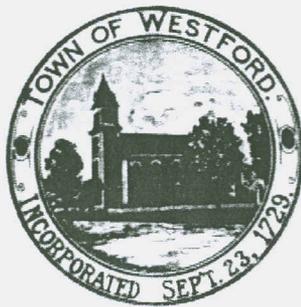


Town of Westford Zoning Board of Appeals



Comprehensive Permit Rules & Regulations

Adopted April 21, 2004

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TABLE OF CONTENTS

	Section	Page
1.00	PURPOSE AND CONTEXT	1
2.00	DEFINITIONS	1
3.00	PROJECT ELIGIBILITY PROCESS	2
4.00	FILING, TIME LIMITS, AND NOTICE	3
5.00	REVIEW OF APPLICATIONS	7
6.00	EVIDENCE	10
7.00	PUBLIC HEARINGS AND DECISIONS	10
8.00	WORK SESSIONS	14
9.00	APPEALS	14
10.00	VIOLATIONS	14
11.00	SEVERABILITY	15
Appendix A	SCHEDULE OF FILING FEES	16

1.00 PURPOSE AND CONTEXT

These rules and regulations establish the process that the Westford Zoning Board of Appeals shall follow for handling applications for Comprehensive Permits as defined under the Anti-Snob Zoning Act (Chapter 774 of the Acts of 1969), M.G.L. c. 40B, § 20-23. The purpose of that act is to facilitate the development of low- and moderate-income housing in Massachusetts. These rules are designed to facilitate the implementation of that act in Westford, and are required by M.G.L. c. 40B, § 21, as amended by Stat. 1989, c. 593, and by 760 CMR 31.02. Further explanation of the background and purpose of the act is provided in the regulations of the Housing Appeals Committee, 760 CMR 30.01.

These rules alone are not sufficient to specify Comprehensive Permit procedures before the Westford Zoning Board of Appeals. They must be read in conjunction with and implemented in a manner consistent with the complete regulations of the Housing Appeals Committee, 760 CMR 30.00 and 31.00; with the *Guidelines for Local Review of Comprehensive Permits*, published periodically by the Department of Housing and Community Development; and with Westford's *Chapter 40B Development Guidelines*. In addition, the Board's general rules for conduct of hearings under M.G.L. c. 40A apply to Comprehensive Permit applications. In case of inconsistency or conflict between those general rules for conduct and these rules, these rules shall govern (see Section 11 for further information).

2.00 DEFINITIONS

- (a) ZBA or Board means the Westford Zoning Board of Appeals established under M.G.L. c. 40A, § 12.
- (b) local board means any local board or official, including, but not limited to Board of Health; Planning Board; Conservation Commission; Historical Commission; Water Commission, Master Plan Implementation Committee, Affordable Housing Committee, Westford Housing Authority or other committee; Fire, Police, Highway Department, or other department; Town Engineer, Building Commissioner or similar official or board; and the Board of Selectmen. All boards, regardless of their geographical jurisdiction or their source of authority (that is, including boards created by special acts of the legislature or by other legislative action) shall be deemed local boards if they perform functions usually performed by locally-created boards.
- (c) Member, as used in these rules, means any ZBA member or associate member duly appointed by the Board of Selectmen and sworn in by the Town Clerk.

3.00 PROJECT ELIGIBILITY PROCESS

3.01 Potential applicants for a Comprehensive Permit are strongly encouraged to contact and work with Town officials, staff, and local boards, including the Westford Affordable Housing Committee (but not the ZBA), to identify suitable locations for development and building designs that fit the neighborhood. This should be done prior to seeking a Project Eligibility (Site Approval) letter and filing an application for a Comprehensive Permit with the ZBA. The suitability of a location should be evaluated in relation to the following criteria:

- a) Land that is suitable for a septic system that complies with Title V;
- b) Land that is accessible from a collector or arterial street and which permits points of entry and egress in a safe manner;
- c) Land that has open or recreational space within or nearby;
- d) Land that is accessible to services and to stores carrying convenience goods;
- e) Land that is convenient to major roadways;
- f) Land that is free of soil and engineering problems that would make the development unduly difficult or costly;
- g) Land that has an adequate drinking water supply;
- h) Land that presents minimal impact on wetlands and conservation land;
- i) Land that presents minimal impact on Town services (e.g., police, fire, school bus routes); and
- j) Land that is suitable for dense development.

3.02 Creative land use designs which reduce infrastructure costs and minimize adverse environmental impacts and/or maximize residents' recreational areas and meaningful open space should be pursued whenever reasonably possible.

3.03 Potential applicants should also familiarize themselves with Westford's *Master Plan*, the *Westford Affordable Housing Action Plan (Planned Production)*, *Chapter 40B Development Guidelines*, and other plans and studies, such as the *Corridor Study for Littleton Road (Rt. 110)*, that relate to their proposed development.

3.04 Potential applicants are required to receive a Project Eligibility (Site Approval) letter from a qualified subsidizing agency prior to submitting an application to the ZBA. Each subsidizing agency provides the Board of Selectmen (BOS) with an opportunity to comment on the proposed development to the subsidizing agency, including whether the

proposal is consistent with the plans cited in Section 3.03. The BOS may raise legitimate municipal planning and public health and safety concerns. The BOS may comment on the suitability of the site development; the relationship between the proposed 40B development and the affordable housing plan; the impact on existing infrastructure (e.g., roads, water, sewer); and the effect on the environment (e.g., traffic, stormwater management, groundwater quality). The BOS may also suggest how the proposed site or building design might be modified to better fit into the surrounding neighborhood.

The ZBA encourages all local boards to participate actively in the Project Eligibility review process by identifying and conveying concerns they may have with a proposed development to the BOS. The ZBA should receive a copy of the Selectmen's comment letter to the subsidizing agency and all communications that were submitted from other local boards, so that it is aware of those concerns and can address them.

3.05 If the applicant is seeking funding under the Local Initiative Program, the BOS and the applicant shall work together and jointly submit an application for a Project Eligibility (Site Approval) letter. If such letter is issued, the applicant must still file an application for a Comprehensive Permit with the ZBA. The ZBA retains separate jurisdiction under Chapter 40B to review the development in its entirety, pursuant to these Rules and Regulations.

3.06 The ZBA is not involved in the Project Eligibility review process. The ZBA serves as a quasi-judicial board, and must reserve judgment until all of the evidence is presented during its public hearing process. This process commences after the issuance of the Project Eligibility (Site Approval) letter and after it receives a Comprehensive Permit application.

4.00 FILING, TIME LIMITS, AND NOTICE

4.01 It is the responsibility of the applicant to submit a complete application for a Comprehensive Permit. Except where the submission of any item is specifically waived by a majority vote of the ZBA, a complete application for a Comprehensive Permit shall include all of the following items:

- (a) a completed Comprehensive Permit Request;
- (b) a copy of the application to the subsidizing agency, Local Initiative Program application, and/or other applications for this development filed previous to the application for a Comprehensive Permit with the ZBA;
- (c) a copy of any Project Eligibility (Site Approval) letter that the applicant has obtained from any state or federal housing subsidizing agency. The hearing will not be opened and the application will not be considered complete, if this letter is not part of the application;

- (d) preliminary site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements, proposed screening of neighboring parcels, open areas within the site, and common areas. All applications must have site development plans signed by a registered professional engineer;
- (e) a report on existing site conditions and a summary of conditions in the surrounding areas, showing the location and nature of existing buildings, existing abutting wells, the elevations, contours, size and shape of the immediately abutting lots, existing street elevations, traffic patterns, aquifer protection areas, wetlands, related edge zones and character of open areas, if any, in the neighborhood. This submission may be combined with that required in Section 4.01(d), above;
- (f) preliminary scaled architectural drawings. For each building, the drawings shall be signed by a registered architect, and shall include typical floor plans, typical elevations, and sections, and shall identify construction type and exterior finish;
- (g) a detailed narrative statement as to how the proposed development compares to Westford's *Chapter 40B Development* Guidelines, including explaining how the exterior design of the proposed structures will be consistent with the surrounding neighborhood, and comparing elevations, window configurations, setbacks, roof lines, and other exterior features with all surrounding public and private buildings within four hundred (400) yards;
- (h) major site features of the land such as existing stone walls, buildings, structures, and bounds; trees over eighteen (18) inches diameter, or wooded areas; rock outcrops, water bodies, wetlands, streams and stream obstructions within five hundred (500) feet upstream and downstream from the property lines; and existing trails, cart paths and historic artifacts;
- (i) existing and proposed contours at intervals of two (2) feet or smaller for the entire site and immediate abutting properties;
- (j) a panoramic photograph of the site and immediate abutting properties;
- (k) all plans, including architectural, must be submitted in electronic format as well as hard copy;
- (l) a tabulation of proposed buildings by type, size (number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, by parking and other paved areas, and by open areas;

- (m) where a subdivision of land is involved, a preliminary subdivision plan as defined by M.G.L. c. 41 § 81L;
- (n) a preliminary utilities plan showing the proposed location and types of sewage, drainage, water facilities, including hydrants, electrical and telecom services, including but not limited to power, telephone, cable, and natural gas;
- (o) a traffic report showing the impact of the proposed project on sight lines and on traffic patterns and volume. The traffic report is to include an analysis suitable for public safety officials to determine the impact on the community;
- (p) a detailed narrative statement and economic report (with supporting documentation) of the impact of the project on town services, including a specific quantitative projection of the impact on schools, traffic, transportation, recreation, open space, roads and road maintenance, solid waste, police and safety services and utilities (including water, power, and natural gas);
- (q) location and results of preliminary soil, percolation, and water table tests using the Department of Environmental Protection Soil Evaluation procedures under Title V. Preliminary water table tests should be conducted under all proposed drainage detention facilities, under all buildings, and adjacent to any road cuts greater than three (3) feet;
- (r) existing drainage characteristics of the general area of the proposed project, and the effect of the proposed use and any proposed drainage facilities on the existing drainage characteristics, shall be included with the plan;
- (s) a drainage plan prepared by a Registered Professional Engineer in the Commonwealth of Massachusetts, showing existing and proposed streets, lots, two (2) foot contours, and other pertinent data; the drainage limits and acreage of the area tributary to each stormwater inlet and culvert, location and type of inlets proposed; and location, size, length, invert elevations and slope of proposed drains and culverts, structural details of inlets, manholes, pipes, headwalls, and all other drainage structures required to complete the proposed development. The preliminary site development plans may be used, provided that they include all the information required. The drainage design and construction must adhere to all requirements of the Westford Subdivision Rules and Regulations, as amended;
- (t) documents showing that the applicant fulfills the jurisdictional requirements of 760 CMR 31.01, i.e.,
 - (i) the applicant shall be a public agency, a non-profit organization, or a limited dividend organization,

- (ii) the project shall be fundable by a subsidizing agency under a low- and moderate-income housing subsidy program, and
- (iii) the applicant shall control the site;
- (u) a list of requested exceptions to local requirements and regulations, including local codes, ordinances, bylaws and regulations. The list, which may be amended by the applicant during the hearing process, must specifically designate the bylaws, codes, rules and regulations and the particular provision(s) thereof, from which relief is sought. Each provision specified for relief shall be copied in the application, and the applicant's proposed alternative to compliance shall be defined for each provision from which relief or exception is sought. The applicant shall offer justification for each requested exemption as to public benefit, why granting the exemption is not inconsistent with the intent of local regulations and local needs, and the effect on the financial feasibility of the project if the requested exemptions are not granted;
- (v) the applicant's projected date to commence construction and the schedule for completion of all phases;
- (w) preliminary financial information for the project, including all Federal, State and private funding sources and a project pro forma showing estimated acquisition and development costs and projected profit of the project. A full compilation and certification of total development costs and total revenues on a federal income tax basis, prepared by a CPA according to generally accepted accounting standards, shall be provided. All information required to review the applicant's financial projections, credentials and market projections shall be provided. The applicant must identify any family members or persons with an identity of interest to the applicant whom the applicant plans to utilize to perform any service to the project, and must identify how the use of those individuals impacts the cost or profits of the project;
- (x) a table showing the size (sq. ft.) and planned sale price of each unit in the proposed development, including both affordable and market rate units;
- (y) documentation which specifies how compliance has been achieved with all applicable Federal and State requirements for access by handicapped and disabled persons. Such evidence shall be signed by a registered architect;
- (z) a list of abutters certified by the Board of Assessors, showing names and addresses of abutting property owners, and abutters to the abutters, whose property is within three hundred (300) feet of the property lines of the property that is the subject of the application. Owners of property directly opposite said property on any public or private street(s) as they appear in the Assessors' records shall be considered direct abutters. Two mailing labels shall be provided for each listed abutter; and

(aa) a developer's profile, including experience and qualifications to successfully complete the proposed development.

4.02 The application shall be accompanied by a filing fee as specified in Appendix A, and by a postage fee equal to the sum of \$1.00 plus the current first-class postal rate, times the number of abutters on the certified abutters list.

4.03 The applicant shall submit twenty-five (25) copies of the items specified in Section 4.01 herein, together with an application cover letter introducing the project. The copies shall include twelve (12) full-size plans and thirteen (13) reduced-size (11" x17") plans.

4.04 Within seven (7) days of filing of the application, the Board shall notify each local official of the application and invite the participation of each local official who has a substantial interest in the application by providing such official with a copy of the entire application. The invitation shall state the due date for initial comments, which shall not be later than the opening of the hearing, and said officials shall be invited to attend the hearing. During the course of the hearing the Board may request additional input from pertinent Town departments, boards and Committees as necessary for thoughtful consideration and deliberation on the application for the protection of the Town of Westford and the health, safety, and welfare of its residents.

4.05 In order to be discussed at a particular hearing, any written materials must be received within the Planning Office no later than five (5) working days before the scheduled date of a particular hearing. The ZBA reserves the right to decide whether to discuss written materials received within five (5) days of a scheduled hearing at that hearing or to discuss them at the next available hearing.

4.06 The Town Planning staff shall be responsible for coordinating the distribution of applications, reports, and invitations to attend hearings to other local boards and for coordinating the collection of written comments and reports for the ZBA.

5.00 OUTSIDE CONSULTANTS

5.01 If, after receiving a completed application, the Board determines that it requires technical advice in order to review that application properly, it may employ outside consultants including, but not limited to:

- a) pro forma financial analysis,
- b) legal counsel,
- c) architecture and design (e.g., site layout, building design and floor plans, consistency between affordable and market-rate units),

- d) public safety (e.g., adequacy of access for fire, police, and rescue vehicles),
- e) traffic analysis (e.g., on-site vehicular and pedestrian circulation and off-site traffic impacts and potential mitigation),
- f) financial impact of the proposed development on the Town, and
- g) civil engineering and health (e.g. site design, stormwater and wastewater management, wetland impacts, and proposed waivers from local bylaws).

5.02 To facilitate this, it is the applicant's responsibility to submit an initial technical review escrow deposit fee in the amount of \$20,000 at the time of application submittal. Whenever the balance in the account falls below \$5,000, the applicant must deposit an additional amount as determined by the Board or its agent. Failure to fulfill escrow requirements shall constitute an incomplete application and may be considered sufficient grounds for denial of said application.

Whenever possible, the Board shall work cooperatively with the applicant to identify appropriate consultants and to negotiate payment of all technical review fees by the applicant. Alternatively, the Board may, by majority vote, require the applicant to pay a reasonable review fee for the employment of outside consultants chosen by the Board alone.

The ZBA may also employ other consultants for reviews that are not paid for by the applicant.

5.03 A review fee may be imposed only if:

- (a) the work of the consultant consists of review of studies and plans prepared on behalf of the applicant, and not of independent studies on behalf of the Board,
- (b) the work is in connection with the applicant's specific project, and
- (c) all written results and reports are made part of the record before the Board.

5.04 All fees assessed pursuant to this Section shall be reasonable in light of:

- (a) the complexity of the proposed project as a whole,
- (b) the complexity of particular technical issues,
- (c) the number of housing units proposed,
- (d) the size and character of the site,
- (e) the projected construction costs, and

(f) fees charged by similar consultants in the area.

As a general rule, the Board will not assess any fee greater than the amount that might be appropriated from town or city funds to review a similar town or city project.

5.05 Any invitation for bids or request for proposals shall indicate that award of the contract is contingent upon payment of a review fee. If the applicant fails to pay the review fee within ten (10) days of receiving written notification of selection of a bidder or offeror, the Board may deny the Comprehensive Permit.

5.06 Prior to paying the review fee, the applicant may appeal the selection of the consultant to the Board of Selectmen.

- (a) The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications.
- (b) The minimum qualifications shall consist either of an educational degree in or related to the field at issue, or three (3) or more years of practice in the field at issue or a related field.
- (c) The required time limits for action upon the application by the Board shall be extended by the duration of the appeal. In the event that no decision is made by the Board of Selectmen within one (1) month following the filing of the appeal, the selection made by the Board shall stand.

5.07 Each review fee shall be deposited in a special escrow account established by the Town Treasurer pursuant to M.G.L. c. 44, § 53G. The Town Treasurer shall be responsible for all deposits, expenditures, accounting, and reporting of review fees.

- (a) Funds from the special account may be expended only for the purposes described in Section 5.03 herein.
- (b) Within thirty (30) days of the formal withdrawal of the proposal by the applicant, the denial of the Comprehensive Permit, or the issuance of a building permit, the applicant shall receive a final report of funds in the special account and shall be paid any unspent excess in the account, including accrued interest, but only if all of the applicant's obligations specified in the Comprehensive Permit have been satisfied.

5.08 The rules set forth in Section 4.05 herein shall apply to the submission of any written reports or comments from outside consultants for review by the ZBA at a particular hearing.

6.00 EVIDENCE

6.01 As noted in Westford's *Chapter 40B Development Guidelines*, the "key" drivers upon which the ZBA will judge a 40B application include:

- a) density,
- b) scaling, massing, and overall building design,
- c) impact on the neighborhood and town, including financial impact,
- d) suitability of the site for the proposed development,
- e) public health and public safety considerations, and
- f) affordability considerations.

In addition to these issues, there are other issues the ZBA will inevitably inquire about or have to address during the course of its hearing process on any 40B application. The Board reserves the right to request or require information to permit the thorough evaluation of any legitimate issue raised during the course of its hearing process.

6.02 Applicant's evidentiary obligation: The applicant shall provide the Board with the information it has requested or required, such information to be commensurate with the scale and complexity of the project and the relief from local regulations sought in Section 4.01 (u). The Board shall refer to engineering and technical submissions usually submitted and accepted for comparable projects in the Town as a measure of engineering and technical sufficiency.

7.00 PUBLIC HEARINGS AND DECISIONS

7.01 Under M.G.L. c 40B, the ZBA is responsible for conducting public hearings and making decisions on proposals to construct affordable housing. Chapter 40B gives the ZBA the responsibility and the legal authority to render a single decision after taking into consideration comments made by other local boards and the public.

7.02 Other local boards are responsible to provide comments on proposals to the ZBA in a timely manner. All local regulations that are more stringent than State regulations shall be addressed by the ZBA, with the support of other local boards. State regulations such as the Wetlands Protection Act, Title V, and all building codes remain fully in effect under the Comprehensive Permit process. Therefore, separate approvals may be required from the local Conservation Commission, Board of Health and/or Building Commissioner regarding those State regulations.

7.03 The ZBA shall hold an initial public hearing on the application within thirty (30) days of its receipt. It may request the appearance at the hearing of such representatives of local officials as it considers necessary or helpful in reviewing the application. In making its decision, the ZBA shall take into consideration the recommendations of local officials.

- a) At the initial public hearing, the ZBA will determine whether the application is complete, provide the applicant and his/her team the opportunity to present the proposed development, and allow the public to comment on the proposed development.
- b) During subsequent public hearings, the ZBA will review and discuss all of the technical issues related to the development. As early as possible, the ZBA will identify the major issues and concerns the development presents, the need for information from other local boards, and the need for outside consultants and the scope of their review. The ZBA may limit a public hearing(s) to the review and discussion of a particular issue because of the complexity or seriousness of that issue.
- c) During the course of the public hearings, the ZBA will identify and maintain a list of conditions that may be needed to mitigate the impacts of the proposed development, to protect the Town's interests, and to address abutters' concerns.
- d) The ZBA may request the applicant to update the list of requested waivers, based upon discussions with the ZBA during the hearing process.

7.04 The ZBA understands that the developments authorized under Chapter 40B are negotiated agreements, and that anything reasonably related to the development and its impacts are subject to negotiation and possible mitigation, to protect the interests of the Town and its residents. The ZBA has a right to expect applicants and their representatives to work with the Board to address legitimate concerns raised by the ZBA and the public. Applicants have a right to expect the ZBA to be fair and to act in a timely manner.

7.05 The applicant may withdraw the application in writing at any time without prejudice to re-application at any time, such re-application being subject to Sections 4.00 and 5.00 herein.

7.06 Open meetings: The provisions of M.G.L. c. 39, § 23A-C apply to all proceedings hereunder. All communications shall be made to the ZBA at public open meeting. No communication shall be considered or made relevant to the decision unless it has been heard or read into the record at the hearing.

7.07 Records: The ZBA shall keep a record in accordance with M.G.L. c. 39 § 23A-C and c. 66. Tape recording may be used, and the ZBA may make a stenographic record. Any person may make a stenographic record or audio tape, so long as such record

making does not interfere with orderly proceedings. Film video recording shall be allowed with the ZBA's permission in particular instances.

7.08 Continuances: The Board shall grant no continuance on the time to open the hearing as required, within thirty (30) days of receipt of the application, unless the applicant has agreed to a continuance, or has withdrawn the application, in a signed writing to the Board. Following the opening of the hearing, the Board may continue the hearing to a date(s) certain, announced at the hearing, with the assent of or on motion of the applicant. Such continuance by agreement or on the applicant's motion shall be reduced to a signed writing. The Board may also continue the hearing for a reasonable period of time, without the applicant's consent, if additional information is needed to make a decision.

7.09 The hearing shall be deemed closed when the Board has determined that all public testimony has been received and all information required has been received, and when the Board has voted to that effect in public session.

7.10 The ZBA shall render a decision within forty (40) days after close of the public hearing, unless such time period is extended by written agreement of the ZBA and the applicant. A majority vote of the ZBA members present at the opening of the hearing and who have been present at all hearings on the proposal is sufficient to decide.

7.11 The ZBA may dispose of the application in one of the following manners:

- (a) approve a Comprehensive Permit on the terms and conditions set forth in the application,
- (b) deny a Comprehensive Permit as not consistent with local needs, or as having failed to meet the minimum requirements of content specified by these regulations, or
- (c) approve a Comprehensive Permit with conditions, including but not limited to density, height, site plan, size, shape or building materials that do not render the construction or operation of such housing uneconomic.

7.12 The decision shall incorporate all plans, specifications, designs and other representations and materials necessary to assure construction and operation consistent with the project as heard and approved, and the Board shall sign each document for identification, and may require recording of every document so incorporated at the Registry of Deeds or in the Land Court.

7.13 Revisions following approval of Comprehensive Permit: Whether following a Board decision or following further review and decision by the Housing Appeals Committee, all revisions to approved plans as incorporated in the decision shall, forthwith and prior to implementation, be forwarded to the Board for determination within fourteen (14) days as to whether the change is substantial. A substantial revision

shall be approved only after a hearing upon notice as required for an original application. Revisions deemed not substantial may be approved or denied at any open meeting of the Board.

7.14 Post-development audit: The ZBA may specify an organization, such as the Westford Housing Authority, to serve as monitoring agent to conduct an annual financial review of the development, and may include as a condition of the Comprehensive Permit that the applicant pay an annual fee for that review.

7.15 Final Plans: If the ZBA votes to approve the Comprehensive Permit, the applicant will be required to receive final project approval from the subsidizing agency, including the completion and production of all final plans and the execution of a regulatory agreement, and to complete any other studies that were agreed upon during the hearing process but were deferred until the granting of the Comprehensive Permit. In no event shall any site preparation or other on-site work commence, until such time as the ZBA has reviewed the final plans and has approved them in writing to the applicant, and until the applicant has received final approval from the subsidizing agency, a copy of which shall be forwarded by the applicant to the ZBA. The applicant shall also notify the ZBA of any waivers of Department of Housing and Community Development (DHCD) program guidelines granted by DHCD. Further, no building permit shall be issued until the applicant is in compliance with all conditions of the Comprehensive Permit and with all provisions of these Rules and Regulations.

7.16 Performance guarantees: The ZBA may require the applicant to procure and maintain at his expense such performance guarantees as it deems necessary to protect the interests of the Town of Westford. Any such requirement will be included as a condition of the Comprehensive Permit.

7.17 Transfer of permits: No Comprehensive Permit may be transferred to a person or entity other than the applicant without the prior written approval of the ZBA.

7.18 Proof of Compliance with Conservation Commission and Board of Health: No Comprehensive Permit shall take effect until copies of the following, bearing the date filed with the Town Clerk, are recorded in the Registry of Deeds and are indexed under the name of the owner of record of the land:

- a) Board of Health and Conservation Commission written decision of approval or a determination of applicability or order of conditions, and
- b) Board of Health certification that the wells and septic systems meet relevant sections of Title V.

8.00 WORK SESSIONS

8.01 Work sessions may be held among the applicant, members of the applicant's development team, officials of the Town of Westford, and the Town's reviewing consultants. The purpose of such work sessions is to discuss the findings and recommendations of the reviewing consultants, the waivers requested from local regulations, technical issues raised at public hearings, and similar matters. Work sessions shall generally be held during normal business hours for maximum participation by interested parties. No official or representative of the Town of Westford is authorized to agree to any decision binding on the Board at any work session.

8.02 All work sessions shall comply with the Open Meeting law, M.G.L. c. 39, § 23A-C. No more than two Board members may be present at any given work session.

8.03 The ZBA member that participates in a work session will report on the discussions at the next scheduled public hearing. The Board may accept, reject or modify any suggestions and recommendations discussed at work sessions.

9.00 APPEALS

9.01 If the Board approves the Comprehensive Permit, any person aggrieved may appeal within the time period and to the court provided in M.G.L. c. 40A, § 17.

9.02 If the Board denies the Comprehensive Permit or approves the Permit with unacceptable conditions or requirements, the applicant may appeal to the Housing Appeals Committee as provided in M.G.L. c. 40B, § 22.

10.00 VIOLATIONS

10.01 After review and approval by the ZBA, written notice of any violation of these Rules and Regulations or of any conditions of a Comprehensive Permit shall be provided by the Building Commissioner to the owner of the premises, specifying the nature of the violations and a schedule of compliance, including cleanup of any spilled materials. This compliance schedule must be reasonable in relation to the public health hazard involved and the difficulty of compliance. In no event shall more than thirty (30) days be allowed for either compliance or revitalization of a plan for longer-term compliance. In the enforcement of these Rules and Regulations and the conditions of the Comprehensive Permit, the Building Commissioner shall notify the Health Inspector, Conservation Agent, and/or other appropriate Town official of any violations and seek their assistance.

11.00 SEVERABILITY

The provisions of these rules and regulations are severable. If any provision is held invalid, the other provisions shall not be affected and shall remain in full force. If the application of these rules and regulations or any of its provisions to any person or circumstance is held invalid, the application of these rules and regulations and their provisions to other persons and circumstances shall not be affected and shall remain in full force.

Appendix A

SCHEDULE OF FILING FEES

The filing fee specified in this appendix must be paid to the Town of Westford at the time an application for a Comprehensive Permit is submitted. The filing fee is based on the number of market rate units in the proposed development. If the number of market rate units changes during the course of the hearing and decision, the applicant shall either pay an additional fee or receive a refund from the Town, as appropriate. The filing fee shall not be refunded to the applicant if the Board denies the Comprehensive Permit.

NUMBER OF UNITS	FEE PER INCREMENTAL UNIT	BASE FEE
10 or less	\$0.	\$1,000.
11 to 25	\$75.	\$1,000.
26 to 50	\$50.	\$1,000.
51 or more	\$25.	\$1,000.

NO. OF UNITS	UNIT FEES	BASE FEE	TOTAL FEE
10 or less	\$0.	\$1,000.	\$1,000.
11	\$75.	\$1,000.	\$1,175.
12	\$150.	\$1,000.	\$1,150.
13	\$225.	\$1,000.	\$1,225.
14	\$300.	\$1,000.	\$1,300.
15	\$375.	\$1,000.	\$1,375.
16	\$450.	\$1,000.	\$1,450.
17	\$525.	\$1,000.	\$1,525.
18	\$600.	\$1,000.	\$1,600.
19	\$675.	\$1,000.	\$1,675.
20	\$750.	\$1,000.	\$1,750.
21	\$825.	\$1,000.	\$1,825.
22	\$900.	\$1,000.	\$1,900.
23	\$975.	\$1,000.	\$1,975.
24	\$1,050.	\$1,000.	\$2,050.
25	\$1,125.	\$1,000.	\$2,125.
26	\$1,175.	\$1,000.	\$2,175.
27	\$1,225.	\$1,000.	\$2,225.
NO. OF	UNIT	BASE	TOTAL

UNITS	FEE	FEE	FEE
28	\$1,275.	\$1,000.	\$2,275.
29	\$1,325.	\$1,000.	\$2,325.
30	\$1,375.	\$1,000.	\$2,375.
31	\$1,425.	\$1,000.	\$2,425.
32	\$1,475.	\$1,000.	\$2,475.
33	\$1,525.	\$1,000.	\$2,525.
34	\$1,575.	\$1,000.	\$2,575.
35	\$1,625.	\$1,000.	\$2,625.
36	\$1,675.	\$1,000.	\$2,675.
37	\$1,725.	\$1,000.	\$2,725.
38	\$1,775.	\$1,000.	\$2,775.
39	\$1,825.	\$1,000.	\$2,825.
40	\$1,875.	\$1,000.	\$2,875.
41	\$1,925.	\$1,000.	\$2,925.
42	\$1,975.	\$1,000.	\$2,975.
43	\$2,025.	\$1,000.	\$3,025.
44	\$2,075.	\$1,000.	\$3,075.
45	\$2,125.	\$1,000.	\$3,125.
46	\$2,175.	\$1,000.	\$3,175.
47	\$2,225.	\$1,000.	\$3,225.
48	\$2,275.	\$1,000.	\$3,275.
49	\$2,325.	\$1,000.	\$3,325.
50	\$2,375.	\$1,000.	\$3,375.
51	\$2,400.	\$1,000.	\$3,400.
52	\$2,425.	\$1,000.	\$3,425.
53	\$2,450.	\$1,000.	\$3,450.
54	\$2,475.	\$1,000.	\$3,475.
55	\$2,500.	\$1,000.	\$3,500.
56	\$2,525.	\$1,000.	\$3,525.
57	\$2,550.	\$1,000.	\$3,550.
58	\$2,575.	\$1,000.	\$3,575.
59	\$2,600.	\$1,000.	\$3,600.
60	\$2,625.	\$1,000.	\$3,625.
61	\$2,650.	\$1,000.	\$3,650.
62	\$2,675.	\$1,000.	\$3,675.
63	\$2,700.	\$1,000.	\$3,700.
64	\$2,725.	\$1,000.	\$3,725.
65	\$2,750.	\$1,000.	\$3,750.
66	\$2,775.	\$1,000.	\$3,775.
67	\$2,800.	\$1,000.	\$3,800.
68	\$2,825.	\$1,000.	\$3,825.
69	\$2,850.	\$1,000.	\$3,850.
NO. OF	UNIT	BASE	TOTAL

UNITS	FEES	FEE	FEE
70	\$2,875.	\$1,000.	\$3,875.
71	\$2,900.	\$1,000.	\$3,900.
72	\$2,925.	\$1,000.	\$3,925.
73	\$2,950.	\$1,000.	\$3,950.
74	\$2,975.	\$1,000.	\$3,975.
75	\$3,000.	\$1,000.	\$4,000.
76	\$3,025.	\$1,000.	\$4,025.
77	\$3,050.	\$1,000.	\$4,050.
78	\$3,075.	\$1,000.	\$4,075.
79	\$3,100.	\$1,000.	\$4,100.
80	\$3,125.	\$1,000.	\$4,125.
81	\$3,150.	\$1,000.	\$4,150.
82	\$3,175.	\$1,000.	\$4,175.
83	\$3,200.	\$1,000.	\$4,200.
84	\$3,225.	\$1,000.	\$4,225.
85	\$3,250.	\$1,000.	\$4,250.
86	\$3,275.	\$1,000.	\$4,275.
87	\$3,300.	\$1,000.	\$4,300.
88	\$3,325.	\$1,000.	\$4,325.
89	\$3,350.	\$1,000.	\$4,350.
90	\$3,375.	\$1,000.	\$4,375.
91	\$3,400.	\$1,000.	\$4,400.
92	\$3,425.	\$1,000.	\$4,425.
93	\$3,450.	\$1,000.	\$4,450.
94	\$3,475.	\$1,000.	\$4,475.
95	\$3,500.	\$1,000.	\$4,500.
96	\$3,525.	\$1,000.	\$4,525.
97	\$3,550.	\$1,000.	\$4,550.
98	\$3,575.	\$1,000.	\$4,575.
99	\$3,600.	\$1,000.	\$4,600.
100	\$3,625.	\$1,000.	\$4,625.
101 or more	According to first table in this appendix		