dracut and in accordance with MassDOT Standard Specifications for Highways and Bridges	Waived. To be governed by Comprehensive Permit.
Section 7.G.(20) Stormwater Management Design Standards	Stormwater Management Rules and Regulations	Stormwater Management Permit	All drainpipes are to be reinforced concrete pipe or High Density Polyethylene (HDPE) pipe and have a minimum diameter of 12 inches.	Waived. To be governed by Comprehensive Permit.
Section 7.G.(23)(a) Stormwater Management Design Standards	Stormwater Management Rules and Regulations	Stormwater Management Permit	Limiting grading within 4 feet of seasonal high groundwater elevation (SHGWE);	Waived. To be governed by Comprehensive Permit.
Section 7.G.(23)(b) Stormwater Management Design Standards	Stormwater Management Rules and Regulations	Stormwater Management Permit	Raising roadways to keep roadway section above SHGWE;	Waived. To be governed by Comprehensive Permit.
Section 7.G.(23)(c) Stormwater Management Design Standards	Stormwater Management Rules and Regulations	Stormwater Management Permit	Setting bottom floor elevation of building(s) a minimum of 2 feet above SHGWE.	Waived. To be governed by Comprehensive Permit.

<p>Section 11</p> <p>Surety for projects requiring permits</p>	<p>Stormwater Management Rules and Regulations</p>	<p>Stormwater Management Permit</p>	<p>The Stormwater Permitting Authority may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the security shall be approved by Town Counsel and the Stormwater Permitting Authority, and shall be in an amount deemed sufficient by the Stormwater Permitting Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Permitting Authority may release part of the security as each phase is completed in compliance with the permit, but the security may not be fully released until the Stormwater Permitting Authority has received the final report as required by Section 12 and issued a certificate of completion pursuant to Section 13. If the permittee defaults on any obligations imposed by the Land Disturbance Permit, the Stormwater Authority may (after notification of the permittee) inform the holder of the security (and the municipal treasurer if the treasurer is not holding the funds) of the default, in which event the Town shall be entitled to the security funds.</p>	<p>Waived. To be governed by Comprehensive Permit.</p>
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Section 12 Final Reports for projects requiring permits	Stormwater Management Rules and Regulations	Stormwater Management Permit	Upon completion of the work, but no later than two (2) years after completion of construction projects, the permittee shall submit a report (including certified as-built construction plans) from a registered Professional Engineer (PE), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post construction stormwater management). Any discrepancies should be noted in the cover letter.	Waived. To be governed by Comprehensive Permit.
Section 13 Certificate of Completion for projects requiring permits	Stormwater Management Rules and Regulations	Stormwater Management Permit	The Stormwater Permitting Authority shall issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work has been conducted in conformance with these regulations and the Stormwater Management Permit conditions.	Waived. To be governed by Comprehensive Permit.