

DECISION OF THE ZONING BOARD OF APPEALS

Comprehensive Permit

Cloverleaf Truro Rental Housing

Applicant: Community Housing Resource, Inc.

Owner: Town of Truro

Locus: 22 Highland A Road
Assessor's Map 36, Parcel 238

Sitting: Arthur F. Hultin, Jr., Chair; Fred Todd, Vice Chair; John Dundas; John Thornley; Chris Lucy; Heidi Townsend and Darrell Shedd *[alternates, not voting]*

Public Hearing Dates:

November 21, 2019; December 5, 2019; December 12, 2019; December 19, 2019; January 16, 2020 (procedural); February 24, 2020 (procedural); March 12, 2020; April 2, 2020 (procedural); May 28, 2020 (procedural); June 25, 2020; July 9, 2020 (adjourned early due to technical difficulties); July 16, 2020; July 30, 2020; August 20, 2020; September 3, 2020 (procedural); September 10, 2020; September 24, 2020; October 1, 2020; October 8, 2020; October 22, 2020; November 5, 2020; November 12, 2020 (adjourned early due to GoToMeeting Outage); December 3, 2020.

On November 6, 2019, Community Housing Resources, Inc. (Community Housing or Applicant) submitted an application for comprehensive permit for a project known as "Cloverleaf," proposed to be constructed on Town-owned land off Highland Road on the east side of Route 6. Public hearing opened on November 21, 2019, and was continued to the dates above. Pursuant to extensions granted by the Applicant, and further continuances necessitated by the COVID-19 emergency declared by the Governor on March 13, 2020, the hearing closed on DATE. The Board deliberated on DATES. Pursuant to G.L. c. 40B, ss. 20-23 and regulations thereunder, the Zoning Board of Appeals voted to GRANT/DENY the application for a comprehensive permit for Cloverleaf, subject to certain conditions.

I. History of Project

The 3.91-acre project site is a parcel conveyed to the Town of Truro by the Massachusetts Department of Transportation in 2017 for the purpose of constructing a mixed-income housing development, with at least 25% of units affordable to persons or households earning 80% of the

Area Median Income.¹ The parcel was a portion of the State Highway layout and was made available to the Town through the Commonwealth’s “Open for Business” initiative. Town Meeting approved the acquisition of the parcel for affordable housing purposes on April 26, 2016, ATM Article 20. The Release Deed was accepted by the Select Board on September 19, 2017.

Over the next six months, the Truro Housing Authority, working with Town staff and officials through a public process, developed a housing program for the property. Rental housing was selected to meet the Town’s most acute housing needs. Density, unit size/mix, and levels of affordability were discussed. Following this process, the Board of Selectmen approved a Housing Program for 30 to 40 units, a density enabled by extension of the water line down Highland Road to the project site.² The Town was awarded a MassWorks grant of \$2.1 million to fund the costs of the water extension. In addition, Truro was designated a “Housing Choice Community” and was awarded further funding by MassHousing for *[amount/purpose]* *75K/water line engineering?*].

The Town issued a Request for Proposals in August of 2018 for the development and management of an affordable and mixed-income rental development of 30 to 40 units, envisioned to be permitted under G.L.c . 40B. Among other design and construction guidelines indicated, the RFP included a suggestions of buildings clustered into small but multi-unit structures, and “a larger structure housing multiple smaller units with some common space, creating an independent living arrangement that would be appealing to senior citizens.”

Community Housing submitted a proposal consistent with RFP criteria and was selected as the developer through the RFP process in January 2019. A Land Development Option Agreement was executed by the Select Board and Community Housing in September 2019. This Agreement provides, at Community Housing’s option, and subject to the developer’s obtaining all necessary permits, for Community Housing and the Town to enter into a 99-year ground lease under which the Applicant will construct and operate the housing development on the parcel. The Town will enter into such lease through the Select Board, which will negotiate certain terms and conditions governing construction and operation of the development. Community Housing.

Project Site and Components

The project parcel lies in a Residential Zoning District, abutting Route 6 to the west, the National Seashore and a single-family property to the east; Highland Road to the south, and a

¹ The parcel is described in a Release Deed recorded with the Barnstable County Registry of Deeds at Book 30796 Page 289, and is shown as “Parcel 1” on a plan entitled “Plan of Land in Truro Massachusetts” dated September 6, 2019, prepared by VHB, Inc., and recorded with the Barnstable County Registry of Deeds at Plan Book 672, Page 31. *[note time limit for development?]*

² The Town of Provincetown approved the Cloverleaf water line extension in April 2019. The Town applied for and in November 2019 was awarded a MassWorks grant of \$2.1 million to fund the water line installation.

single family property to the north. It lies within an area mapped by the Natural Heritage and Endangered Species Program as Priority Habitat for Eastern Box Turtle. The parcel does not include or border on any wetlands under the Wetlands Protection Act or Truro Wetlands Bylaw.

The project site is currently wooded and vacant. The front area of the parcel is fairly steeply sloped, from an elevation of 24' at Highland Road to an elevation of 63' within the parcel. The parcel slopes down to an elevation of 32' at the rear of the parcel. Site work will include considerable clearing, earth removal, and regrading in order to construct a safe roadway, and to create a level area for the project buildings and leaching field of the project's Title 5 system.³ All traffic will enter and exit the project on a single roadway to Highland Road. A gated emergency access road (also to be used for construction) will provide access to Route 6 from the rear area of the parcel.

The project in its final design consists of twelve townhouse-style duplexes and a fifteen-unit apartment building, for a total of thirty-nine rental units.⁴ Ten of the duplexes and the three-story apartment building are sited around an oval loop roadway, within which is a landscaped common area; an additional two duplexes are located at the rear of the parcel behind the apartment building. The duplex buildings contain a mix of one-, two-, three- and four-bedroom units. The architectural style is described as "variations on Cape Cod vernacular" and the exterior to be cedar shingles or clapboard. [*accommodate solar?*]

The apartment building contains mostly one-bedroom units and an elevator, allowing for "single-level" living. Community space and an office are also located within the building. Design changes to the roof of the apartment building, discussed during public hearing, will allow for the installation of solar panels.

The project is proposed under the Low-Income Housing Tax Credit Program. As approved in the Project Eligibility letter issued by the Department of Housing and Community Development (DHCD), and as proposed in the application, **20** of the units will be affordable to households at no more than 60% of Area Median Income (AMI); and an additional **6** units will be affordable at no more than 80% of the AMI. An additional **6** units will be restricted to up to 110% of AMI, and **7** units will be market rate. The substantial proportion of affordable units in the project, as well as the deeper affordability of many, provides meaningful progress towards addressing the Town's rental housing needs. The considerable relief requested from the Town's Zoning Bylaw and other regulations is premised on this contribution.

II. Record before the Zoning Board of Appeals

The materials identified in **Appendix A** comprise the record before the Board.

³ As a condition of approval, the earth (sandy soil) removed will be contributed to the Town, to be used for beach nourishment.

⁴ As originally proposed, the project contained forty units and included a seven-unit building near the front of the parcel. This building was eliminated from the design because its location did not permit sufficient and safe access to the project by emergency vehicles.

III. Findings of the Board

A. Findings on "Project Eligibility"

Based on the materials submitted by the Applicant, the Board makes the following findings with respect to the requirements of 760 CMR 56.04(1):

- (a) The Applicant shall be a public agency, a non-profit organization, or a Limited Dividend Organization

The Applicant to the Board is Community Housing Resources, Inc. As interpreted by DHCD, it is sufficient under G.L.c. 40B for an applicant to state an intention to form a Limited Dividend Organization at a later time in order to satisfy this requirement. The Applicant has stated that a qualifying single-purpose ownership entity, tentatively named "CHR Cloverleaf, LLC" will be formed and controlled by Mr. Ted Malone; this entity will limit profit and return on investment as required by the subsidizing agency and otherwise meet the general eligibility standards of the Low Income Housing Tax Credit Program.

The Board finds that this satisfies the requirement of 760 CMR 56.04(1)(a).

- (b) The Project shall be fundable by a Subsidizing Agency under a Low or Moderate Income Housing subsidy program.

The Project Eligibility Letter issued by DHCD on November 19, 2019, states that the project has been approved under the Low Income Housing Tax Credit (LIHTC) program. Under DHCD regulations, this approval letter is sufficient to establish "fundability" for purposes of 760 CMR 56.04(1)(b); although as noted by the Project Eligibility Letter, it is not a guarantee that LIHTC funds will be allocated to this Project.

The Applicant shall control the site.

The Applicant entered into a Land Development Option Agreement with the Town of Truro, through its Select Board, on September 24, 2019. This Agreement has been extended by the parties through December 31, 2021. Under this Agreement, the Applicant has an option to develop and manage the project, pursuant to 99-year ground lease to be executed by the Town, which will retain ownership of the parcel. The Board finds that the Applicant controls the site for purposes of 760 CMR 56.04(1)(c).

B. Findings on the need for affordable housing

1. The Board finds that there is a critical, unmet need for affordable housing in the Town of Truro.

2. The Board finds that the need for year-round, affordable rental units is particularly acute.

3. The Board finds that the production of affordable rental housing was identified as a priority in the Town's most recent Housing Production Plan (HPP).

4. The Board finds that the Town of Truro has not achieved the 10% threshold identified in G.L. c. 40B, ss. 20, or any other "safe harbor" under the statute and DHCD regulations. The Town currently has 25 housing units on the Department of Housing and Community Development's Subsidized Housing Inventory (SHI), or 2.3%.

IV Waivers

Massachusetts General Laws c. 40B, §§20-23 empowers local Boards of Appeals to grant waivers from local rules and regulations, where the waivers are "consistent with local needs" under the statute. The Board understands that reasonable waivers from local regulations should be granted if, but for the waiver, the development of the housing project would be "uneconomic," as that term is used in G. L. c. 40B, §§ 20-23.

The Applicant included its November 6, 2019 application to the Board a list of requested waivers. This List was updated during the hearing process.

Under existing law and regulation, the Applicant has an affirmative obligation to demonstrate the need for the requested waivers to avoid the proposed project becoming "uneconomic." Although the Applicant has not provided documentation to demonstrate that the project would be rendered uneconomic *but for* the specifically requested waivers and exceptions, the Board has reviewed the Applicant's waiver requests and has granted those that are consistent with protection of the general health, safety and welfare. The Board finds, in the absence of any substantiation to the contrary, that the waivers not granted do not either alone, or in the aggregate, render the project uneconomic.

In the event that the Applicant or the Board determines that the final design of the project necessitates further waivers, the Applicant shall submit a written request for such waiver(s) to the Board. The Board may grant or deny such additional waivers in accordance with applicable rules and regulations and the judgment of the Board.

The Board's decision as to each of the waivers and exemptions requested is set forth in **Appendix B, Decision on Waivers**. The only waivers granted are those expressly approved in Appendix B. If a waiver is not expressly approved in Appendix B, it is denied. All local regulations, other than those expressly waived in Appendix B, are applicable to this project, including regulations for which no waiver was requested. No "plan waiver" is granted.

TERMS AND CONDITIONS

Subject to the conditions set for hereinafter, the Board grants this comprehensive permit (the "Permit") to the Applicant for the project proposed. The Board notes that 760 CMR 56.05(8)(d) provides that:

“The Board shall not issue any order or impose any condition that would cause the building or operation of the Project to be Uneconomic....”

In reaching this Decision, the Board has endeavored to ensure that the conditions herein do not render the project uneconomic and that the conditions are consistent with local needs. If the Applicant should appeal this Decision to the Housing Appeals Committee and the Committee were to find that any particular condition or conditions render the project uneconomic or not consistent with local needs, the Board requests that any order to the Board to remove or modify any condition in this Decision be limited to such particular condition or conditions and that all other conditions and aspects of this Decision be confirmed.

1. The Comprehensive Permit application was based on a Project Eligibility letter issued to the Applicant by DHCD on November 19, 2019. This Permit is conditional upon the execution of a Regulatory Agreement for this Permit by DHCD, the Applicant and the Town of Truro, and issuance of Final Approval from DHCD. Issuance of Final Approval and the execution of such Regulatory Agreement is a condition precedent to any grading, land disturbance, construction of any structure or infrastructure, or issuance of any building permit.
2. The Applicant shall comply with the terms of the Regulatory Agreement and the Project Eligibility letter of November 19, 2019, to the extent applicable, prior to any grading, land disturbance, construction of any structure or infrastructure, or issuance of any building permit. No building permit shall be granted until the terms and conditions of the Regulatory Agreement and project eligibility letter have been complied with in full, except for those which by their nature are to be complied with during and after construction of the project.
3. The Project shall conform to the following Plans:

“Cloverleaf Truro Rental Housing, Site Plan, 22 Highland Road, Truro, MA” by J.M. O’Reilly & Associates, dated [most recent]

Site and Sewage

Plans/Elevations/other architectural Plans

Landscape Plans

Parking

Lighting

Other

All of the above as further modified to comply with the requirements of this Decision; as well as any changes deemed necessary by the Building Inspector or the Board's consultant for compliance with this Decision.

4. Substantive revisions to the Project or the Plans shall not be permitted without the written approval of the Board. If, between the date that this decision is filed with the Office of the Town Clerk and the completion of the Project, Applicant seeks to change any details of the Project (as set forth in the Plans, or as required by the terms of this Decision) the Applicant shall promptly inform the Board in writing of the change requested pursuant to 760 CMR 56.05 (11). The Board will address such requests under the procedures set out in that regulation.
5. Where this Decision provides for the submission of plans or other documents to the Building Inspector, the Board, or its agent, a written response shall be provided the Applicant as to whether such plans or other documents are consistent with this Decision within forty-five days of receipt of such plans or other documents.

Regulatory Compliance: State, Federal and Local

6. The Project, and all construction, dwelling units, utilities, drainage, earth removal, and all related improvements of the Project, shall comply with all applicable state and federal regulations. The Applicant shall promptly provide the Board with copies of all permitting requests and other correspondence directed to any applicable state or federal agency and of all correspondence, approvals or disapprovals received from any such agency.
7. Development of the Project shall comply in all respects with the conditions contained in the Project Eligibility approval for the Project issued by DHCD dated November 19, 2019 and any modifications thereto.
8. The Project shall comply with all Town of Truro rules, regulations, and other local bylaws and requirements not expressly waived by this Decision.
9. The Project shall comply with all rules, regulations, permit and filing requirements, and certifications of the Truro Board of Health and the Massachusetts Department of Environmental Protection with respect to wastewater disposal, stormwater disposal, private wells, resource protection, water supply and low impact development best management practices, except as expressly waived in this Decision.
10. Results of soil testing in the area of the proposed leaching facility shall be provided to the Planning Department as agent for the Board in accordance with Massachusetts Department of Environmental Protection stormwater management manual requirements.
11. The Project shall comply with the Town of Truro Zoning Bylaw in effect at the time of the Application, except as expressly waived in this Decision
12. Stormwater management systems shall meet the Guidelines of the Department of Environmental Protection Storm Water Management Policy and Handbook (Vols. 1 & 2), as revised.

Dwelling Units; Affordability in Perpetuity

13. The project shall consist of thirty-nine units, twenty-four of which shall be contained in twelve duplex buildings and fifteen of which shall be contained in a three-story building (also containing community and office space) constructed in conformity with the Plans specified in Condition 3 above.
14. Twenty (20) of the project units shall be affordable, in perpetuity, to individuals and/or families earning no more than 60% of Area Median Income (AMI) as calculated pursuant to formulas determined by the U.S. Department of Housing and Urban Development (HUD) or DHCD. An additional six (6) units will be affordable, in perpetuity, to individuals and/or families earning no more than 80% of the AMI; and an additional six (6) units will be affordable, in perpetuity, to individuals and/or families earning up to 110% of AMI..
15. The project shall be subject to a permanent affordable housing restriction conforming to G.L. c. 184, ss. 31-33 and in a form acceptable to the Town, and recorded in the Registry of Deeds, reflecting the affordability levels stated in paragraph 14 above.
16. Said affordable housing restriction, enforceable by the Town of Truro requiring that the affordable units remain affordable in perpetuity and in a form approved by the Board, shall be recorded senior to any liens on the Project locus to protect the requirement for the affordable units in the event of any foreclosure, bankruptcy, refinancing or sale.
17. None of the apartment units may be rented to anyone other than a qualified tenant as required by this Decision and consistent with the requirements of DHCD and other relevant state agencies governing the rental of below market rate units in a comprehensive permit project..
18. Upon the rental of an affordable dwelling, the Applicant or its successors or assigns shall provide written notice to the tenant that the premises are subject to an affordable housing restriction and is subject to the terms and provisions of the affordable housing restriction and that any amendment purporting to alter, amend or delete the restriction shall be void and of no effect.

Management Documents

The Applicant shall prepare documents in a form that conforms to this Decision and applicable law designed to manage the Project and ensure that the terms and conditions of this Decision are enforced.

19. Management Plan. The Applicant shall submit to the Planning Department the final version of, and any updates to the "Cloverleaf Truro Housing Property Management Plan." This Management Plan states the roles and responsibilities of the project Owner ("CHR Cloverleaf Limited Partnership") and the Management Agent (Community Housing Resource, Inc.), and governs project operations, including marketing, leasing, financial operations, and compliance. Upon request by the Town, the project Owner and/or

20. Maintenance Plan. The Applicant shall prepare a Maintenance Plan to govern the repair and maintenance of the project buildings, ways, parking areas, landscaping, lighting, facilities and infrastructure. Such Maintenance Plan shall ensure that the terms and conditions of this Decision are enforced. The Applicant shall provide a copy of the Maintenance Plan, and any updates to the same, to the DPW Director. Note: this Maintenance Plan is distinct from the Operation and Maintenance ("O & M") Plan for the Title 5 system described in Condition **XX** below.

Profitability

21. The Project shall be limited to the profit allowed under the Regulatory Agreement (the "allowable profit").
22. Any profit that is above the allowable profit pursuant to the Regulatory Agreement, shall be returned to the Town of Truro for use by the Town. The profit limitation may be enforced the Town or its agencies, boards or commissions at anytime

23. Conditions Precedent to Commencement of Project

Site work on the project site will commence with the Town's installation of the water line to, and within the development site. The conditions below are conditions precedent to the Applicant's work on the site. In particular, and without limitation, no grading, land disturbance, or construction of any structure or infrastructure shall commence by the Applicant until the following conditions are satisfied

A. The Building Inspector has reviewed and approved the Applicant's building, site and engineering construction drawings (Plans). These plans shall include the location and design (including materials to be used) of all retaining walls to be used within the project. Engineered plans for all retaining walls shall be submitted to and approved by the Building Inspector. The Building Inspector, on behalf of the Board shall review the Plans for conformance with this Decision; for compliance with local requirements not waived in the Permit; and with state and federal codes.

B. The Applicant shall designate an Onsite Contractor, who shall demonstrate to the satisfaction of the Building Inspector that these Conditions Precedent have been satisfied, to the extent possible.

C. Site Plans fully compliant with the requirements of Zoning Bylaw Section 70, except as waived in this decision, have been reviewed and approved (without the need for public hearing) by the Planning Department with the advice of the Board's consultant.

D. . The Planning Department, with the advice of the Board's consultant, has reviewed and approved a reasonable timeline submitted by the Applicant for commencement of construction and completion of the proposed project (including infrastructure, utilities, and landscaping).

F. The Planning Department, with the advice of the Board's consultant has reviewed and approved an Operations and Maintenance Plan (without the need for public hearing) The Plan shall include, at a minimum, 1) maintenance during and post construction; and 2)

perpetual maintenance to the extent required and monitoring of the drainage systems (routine and seasonal); the wastewater treatment facility and related sewage disposal elements; landscaping; and other project infrastructure. The Operations and Maintenance Plan shall bind the Applicant and all subsequent owners. The Applicant shall provide a copy of the Operations and Maintenance Plan, and any updates to it, to the Planning Department and DPW Director.

G. The Board's consultant has reviewed and approved an erosion control plan to be in effect for the duration of site disturbance and project construction (without the need for a public hearing). Such plan shall include measures for extreme weather events. Such plan shall ensure that there is no erosion or sedimentation from the project site onto Highland Road, the Route 6 layout, or abutting properties. The Onsite Contractor shall ensure compliance with the erosion control plan for the duration of site disturbance and project construction.

H. A pre-construction meeting shall be held with Town Staff, the Town's consultant and the on-site contractor to review the construction schedule, coordination with town officials for parking and stockpile of materials, erosion control methodology and construction schedule.

I. The Applicant, Monitoring Agent and DHCD have executed a Monitoring Agreement as provided by DHCD.

J. The Applicant, the Town of Truro and DHCD have executed a Regulatory Agreement, and said Agreement has been recorded at the Barnstable Registry of Deeds. The Regulatory Agreement shall provide that units shall be restricted as affordable in perpetuity at the following levels: **20** of the units will be affordable to households at no more than 60% of Area Median Income (AMI); and an additional **6** units will be affordable at no more than 80% of the AMI. An additional **6** units will be restricted to up to 110% of AMI, and **7** units will be market rate.

24. Conditions Relating to Construction

A. During construction, the Applicant and its agents and employees shall conform to all local, state and federal laws regarding noise, vibration, dust, and use of Town roads and utilities. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction shall not commence on any day Monday through Friday before **7:00 AM** or on Saturday before **9:00 AM**. Construction activities shall cease by 6:00 PM on all days. No construction or activity whatsoever shall take place on Sunday. Interior work may be permitted at the discretion of the Building Inspector where necessary to address unforeseen circumstances.

B. The Applicant shall designate an Onsite Contractor who is responsible for all aspects of site work and project construction for the duration of the project. The name and phone numbers, including an emergency phone number, shall be provided to the Building Inspector and to the Planning Department as agent for the Board. The Onsite Contractor

shall demonstrate to the Building Inspector's satisfaction that Conditions 4-18 have been satisfied.

C. Additional erosion control materials shall be readily available, either on site or adjacent sites) to allow replacement of measures as the project proceeds.

D. The Onsite Contractor shall comply with the approved Erosion Control Plan and develop a strategy for controlling the site in the event an extreme weather event is predicted.

E. Trees along the periphery of the limit of work shall be evaluated and removed if they are likely to sustain damage during construction (cut or filled root zone)

F. All stumps, brush, and other debris resulting from any clearing or grading shall be removed from the locus. No stumps or other debris shall be buried on the locus.

G. The Applicant shall keep the site and the adjoining existing roadway area clean during construction. Upon completion of all work on the site, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations.

Administrative

25. The fees for consultant reviews incurred in the Zoning Board's review of this project application shall be the obligation of the Applicant. No site disturbance shall commence until all past fees are paid in full. The Applicant shall be responsible for fees incurred pursuant to consultant review of all project documents as provided in the Conditions above (including but not limited to review of Operations and Maintenance Plan; Erosion Control Plan; Building and site plans).
26. Temporary certificates of occupancy will not be permitted. The Fire Department will not sign the occupancy permit until all required fire prevention and detection systems are installed and operating, carbon monoxide detectors are installed and operating, and all required inspections have been completed by the Fire Department. All hydrants indicated in the project plans, as well as any other improvements required by the Fire Department, shall be installed and operational prior to the grant of any occupancy permit.
27. Pursuant to the Project Eligibility letter issued by DHCD, following the issuance of certificates of occupancy, the Applicant shall submit to the Board and to the Truro Select Board the comprehensive permit project cost certification.
28. At the request of the Town, the Applicant, Owner, or Property Management Agent shall provide any of the Records and Reports identified in paragraph 12 of the Property Management Plan.

Conditions relating to Erosion Control

Prior to construction of the residential project, the Town will install a water main along Highland Road, into, and through the project site. , into and through the project site. Prior to site disturbance, the following additions, changes and corrections shall be incorporated into revised Plan sets for the Project. No site disturbance shall occur until the Building Department and Highway Department, and, where noted, the Planning Department, with the advice of the Board's consultant, has reviewed and approved the Plans for compliance with the following conditions:

The Applicant and all agents thereof shall comply with all conditions contained in Appendix C to this Decision pertaining to Erosion Control.

Additional Conditions

29. Invasive Plants. No plants on the Commonwealth's Department of Agriculture "Invasive Plants" list (see <https://www.mass.gov/service-details/invasive-plants>) may be used in the landscaping or any other area of the proposed project.
30. Community Preservation Act. The Applicant shall comply with any conditions associated with the funding provided through allocation(s) by the Town pursuant to the Community Preservation Act, and comply with the funding agreement of such allocation.
31. Lighting. All lighting shall comply with General Bylaw Chapter 4, Section 6 (Outdoor Lighting) of the Zoning Bylaw. Specification cut sheets for each type of fixture shall be provided to the Board or its agent.
32. Wastewater Treatment Facility. **[separate section]**.
33. Reports. The Applicant shall provide to the Board of Health all periodic reports or monitoring reports pertaining to the wastewater treatment facility as deemed necessary by that Board.
34. Soil Testing. Results of soil testing in the area of the proposed leaching facility shall be provided to the Planning Department as agent for the Board in accordance with Massachusetts Department of Environmental Protection stormwater management manual requirements.
35. Inspections. Such reasonable inspections of the project site and construction by the Board's consultant, as needed to implement the terms of this Permit, shall be funded by the Applicant pursuant to s G.L. c 44, s. 53.
36. Agents, successors and assigns. All terms and conditions of this permit shall be binding upon the Applicant and all agents, successors and assigns.