



The City of Waltham
ZONING BOARD OF APPEALS

NOTICE OF DECISION

CASE NUMBER: #2021-43

NAME OF PETITIONER: 2Life Development Inc.

LEGAL OWNER: The Leland Home

LOCATION OF PROPERTY: The locus is situated at 21 Newton Street
Map 061 Block 013, Parcel 0003

DATE OF HEARING(S): 2-15-2022

DATE OF DECISION:

DATE OF FILING OF DECISION WITH CITY CLERK:

DATE OF NOTIFICATION TO BUILDING INSPECTOR:

FINAL DATE FOR FILING OF APPEAL FROM THIS DECISION:

Appeals, if any, shall be made pursuant to Section 17 of the General Laws of Massachusetts Chapter 40A. All plans referred to in the decision have been filed with the Planning Board and with the City Clerk.

DECISION
COMPREHENSIVE PERMIT, PURSUANT TO M.G.L. c. 40B

GRANTED with Conditions **XX**

DENIED

ROLL CALL

Yes No - Yes No

Matthew Deveaux
Michael J. Cotton
John Sergi
Mark A. Hickernell
Glenna Gelineau

Edward T. McCarthy. Jr.
Oscar L. LeBlanc
Marc S. Rudnick
Michael R. Squillante
Sarah Hankins

PETITION

Petitioner: 2Life Development Inc.

Nature of Appeal: Application for a Comprehensive Permit Pursuant to Massachusetts General Laws, Chapter 40B, Sections 20-23.

Subject Matter: The Petitioner, 2Life Development Inc. proposes to construct 68 apartment units and will provide 66 units which meet the definition of low and moderate income under the meaning of M.G.L. Chapter 40B, Section 20. The Petitioner submits this application for a comprehensive permit under the provisions of M.G.L. Chapter 40B, Sections 20-23, inclusive and as amended (the "Statute"), for the construction, maintenance, and use of sixty eight (68) apartment units, of which sixty six (66) will be affordable deed-restricted units that will serve households with incomes up to 60% of the Area Median Income (AMI).

Location and Zoning District:

The locus is numbered 21 Newton Street and is identified as Map 61, Block 13, Lot 3 according to the Atlas of the City of Waltham. The locus is situated on the Westerly side of Newton Street and consists of 65,221 +/- square feet (1.497 +/- acres). The locus is situated in a Residence B Zoning District.

COMPREHENSIVE PERMIT

**2Life Development Inc.
21 Newton Street, Waltham, Massachusetts**

Background/Summary of Proceedings:

2Life Development Inc., 30 Wallingford Road, Brighton, MA 02135 (the "Petitioner" or "Developer") has requested that the City of Waltham Zoning Board of Appeals (the "Board") pursuant to Massachusetts General Laws, Chapter 40B ("Chapter 40B") issue a comprehensive permit for the construction, use, and maintenance of a multi-family apartment complex (the "Development") on 1.497 +/- acres of property located on the westerly side of Newton Street. The Petitioner submitted to the Board a formal Petition on December 20, 2021, which also included but was not limited to a List of Waivers, Petitioner's bound Comprehensive Permit Application Materials, and preliminary design plans for the Development (the "Application").

Prior to filing its Application with the Board, the Petitioner submitted an application to the City of Waltham Community Preservation Committee (CPC) and was approved for six million dollars in Community Preservation Act (CPA) funds to support the Proposed Development.

After review and consultation with the Ward Councillor, abutters, and the City Council, the Petitioner revised its design to better address the concerns of neighbors, resulting in a reduction in the size of the Proposed Development, largely consisting of:

- Reduction of proposed units from 79 to 68;
- Reduction of the proposed height from four stories to a forty-foot, three-story building, both of which are compliant with the Zoning Ordinance; and
- Increase in proposed parking from forty parking spaces (0.5 parking spaces per unit) to 51 parking spaces (0.75 parking spaces per unit).

Based on these modifications to the Proposed Development, the City Council unanimously approved the six million dollars in CPA funds on August 3, 2021.

Thereafter, the Petitioner applied for and received a Project Eligibility Letter from the Commonwealth of Massachusetts Department of Housing & Community Development, dated November 17, 2021, indicating that the Proposed Development has been approved under the Low Income Housing Tax Credit (LIHTC) program. The Petitioner asserts that it is a non-profit corporation within the meaning of M.G.L. c. 40B and 760 CMR 56.04 and is eligible to receive the LIHTC after a Comprehensive Permit pursuant to said M.G.L. c. 40B has been granted.

The Petitioner contends that it has complied with the procedural requirements of Chapter 40B, Section 21 for submission of an application for a Comprehensive Permit. The Petitioner requested from the Board a Comprehensive Permit pursuant to Chapter 40B, asserting that the Development qualifies as low-and/or moderate-income housing as defined in Sections 20-23 of Chapter 40B. The Property is located in a Residence B Zoning District as shown under the Zoning Map as part of the Zoning Ordinance of the City of Waltham (the "Zoning Ordinance").

The Petitioner has reviewed local codes, ordinances, and regulations including the Zoning Ordinance, Stormwater Regulations, Engineering Department Plan and Utility Requirements and Engineering Department Drainage Calculation Requirements, and Traffic Rules and Regulations, and has submitted a list of provisions under said local codes, ordinances and regulations with which the Petitioner seeks not to comply, including but not limited to exceptions related to use, density, setbacks, and parking. The Petitioner shall comply as specifically identified below and as detailed in the Plans dated December 20, 2021, revised February 9, 2022 and February 14, 2022 (identified fully in Section II below) which are incorporated herein and expressly made part of this Decision (note: a full set of said controlling Plans are located in the Office of the Zoning Board of Appeals, 119 School Street, Waltham, MA 02451).

Subsequent to the Petitioner's December 20, 2021 filing, comments were received from the City

of Waltham Engineering Department, Fire Department, and Board of Survey and Planning. In response to these comments, in advance of the Public Hearing the Petitioner incorporated further changes to the design in its Revised Plans dated February 9, 2022 and February 14, 2022, including reducing the building at its southerly end (along with associated changes to the site layout and interior modifications to the building) to accommodate an access lane along the southerly end of the site from Newton Street to the rear parking lot per the request of the Fire Department so that fire and emergency apparatus can traverse the entire site.

A public hearing on the Application was held on February 15, 2022 before the Board, where the Board heard testimony from the Petitioner, received comments from various interested parties and considered expert reports of Petitioner's consultants. This Decision is made this ____ day of _____, 2022 and grants a Comprehensive Permit for the Development, subject to the waivers and conditions specified in this decision. Upon issuance of this Decision, the Board agrees that it shall not advance any further appellate opposition against this Development under the land area safe harbor, subject to the Condition that the Petitioner does not appeal any terms of this Comprehensive Permit.

FINDINGS AND DECISION

The Board on motion duly made and seconded hereby grants a comprehensive permit to the Petitioner under the provisions of M.G.L. c. 40B §§20-23 for the construction of 68 units of multi-family apartment housing at the Property, subject to all the terms and conditions contained in this Decision.

The Petitioner provided a Project Eligibility Letter dated November 17, 2021, which stated that the Petitioner is able to meet the requirements under the LIHTC program, the fundability requirement of 760 CMR 56, and the site control requirement of 760 CMR 56, thereby allowing the Petitioner to file a Comprehensive Permit Application before the Board. The Petitioner has shown evidence of its interest in the Property, in Section 6 of the Petitioner's Bound Application Materials, via a Purchase and Sale Agreement dated August 24, 2021 between Petitioner and the Legal Owner, sufficient to qualify it as a recipient for a comprehensive permit.

After reviewing the evidence, the Board finds that the Conditions enumerated below are required because the Development (without the imposition of such Conditions) causes several concerns as to use, density, setbacks, traffic and pedestrian safety, and parking design, and other local concerns. Said factors outweigh the regional need for low-and moderate-income housing in Waltham, particularly given Waltham's continuing efforts to address the affordable housing needs of the City: consequently, conditions are required for the issuance of this Comprehensive Permit in order to ameliorate said factors.

After reviewing the evidence, the Board voted to GRANT the Comprehensive Permit under the

provisions of M.G.L. c. 40B, §§ 20-23 and the applicable regulations and guidelines for the development of a 68-unit Development, in accordance with the Plans which are incorporated by reference as if fully set forth herein, subject to the conditions and waivers set forth herein. The Board considered conditions it felt would best ameliorate the issues raised by the construction and operation of the Development, including concerns regarding health and safety of the occupants of the Development and of occupants of neighboring properties, environmental, and other local concerns identified above. The Board finds that the conditions as approved and identified below strike the appropriate balance between protecting health, safety and welfare of the residents of Waltham, tenants of the Development, and the abutters, and that with the conditions as approved and identified below, the Development is consistent with local needs.

WAIVERS AND CONDITIONS TO THE COMPREHENSIVE PERMIT

The Board’s approval of the Comprehensive Permit for the Development is premised on the Petitioner’s and the Development’s compliance with the following Waivers and Conditions. All requirements imposed by these waivers and conditions and this Permit shall be applicable to any and all successors in interest to the Petitioner or other entity responsible for the administration of the Development regardless of whether these waivers and conditions specifically identify the Petitioner.

I. The following Waivers requested by the Petitioner are as indicated:

a. Special Permits:

1. Section 3.511 – Special Permit for Intensity of Use – Allowing for a maximum Floor Area Ratio of 1.12 in the Residence B Zoning District.
2. Section 3.512 – Special Permit for Use – Allowing a multi-family dwelling not allowed in the Residence B Zoning District.

b. Waivers:

Ordinance Section	Requirement	Required Waiver(s)	Details of Proposal Requiring Waivers	Waiver Number
3.4	Table of Uses	Allowing a multi-family dwelling not allowed in the Residence B Zoning District	The development has 68 units in the Residence B Zoning District	A
3.52	Development ProspectusComments	Waiver of Requirement from Development Prospectus Comments	Waiver of Requirement from Development Prospectus Comments	B
3.53	Determinations	Waiver of Requirement from Determinations	Waiver of Requirement from Determinations	C

3.618	Multi-family dwellings	Allowing a multi-family dwelling not allowed in the Residence B Zoning District	The development has 68 units in the Residence B Zoning District	D
4.11	Min. Side Setback	Waiver from required side setback of 10 feet in the Residence B Zoning District	The Development has a northerly side setback of 7.69' in the Residence B Zoning District	E
4.11	Min. Rear Setback	Waiver from required rear setback of 30 feet in the Residence B Zoning District	The Development has a rear setback of 15.31' in the Residence B Zoning District	F
4.11	Max. FAR by right	Allowing for a maximum Floor Area Ratio of 1.12 in the Residence B Zoning District	The Development has a FAR of 1.12 in the Residence B Zoning District	G
4.11	Multifamily Dwellings	Waiver from the prohibition of multifamily dwellings in the Residence B Zoning District	The development has 68 units in the Residence B Zoning District	H
4.11	Lot Coverage	Waiver from the maximum allowed lot coverage of 30% in the Residence B Zoning District	The development has 39.5% lot coverage in the Residence B Zoning District	I
4.11	Open Space	Allowing for open space of 26.4% in the Residence B Zoning District	The development has 26.4% open space in the Residence B Zoning District	J
4.11	Maximum number of Units per Acre in the Residence B District	Allowing 46 units per acre in the Residence B Zoning District	The development has 46 units per acre in the Residence B Zoning District	K
4.11	Minimum Lot Area Per Dwelling Unit in the Residence B Zone	Allowing a minimum lot area per dwelling unit of 959.1 sq. ft. per unit in the Residence B Zoning District	The development has a minimum lot area of 959.1 sq. ft. per unit in the Residence B Zoning District	L
4.11	Minimum open space per unit	Allowing minimum open space per unit of 252.8 sq. ft. in the Residence B Zoning District	The development has minimum open space per unit of 252.8 sq. ft. in the Residence B Zoning District	M
4.221	Location of accessory buildings in the Residence B Zoning District	Waiver from the requirement that an accessory building be located at least 10 feet from the principal building and 5 feet from the side and rear lot lines	The development has two accessory buildings (sheds). One is located 2 feet from the principal building and 4 feet from the rear lot line. The other is located 4 feet from the side (northerly) lot line.	N

5.21	Parking Spaces for Multifamily Use	Waiver from the required 2 parking spaces per dwelling unit	The development has 51 parking spaces for 68 dwelling units or .75 spaces per unit	O
5.41	Width of Driveway	Waiver from the requirement that a driveway exceeding 25 feet requires a Special Permit from the Board of Survey and Planning	The proposed Heard Street driveway is 30 feet wide to allow adequate access to fire apparatus per the request of the Fire Department.	P
5.41	Location of driveway	Waiver from the requirement that a new driveway located within 100 feet of an intersection requires a Special Permit from the Board of Survey and Planning	<ol style="list-style-type: none"> 1. The proposed Newton Street entry / exit driveway (westerly side of Newton Street) will be located less than 100 feet from the intersection of the easterly side of Newton Street and Barton Street (one way street turning onto Newton). This is an improvement from the existing drive that lines up with the intersection. 2. The proposed access lane at the southerly end of the site will be located within 100 feet of the intersection of Newton Street and Barton Street as well as within 100 feet of the intersection of Newton Street and Central Street. The proposed access lane is largely within the location of the former Leland Home's ambulance drive, consisting of two curbs cuts in close proximity to one another. 	Q
5.42	No paved area, excluding entrances and exits, shall extend within 5 feet of any lot or street line; nor into any front yard	Waiver from the requirement that there be no paved area within 5 feet of a lot line or a street line in the Residence C Zoning District	The development will have an area of paved area (raised curb) within 5 foot of a lot line or a street line in the front yard associated with the entry / exit drive along Newton Street, as well as parking	R

			spaces in the front yard. Further, the access lane along the southerly end of the site will be within 5 feet of a lot line.	
5.91	Loading Areas	Waiver from the requirement to provide 1 12' x 70' loading area	The Development has one proposed loading area at 13' x 30'	S
6.31	New signs	Waiver of the requirement for a new sign permit	Waiver of the requirement for a new sign permit	T

II. The Board grants the Comprehensive Permit subject to the Petitioner adhering to all of the following conditions and operative facts identified in this Decision:

The Board's approval of the Comprehensive Permit for the Development is premised on the Petitioner's and the Development's compliance with the following conditions:

A. Design and General Conditions

1. The Development shall be constructed on the Property in accordance in all material respects with the following plans entitled "Leland House Comp. Permit (M.G.L. c. 40B)" (the "Plans"), consisting of twenty (20) sheets including Cover Sheet. Said Plans are incorporated herein and expressly made part of this Decision. A full set of said controlling Plans are located in the Office of the Zoning Board of Appeals, located at 119 School Street, Waltham, MA 02451:
 - a. Cover Sheet, by PCA, Inc. dated December 20, 2021, revised February 9, 2022;
 - b. ALTA/NSPS Land Title Survey, by Precision Land Surveying, Inc., dated July 29, 2021, revised February 8, 2022;
 - c. Plot Plan, by Precision Land Surveying, Inc., dated February 14, 2022;
 - d. Plan of Land, by Precision Land Surveying, Inc., dated July 29, 2021;
 - e. 300' Abutters Plan, by Precision Land Surveying, Inc., dated October 22, 2021, revised February 8, 2022;
 - f. Zoning Plan, Sheet L-101, by Stantec Consulting, dated December 20, 2021, revised February 9, 2022 and February 14, 2022;
 - g. Layout and Materials Plan, Sheet L-201, by Stantec Consulting, dated December 20, 2021, revised February 9, 2022 and February 14, 2022;
 - h. Grading Plan, Sheet L-301, by Stantec Consulting, dated December 20, 2021, revised February 9, 2022 and February 14, 2022;
 - i. Utility Plan, Sheet C-401, by Stantec Consulting, dated December 20, 2021, revised February 9, 2022 and February 14, 2022;
 - j. Utility Profiles, Sheet C-402, by Stantec Consulting, dated February 9, 2022, revised February 14, 2022;
 - k. Planting Plan, Sheet L-501, by Stantec Consulting, dated December 20, 2021,

revised February 9, 2022 and February 14, 2022;

- l. Site Details, Sheet L-601, by Stantec Consulting, dated December 20, 2021;
 - m. Site Details, Sheet L-602, by Stantec Consulting, dated December 20, 2021;
 - n. Utility Details, Sheet C-603, by Stantec Consulting, dated December 20, 2021;
 - o. Utility Details, Sheet C-604, by Stantec Consulting, dated December 20, 2021;
 - p. Fire Department Exhibit, Sheet L-701, by Stantec Consulting, dated February 9, 2022, revised February 14, 2022;
 - q. Aerial Photos, Sheet A1-01, by PCA, Inc., dated December 20, 2021, revised February 9, 2022 and February 14, 2022;
 - r. Floor Plans, Sheet A1-10, by PCA, Inc., dated December 20, 2021, revised February 9, 2022 and February 14, 2022;
 - s. Floor Plans, Sheet A1-11, by PCA, Inc., dated December 20, 2021, revised February 9, 2022 and February 14, 2022; and
 - t. Elevations, Sheet A1-20, PCA, Inc., dated December 20, 2021, revised February 9, 2022 and February 14, 2022.
2. 68 total apartments shall be constructed in one multi-family residential apartment complex that shall consist of 66 apartments for residents, two apartments for on-site support staff, associated interior common areas and amenity spaces, and other additional amenities on the Property as identified in the Plans.
 3. All construction on the Property shall be in accordance in all material respects with the Plans referenced above. Construction of the Development shall be in accordance with federal and state law and the State Building Code.
 4. This Comprehensive Permit shall lapse if construction of the Development has not commenced within three years after this permit becomes final (which period shall toll in accordance with 760 CMR 56.05(12)(c)).
 5. The Petitioner shall record this Decision at the Middlesex South Registry of Deeds and provide evidence of said recording to the Board and the Inspector of Buildings prior to application for a Building Permit.
 6. Each condition in this Decision shall be applicable to and binding on the Petitioner and the Petitioner's successors and assigns.

B. Affordability

7. The Affordable Units (hereinafter defined) shall remain affordable, in perpetuity, at the rent levels articulated in Condition #9 below and as set forth in this Decision.

8. It is the intent of the City and the Petitioner that all of the units in the Development be included in the Subsidized Housing Inventory for Waltham maintained by DHCD and that the acreage of the entire parcel be counted in the numerator of the 1.5% calculation for the minimum land area safe harbor.

9. No less than sixty-six (66) of the sixty-eight (68) apartment units approved for the Development (97% of the total) shall be affordable and shall only be rented to seniors age 62 or older earning not more than sixty percent (60%) of Area Median Income (AMI) (as defined by HUD on an annual basis), in perpetuity (the “Affordable Units”). The Affordable Units shall be made available at an average annual rent (including utility allowances as defined by HUD for the Waltham Housing Authority) which does not exceed 60% of the household median income of the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area (as defined by HUD on an annual basis). The Petitioner shall use commercially reasonable efforts to ensure that the Affordable Units are at all times, fully occupied by tenants who indeed qualify for such Affordable Units and shall require such tenants occupy said units as their domiciles and principal residences.

10. The Affordable Units shall consist of sixty-four (64) one-bedroom units and two (2) two-bedroom units, which shall be evenly dispersed within the Development in substantial accordance with the Floor Plans, Sheets A1-10 and A1-11 of the above referenced Plans. The remaining two (2) one-bedroom units are reserved for on-site support staff. The following table sets forth the unit mix for the Affordable Limits:

The following table sets forth the required unit mix for the Affordable Units:

Unit Type	Total Units	Average Net Rental Square Footage (NRSF)	Unit Mix
1 Bedroom	64	645	94%
2 Bedroom	2	862	3%
Total Affordable Units	66	652	97%

The following table sets forth the proposed unit affordability mix:

Unit Type	Up to 30% AMI	Up to 50% AMI	Up to 60% AMI	Resident Manager Apts	Total
1 Bedroom	16	7	41	2	66
2 Bedroom	1		1		2
Total	17	7	42	2	68

11. During the initial lease-up period, Waltham residents who properly apply for an apartment and who meet all qualification requirements for acceptance shall receive a preference for up to 70% of the units at the Development, to the extent permitted under State and Federal Fair Housing Laws and as reviewed and approved by the Subsidizing Agency.
12. The Petitioner shall own the Development through a new, for-profit (taxable) single purpose entity in order to utilize the LIHTC program. Such entity's managing member shall qualify as a non-profit corporation under the requirements of the Subsidizing Agency program. The new ownership entity shall enter into a regulatory agreement with the Subsidizing Agency which is a recorded document that governs the terms of the affordability and specifies the requirements to which the Petitioner must conform. Upon the Stamp of the Waltham City Clerk on the final Comprehensive Permit Decision, the Petitioner shall forward a copy of the stamped decision to DHCD so that 66 apartment units shall be added to the City's subsidized housing inventory.
13. The Petitioner shall, at its sole costs and expense, develop an affirmative marketing plan for the Affordable Units which conforms to any and all Fair Housing requirements or other requirements as imposed by federal or state regulation and the subsidizing agency. The Petitioner shall select tenants and maintain any waiting lists for the Affordable Units in a fair and impartial manner, based on objective criteria set forth in the marketing materials. If criminal record checks are performed as part of the screening process of potential tenants of Affordable Units, the Petitioner shall follow DHCD's Model Policy Regarding Petitioner Screening on the Basis of Criminal Records. The Petitioner shall charge no application and/or processing and/or "holding" fee to Petitioners for Affordable Units.
15. The Petitioner shall implement a Traffic Demand Management (TDM) Plan, the goal of which is to reduce the use of single occupant vehicles, including: assistance in accessing the MBTA's "The Ride"; assistance with accessing public transit; assistance with accessing ride-hailing services; assistance with accessing delivery services for food, medicine, and retail items; and coordination with shuttle services offered by the Waltham Council on Aging. Bicycle parking will also be provided on-site.
16. The Development shall provide a total of fifty-one (51) onsite surface parking spaces consisting of 42 standard, 6 compact, and 3 ADA accessible spaces, which allows for a parking ratio of 0.75 spaces per unit (note: this is a reduction from 2 spaces per dwelling unit required by the Zoning Ordinance), all located as shown on the Zoning Plan, Sheet L-101.
17. The Petitioner shall make all surface parking spaces available, free of charge, to tenants in the development. The marketing materials for the Affordable Units shall specifically include this condition.
18. The Development shall have trees and plantings as indicated on the Planting Plan, Sheet L-501, in order to provide a green buffer between the Development and abutting properties.

19. Upon completion of the Development and on an ongoing basis, the Petitioner shall trim and if necessary remove trees and vegetation along the Development site frontage that inhibit lines of sight from the vehicle access points of the Development.

C. Stormwater, Sewer, Water, and Utilities

20. The Petitioner shall comply with the City Ordinance 16-32 Infiltration and Inflow Mitigation fee as revised through ordinance number 33242 dated June 1, 2015. Upon connection to the sewer system, the Petitioner shall pay the required Infiltration and Inflow Mitigation fee.
21. The Petitioner shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City prior to the start of construction.
22. The Petitioner shall conform to MassDEP standards in installing the Development's stormwater system.
23. Petitioner shall provide sumps for all catch basins at a minimum of four feet.
24. All water and sewer connections shall be pressure tested by Petitioner and test results shall be provided to the City Engineer prior to approval for use.
25. Petitioner shall cut and cap all existing services at the main.
26. Petitioner shall construct all utilities underground.

D. Fire Safety and Additional Site and Safety Issues

27. Snow shall be stored in the snow storage locations shown on the Zoning Plan, Sheet L-101 or removed from the site and disposed of per State Regulations. Removal of snow from the Development shall be the exclusive responsibility of the Petitioner in perpetuity.
28. Waste shall be collected in the trash room locations shown on the Floor Plans, Sheets A1.10 and A1.11. Petitioner shall contract with a professional waste hauler to remove trash and recycling from the Development and all trash and recycling operations shall be the exclusive responsibility of the Petitioner in perpetuity.
29. The Petitioner, at the Petitioner's sole cost shall ensure that water pressure and flow at the Development will be sufficient to support the sprinkler systems to be installed in the Development. Said system shall be approved by the Waltham Fire Department.
30. The Petitioner shall install a fully addressable control panel and BDA (Bi-Directional Amplifier) system as required by and to be coordinated with the Waltham Fire Department.
31. Wall and ground mounted light fixtures incorporated into the Development shall be

designed as “down-lights” to reduce the amount of light spilling onto the abutting properties.

32. The Petitioner shall provide as-built plans to the City for all utility, roadway, or pedestrian infrastructure within six months of receipt of the first certificate of occupancy for the Development.
33. Prior to the start of construction, the Petitioner shall engage the services of a qualified professional engineer and/or registered architect to provide certification at the completion of work that the Development has been built in accordance with the Plans in all material respects and prior to the start of construction shall inform the Board of the name, business address, and telephone number of the engineer and/or architect retained. The engineer and/or architect shall perform site inspections at his/her own discretion through the construction process to enable accurate final certification to the Board of compliance with this decision upon completion of the Development.
34. Prior to the start of construction, the Petitioner shall erect construction fencing along any unfenced portions of the property line.
35. Prior to the start of construction, including any demolition or site work, the Petitioner’s contractor shall develop an Integrated Pest Management Plan and contract with a licensed or certified applicator(s) to implement such plan. Any rodenticides shall be placed in tamper resistant bait stations.
36. Prior to the start of construction, the Petitioner shall submit to the Waltham Fire Department, for approval by the Fire Chief or his designee, a detailed and comprehensive NFPA 241 plan. Said plan shall include any reasonable measures and/or precautions which the Fire Chief or his designee may require. Upon approval of the plan, the Fire Chief or his designee shall notify the Board and the Inspector of Buildings of said approval. Petitioner shall provide the fire prevention measures included therein for as long as the Fire Chief or his designee may deem necessary. If needed, the plan may be amended by written request of the Petitioner and upon written approval by the Fire Chief or his designee, who shall notify the Board and Inspector of Buildings of such amendments.
 - a. Pursuant to the comments of the Fire Department in its February 14, 2022 letter, the Petitioner has agreed and shall implement the following regarding the during construction and permanent sprinkler and fire alarm systems servicing the proposed development:
 - i. A double interlock pre-action sprinkler system installed as the FIRST MEP/FP Trade on each floor during construction.
 - ii. The sprinkler system will be connected to a combination of standpipe sprinkler riser in the stairwells, including the installation of the floor control valve assembly (Control Valves, Check Valves, Inspector’s Test, and Drain & Flow Switch).
 - iii. Adequate air supply will be provided to supervise the sprinkler systems piping on

each floor.

- iv. The sprinkler room will be labeled and will house the air compressor and a plan set & Knox Box/Lock for access.
- v. A “LOW AIR” supervisory alarm will be provided to supervise the integrity of the system.
- vi. The control valve (tamper switches) and low air alarms will be monitored by a temporary fire alarm system that reports to a, UL Listed, monitoring company that will contact the Fire Department in the event of an alarm.
- vii. One directly accessible double interlocked pre-action valve will be located in the water/sprinkler room.
- viii. Heat detectors will be installed as a secondary source to release the pre-action valve.
- ix. After heat from a fire activates a sprinkler head, the alarm condition will be annunciated on the temporary fire alarm control panel and signal will be sent to central station.
- x. Once the secondary releasing mechanism trips (via heat detection signal), water will be introduced into the system releasing the pre-action valve, activating the sprinkler system and Central Station will be notified. The Central Station will immediately notify the City of Waltham Fire Department.
- xi. The system will remain in service until it is deemed safe to remove and it will be converted to a wet system as designed.
- xii. The contractor will notify the Fire Department if fire protection systems are impaired during construction and reasonable efforts will be made to have the systems back in operation as soon as possible.
- xiii. The piping installed for the construction sprinkler system may be designed to stay in place, and only appropriate valves changes required to convert to a fully wet sprinkler system.

37. During the period of construction and leasing, notwithstanding any pre-conditions for the issuance of a certificate of occupancy otherwise set forth herein, the Petitioner shall be entitled to designate, construct and operate up to two (2) of the units as decorated, model units.

38. During construction, the Petitioner shall be permitted to locate necessary construction trailers on the Property. All construction trailers shall be located within the fenced construction area of the Development. Placement, operation and maintenance of the construction trailers shall not adversely impact parking, safety, or the surrounding neighborhood. Other conditions of this decision required to be satisfied prior to the issuance of a building permit or certificate of occupancy shall not apply to building permits or certificates of occupancy acquired for the construction trailers except as set forth in the required fire safety, security, and Integrated Pest Management plans.

39. Portable bathroom facilities, trash containers and portable generators shall be located within the fenced construction area for the Development.

40. During the period of construction, no construction vehicles or construction worker vehicles shall be permitted to idle for more than 5 minutes, in accordance with MGL Chapter 90, Section 16A and 310 CMR 7.11.
41. If, in reviewing the Petitioner's building permit application(s), the Inspector of Buildings determines that the Application indicates that the Development will be in violation of the Zoning Ordinance because the Petitioner did not seek and/or obtain a necessary waiver, or varies materially from the Plans or this Decision, the Inspector of Buildings shall notify Petitioner of same. The Petitioner may submit a request to the Board for a determination under 760 CMR 56.05(11).
42. Prior to the issuance of a Building Permit, the Petitioner shall file an Approval Not Required (ANR) Plan with the Board of Survey and Planning removing all interior lot lines as identified by the City of Waltham Engineering Department, uniting all of the lots on the locus into one parcel. After endorsement by the Board of Survey and Planning the ANR Plan shall be recorded by the Petitioner in Middlesex South District Registry of Deeds and shall provide the recording information and a copy of the Plan to the Board of Survey and Planning, the Zoning Board of Appeals, the City Engineer, and the Building Inspector prior to the issuance of any Building Permits hereunder.
43. The Petitioner shall provide a second Fire Department connection near the rear of the building in coordination with the Waltham Fire Department.

Based on the foregoing, the Board grants the Comprehensive Permit for the Development, subject to all the terms and conditions contained in this Decision and as shown on the Plans.

Dated: _____, ____, 2022

WALTHAM ZONING BOARD OF APPEALS

By: _____