



To: Kenneth Buckland, Town of Wareham

Cc: Mark Pilotte (Dakota), Peter Freeman (Freeman Law Group)

Date: July 26, 2022

From: Dakota Partners Inc. dba WC/WC2/WC3 Owner LLC,

Subject: ZBA 40B Conditions Response

Please see the below our responses to the conditions noted on the July 13th 2022 zoning board meeting. Based on our continued and ongoing compliance with the 40B program we do request that the town continue to assist us in meeting the goals necessary to be in compliance with the ZBA conditions.

Specifically, we also request that the town continue to allow us the opportunity to develop much needed affordable housing in this community through the specifically through provision of permits through the building department as well. Our development is dependent on finite state resources and differs from typical market rate development as our end product will assist the most vulnerable populations of Wareham to achieve safe, clean, new affordable housing.

40B Conditions Update for ZBA

| 40B Conditions for ZBA | Dakota Comments (MH) |
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| C.1.a. - Deliver to the Board a check in a reasonable amount determined by the Director of Planning and Community Development to be used for staff to retain outside experts, if necessary, for technical reviews and inspections required under these conditions but at inception shall not exceed ten thousand (\$10,000) dollars unless an alternate amount has been agreed upon by the Board and the Applicant. Said funds shall be deposited by the Board in an account pursuant to G. L. c. 44, § 53G and shall only be used for technical reviews and inspections associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the project. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the | If there is additional funding needed for this account, we just need an invoice and a W9 to process the payment for additional money to this account in case it is required by the town or another agency. |



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| <p>Board in a reasonable amount as may be determined by the Board. Said funds may be used by the Board to hire civil engineering, traffic engineering, and/or other professionals that the Board deems reasonably necessary to ensure compliance with the conditions hereof.</p> | |
| <p>C.1.b. Obtain and file a copy of a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board shall also be provided a copy of the Stormwater Pollution Prevention Plan (SWPPP) submitted along with the NPDES filing.</p> | <p>This is done originally it was done under the 2017 Construction General Permit (CGP) for MA. That has this year been replaced by the 2022 CGP for MA and we have updated the project coverage. SWPP is attached and hard copies of the SWPP have been mailed.</p> |
| <p>C.1.d. Landscape Plan for Administrative approval by ZBA, and copy of contract for maintenance of landscape features.</p> | <p>This was submitted with the original 40B application on October 24, 2018. Landscape plan overall has not changed since Comprehensive Permit approval – it has just been split amongst the 3 phases. Attaching the Landscape Plans for each phase, which were provided to the Town. Another set of hard copies was sent via mail on 7/26/22.</p> |
| <p>C.1.e. Submit to the Director of Planning and Community Development a construction mitigation plan including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than site work and such other work as may be authorized in writing by the Director of Planning and Community Development, no other construction of units shall commence and no building permits shall be issued under this Comprehensive Permit until the Director of Planning and Community Development and other applicable staff has approved the Final Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Commissioner and/or Zoning Administrator concerning the Final Site Plans within forty-five (45) days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.</p> | <p>The construction mitigation plan is this is in the Site Preparation Plan (C-100) for each Phase which have previously been submitted to the Town with our 40B approvals. We're attaching each separately again for reference. There's some language in the condition about "fill delivery schedules", which would come from construction operations if fill were delivered on-site. However, no fill was delivered on site. Let us know if you need more hard copies.</p> |



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| <p>C.2.k. Submit to the Planning Department a revised plan to show the grading, slope treatment, paving and related details for the cul-de-sac to be constructed within Phase II of the project but that is necessary for the completion of Phase I. Submission shall be made prior to the issuance of a building permit for Phase I.</p> | <p>Per the Notice of Project change June 1, 2020 this is now a submission requirement of Phase II and was submitted with the Phase II drawings to the building department. This is all included in the original Phase 1 plans that have been provided to the Town. Attaching the full set again for reference. Specific info for the temporary cul-de-sac is on drawings C-201, C-301, and C-401.</p> |
| <p>C.2.l. Prior to the commencement of Phase II of the project the Applicant shall submit to the Planning Department appropriate surety for the full construction of the access driveway that leads to Red Brook Road. Full construction including final paving, landscaping and other related details of this driveway for the Phase II portion of the access driveway shall be completed prior to receipt of the Final Occupancy Permit for Phase II unless a filing for the construction of Phase III has been submitted and approved in which case the surety shall remain in place through the completion of Phase III and construction of the Phase III portion of the driveway access shall then be completed as noted above prior to the receipt of the Final Occupancy Permit for Phase III. Otherwise, the Phase III portion of the driveway access may be left as a binder course.</p> | <p>This is now phase I requirement. See the attached costs and proposed form of the bond.</p> |