



TOWN OF HINGHAM

Board of Appeals

COMPREHENSIVE PERMIT

IN THE MATTER OF:

Applicant: Broadstone Bare Cove Alliance, LLC
c/o Alliance Residential Company
One International Place, Suite 1400
Boston, MA 02110

Owner: Hingham Mutual Fire Insurance Company
230 Beal Street
Hingham, MA 02043

Property: 230 Beal Street (Map 46, Lot 17)

Deed Reference: Plymouth County Registry of Deeds, Book 8081, Page 289



SUMMARY OF PROCEEDINGS:

This matter came before the Zoning Board of Appeals on the application of Broadstone Bare Cove Alliance, LLC ("Broadstone" or the "Applicant") for a Comprehensive Permit pursuant to Massachusetts General Laws Chapter 40B, Sections 20 through 23, as amended. The Applicant's application, as modified, requests the construction of a 220-unit rental housing community, including 55 units qualifying as Low or Moderate Income Housing, to be called "Broadstone Bare Cove" (the "Project"), located at 230 Beal Street (the "Property"). The application included the letter, dated August 12, 2016, from the Massachusetts Housing Finance Agency ("MassHousing"), acting as Subsidizing Agency, granting the Applicant Project Eligibility/Site Approval (the "Project Eligibility Letter") for the proposed project.

Capitalized terms used in this decision and not herein defined shall have the meaning set forth in Massachusetts General Laws Chapter 40B ("Chapter 40B") and 760 CMR 56.00 et seq. ("40B Regulations").

The term "Project Plans" as used in this decision shall mean the plans, studies, reports and other submissions of the Applicant and the Town's technical consultants made in connection

with the Comprehensive Permit Application, as more particularly defined in Attachment A together with the representations made to the Board by the Applicant in connection with the Comprehensive Permit Application for the Project.

The term "Approved Plans" shall mean the Project Plans as modified in accordance with the conditions set forth in Attachment C.

Public hearings on the matter were held over the course of several months before the Hingham Zoning Board of Appeals (the "Board"). The proceedings commenced on September 15, 2016, and continued to September 26, 2016. By letter dated September 30, 2016, with a copy to the Department of Housing and Community Development ("DHCD"), the Board notified the Applicant pursuant to 760 CMR 56.03(8)(a) that the Board considered that a denial of the permit or the imposition of conditions or requirements would be Consistent with Local Needs in accordance with the applicable 40B Regulations. By letter to DHCD dated October 14, 2016, the Applicant opposed the Board's position under 760 CMR 56.03(8)(a). Thereafter, during a continued public hearing held on October 19, 2016, the Applicant presented to the Board revised conceptual plans which reduced the number of residential units from the originally proposed 300 to 220, and included a corresponding architectural redesign of the building that incorporated subgrade parking and a decreased building height. On October 27, 2016, the Applicant withdrew its letter of October 14, 2016, that had opposed the Town's position under 760 CMR 56.03(8)(a).

The Board continued its review of the Project during subsequent public hearings held on November 9, 2016, November 30, 2016, January 11, 2017, February 1, 2017, March 1, 2017, March 21, 2017, April 5, 2017, April 18, 2017, May 2, 2017, and May 10, 2017. All such hearings occurred on dates that were agreeable to the Applicant. At the hearing on May 2, 2017, the Applicant agreed to keep the hearing process open for an additional hearing on May 10, 2017. At the hearing on May 10, 2017, the Applicant requested that there be no further public hearings, at which time the Board closed the public hearings. The Board also conducted two site visits to the Property on November 5, 2016, and April 9, 2017, for the purpose of observing the Property and viewing balloon demonstrations of the proposed Project. The Board continued its deliberation following the conclusion of the public hearing and voted unanimously on June 5, 2017, to issue a Comprehensive Permit for the Project subject to the waivers and conditions contained herein.

Public hearings before the Board were held at Town Hall, 210 Central Street, Hingham, MA, before a panel consisting of regular members Joseph M. Fisher, Acting Chairman, and Joseph W. Freeman, and associate member Alan Kearney. Mr. Fisher and Mr. Freeman were respectively unable to attend public hearings held on September 15, 2016, and January 11, 2017, but participated in all subsequent proceedings pursuant to MGL c. 39, s. 23D.

Appearing on behalf of the Applicant throughout the hearings were Michael Boujoulian and Alexander Alevizos, Alliance Residential Company. The Applicant's development team also included: Carlton Quinn, P.E., Allen & Major Associates, Inc.; Robert Nagi, P.E., Vanasse Hangen

Brustlin, Inc.; Brian O'Connor, AIA, CUBE 3 Studio; and JP Shadley, FASLA, Shadley Associates, P.C. Attorneys Jeffrey Tocchio and Scott Golding, Drohan Tocchio & Morgan, P.C., and Gregg Cosimi, K&L Gates LLP, provided legal representation for the Applicant.

The plans and other submission material were reviewed by the Board and its technical consultants, including: Traffic Engineer, Jeffrey S. Dirk, P.E., PTOE, FITE, Vanasse & Associates, Inc.; Civil Engineer, Patrick G. Brennan, P.E., Amory Engineers, P.C.; and Special Counsel, Susan C. Murphy, Esq., Dain, Torpy, Le Ray, Wiest & Garner, P.C. A number of Town departments, boards, and commissions provided information to assist the Board with its review of the Project. Substantial public comment was also submitted for the record by abutters and other members of the public. Throughout its deliberations, the Board has been mindful of the statements of the Applicant and their representatives, and the comments of the general public, all as made at the public hearings and as submitted in the public record.

PROJECT DESCRIPTION:

The subject property is located on the southerly side of Beal Street and adjacent to Lynch Field, Bare Cove Park, and property owned by the Massachusetts Department of Fisheries and Wildlife. Along the easterly boundary, only Sheltry Path located in Bare Cove Park (a width of approximately 30') separates the site from the Back River Townhomes neighborhood. The rear portion of the property is affected in part by wetland resource and riverfront areas and the front remains largely undeveloped. A 43,600 (+/-) SF office building and related improvements occupies the center of the property.

The Project Plans depict a 220-unit rental community consisting of two, 4-story apartment buildings. The residential component within each building is located above a single level subgrade parking garage. There are a total of 344 proposed parking spaces shown on the plan, which equates to a parking ratio of 1.56 spaces per residential unit, with parking spaces located both in the parking garages and within surface parking lots sited around the buildings and along the shared property line with Lynch Field. The development would be accessed from Beal Street via a 26'-wide site drive in the approximate location as the existing entrance.

The proposed units, which include from 1 to 3 bedrooms, average approximately 1,050 SF in size. Twenty-five percent (25%), or 55 of the 220 units, will be made available to households earning less than eighty percent (80%) area median income.

DISCUSSION:

During its review, the Board addressed (a) the status of the Town's compliance with the Statutory Minima and Safe Harbor criteria, (b) the design of the Project, and (c) the potential impacts of the Project on public and private infrastructure and the surrounding neighborhood, including Bare Cove Park. The Board received submissions and heard testimony from the Applicant, residents, Town officials, and its consultants. Much of the information provided concerned issues related to design and density, traffic, and the public and private sewer

systems. The following is a summary of the issues discussed by the Board throughout the extensive public hearing process.

Statutory Minima

The Project Eligibility Letter confirmed that the Applicant is able to meet the limited dividend status requirement of 760 CMR 31.01(1)(a), the fundability requirement of 760 CMR 31.01(1)(b), and the site control requirement of 760 CMR 31.01(1)(c), thereby allowing the Applicant to file a Comprehensive Permit Application before the Board.

As directed by the Board at its September 26, 2016, hearing, Special Counsel, Susan C. Murphy, Esq., notified the Applicant, by letter dated September 30, 2016 (so-called "Safe Harbor Letter"), that a denial of the Comprehensive Permit or imposition of conditions would be Consistent with Local Needs on the grounds that the *Statutory Minima* as defined at 760 CMR 56.03(1) has been satisfied and on the grounds that, even if DHCD disagreed with the Town's count of its Subsidized Housing Inventory, the Town has made recent progress toward achieving the Statutory Minima as recognized by DHCD, as provided in 760 CMR 56.03(1)(c) and 760 CMR 56.03(5). The Applicant filed its opposition to the Board's Safe Harbor Letter with the Board and DHCD, by letter of its counsel, dated October 14, 2016, but subsequently withdrew its opposition, by letter of its counsel, dated October 27, 2016. In its withdrawal notice to the Board, the Applicant acknowledged that it would be precluded from appealing to the Housing Appeals Committee any denial or imposition of conditions by the Board. On November 1, 2016, DHCD informed the Board that there was no longer a regulatory basis for DHCD to make a determination related to the Board's Safe Harbor Letter.

While the Safe Harbor Letter submissions were pending at DHCD, the Board continued its review of the Project as the Applicant had made significant changes to the design and density in response to public concerns with the original proposal, and continued to address the various anticipated impacts of the Project.

Land Transfer

The Project Eligibility Letter recommended the grant of a perpetual conservation restriction on the back portion of the Property, which directly abuts Bare Cove Park. During the hearing process, the Applicant offered, in lieu of a conservation restriction, to convey to the Town fee title of a 2.231 acre parcel of land in the same area as the contemplated conservation restriction area to be combined with the Park.

Upon consummation of the land transfer, the Project density will increase from 18.2 units per acre to 22.4 units per acre.

Design and Density

As noted in the Procedural History, the Applicant reduced the number of residential units within the Project from the originally proposed 300 to 220 in response to public concerns. The Applicant represented to the Board during the hearing of November 9, 2016 that it was committed to a “firm” unit count of 220 units and would not later seek to increase, or otherwise allow an increase, in the number of units. By letter of its counsel, dated November 15, 2017, the Applicant reaffirmed this commitment. The Applicant further committed to the Board that the number of affordable units would be no fewer than 55.

The Board heard from the Project architect that features found in the surrounding neighborhood were incorporated into the proposed design, including sloped roofs, coastal-inspired porches, and traditional building materials. The Project architect said that the proposed building form is intended to present as a series of smaller buildings through articulation of shape. The height and number of stories were decreased from the original proposal. The architect explained that the building facade was pulled back from Sheltry Path and balconies were avoided on this elevation in response to privacy concerns raised by the abutting Back River Townhomes residents.

The Board heard from abutters that the scale of the development was materially different than the existing development pattern in nearby neighborhoods. The Applicant suggested that development in the immediate area varies and includes industrial, commercial, and retail uses as well as townhouse-style and multifamily residential uses. In terms of density, residential development within an approximate ½ mile radius ranges from up to 50 units per acre in the recently approved Avalon Hingham Shipyard II to the north of the Project to 5-7 units per acre within in the Hingham Woods, Back River, and Beals Cove Village developments to the east of the Project. Building heights within the Hingham Shipyard Mixed-Use Redevelopment area and Residence E zoning district along Beal Street also range from 5-story structures to more modest 2.5-story townhouses. The proposed Project, which consists of 4-story buildings at a density of 22.4 units per acre, falls in the middle of these ranges.

The Applicant submitted a photometric plan, which was reviewed by the Board’s peer review civil engineer. The photometric plan showed that Project site lighting would provide safe lighting for vehicles and pedestrians on the site, and that foot candles would decrease significantly, ultimately down to zero at the property line along Sheltry Path so as not adversely to affect abutters within the Back River Townhomes development.

Traffic and Parking Impacts

A Traffic Impact and Access Study submitted in support of the Project, and reviewed by the Town’s peer review traffic engineer, evaluated expected impacts on transportation infrastructure on Beal Street and the roadway network proximate to the Property. The Project is expected to result in 105 – 140 vehicle trips during weekday and Saturday peak hours.

In order to improve traffic operations, safety, and/or pedestrian access in the study area, the Applicant committed to implementation of a number of recommendations made by both the

Applicant's and the Board's traffic engineers. For instance, left-turn movements exiting the Project, which may result in cut-through traffic negatively impacting the commercial abutter on the north side of Beal Street, will be restricted by construction of raised island at the entrance to the Project and raised medians within Beal Street. The Applicant will install crosswalks through the raised islands and medians to accommodate safe pedestrian access between the Project and Lincoln Plaza, the Hingham Shipyard, and other area amenities. Additionally, the Applicant will construct a sidewalk along the south side of Beal Street east of the Project entrance to create a safe, efficient, and accessible pedestrian connection between the Project and Lynch Field, where the school bus stop servicing the Project will be located in lieu of locating a bus stop at the Project entrance. This work will also include the installation of 18 parallel parking spaces along the south side of Beal Street adjacent to Lynch Field that will both support the ballfield operations and provide a buffer between vehicles traveling on the road and pedestrians using the new sidewalk. In order to provide safe and efficient access to Bare Cove Park for residents of the Project, particularly those in Building 1, which is sited closest to the secondary entrance to the Park located to the west of the Project, the Applicant will contribute \$18,600 toward the Town's construction of a sidewalk along the southerly side of Beal Street west of the Project entrance.

The Project includes a total of 344 onsite parking spaces. Proposed garages will contain 216 spaces, including ADA accessible spaces. An additional 128 spaces, including accessible spaces, will be located in surface parking lots located between the proposed buildings and Lynch Field and Sheltry Path. A landscape berm will buffer the nearby Back River Townhomes from potential impacts related to headlights and noise from vehicles using the surface parking. Since proposed surface parking lots and associated pedestrian walkways were sited in close proximity to the existing ballfields at Lynch Field, requiring waivers from dimensional requirements under the Zoning By-Law, the Applicant will contribute up to \$50,000 in accordance with a condition of this decision to mitigate against adverse impacts on the Project and the existing Town ballfields.

The Applicant submitted a Parking Demand Study of other similar developments to support the requested waiver from the standard requirement (2 parking spaces per unit) under the Zoning By-Law. The Study demonstrated that parking utilization within these similar developments has an adjusted parking ratio of between 1.26 and 1.43 spaces per unit, which is below the Applicant's requested parking ratio of 1.56 space per unit. Based on review by the Board's peer review traffic engineer, the number of proposed parking spaces was found to be adequate.

Sewer Impacts

The existing building at the Property indirectly accesses the existing public sewer system main within Route 3A by connection to a private sewer system. Other users of the private sewer system raised concerns about periodic backups. The Applicant explained that the concern was not capacity-related, but rather due to a lack of equipment within the private Beal's Cove Pump Station. The Applicant committed to install the required equipment, which would consist of

grinder pumps, in order to remedy the existing issues and alleviate backup problems in the future.

The Hingham Sewer Commission completed an evaluation, funded by the Applicant, of both the condition and capacity of the MWRA Pump Station at Stoddard's Neck and associated public sewer system infrastructure to serve the Project. The Commission's evaluation confirmed that the MWRA Pump Station has adequate capacity to handle average and peak wastewater flows; however, gravity interceptor sewers tributary to the MWRA Pump Station are undersized and, as a result, unable to handle peak flow conditions. The report provided specific recommendations and estimated costs for capital improvements. The Applicant committed to funding \$124,600 toward certain of these recommendations to mitigate potential impacts of its Project on the public sewer infrastructure.

FINDINGS AND DECISION:

Upon a motion made by Joseph W. Freeman and seconded by Alan Kearney, the Board voted unanimously as follows:

A. FINDINGS: The Board makes the following three findings:

1. That, pursuant to documents that are currently in the record, the grounds have been met to satisfy the requirements of 760 CMR 56.03(1), which is referred to as the 40B Safe Harbor regulations. The Board expressly references the following 3 documents:

Safe Harbor Letter, dated September 30, 2016, on behalf of the Board to Applicant;

Letter, dated October 27, 2016, on behalf of Applicant to DHCD, withdrawing its opposition to the Safe Harbor Letter; and

Letter, dated October 27, 2016, from Applicant to the Board, acknowledging that Applicant's withdrawal of opposition precludes it from appealing any denial, or imposition of economic or acceptable conditions.

2. That, pursuant to the last paragraph of 760 CMR 56.03(1), the Board may, at its sole discretion elect to approve a Comprehensive Permit, even though the Town qualifies for the 40B Safe Harbor.
3. That pursuant to Chapter 40B, Sections 20 through 23, and the regulations promulgated thereunder, after extensive public hearings and evaluation of the testimony and documents submitted by the Applicant, peer review engineers, neighbors, and Town officials, the Application may be approved subject to certain conditions that are necessary and proper to protect the health and safety of the occupants of the proposed Project, to protect the health and safety of the residents

of the Town of Hingham, to protect the natural environment, to promote better site and building design in relation to the surroundings and municipal and regional planning, and to preserve Open Spaces.

B. GRANT OF COMPREHENSIVE PERMIT: In light of such findings, the Board resolves to grant the Comprehensive Permit for the Project shown on the Project Plans described in Attachment A, subject to the Comprehensive Permit Conditions set forth in Attachment B, together with the Waivers set forth in Attachment C, which Attachments are incorporated herein by reference.

For the Zoning Board of Appeals,



Joseph M. Fisher
June 19, 2017

ATTACHMENT A

Comprehensive Permit Project Plans Broadstone Bare Cove, 230 Beal Street

Comprehensive Permit Application, dated August 19, 2016, as revised, together with the following:

1. Plans entitled, "Comprehensive Permit Application Plans, Broadstone Bare Cove, 230 Beal Street, Hingham, MA," prepared by Allen & Major Associates, Inc. (site engineer), Precision Land Surveying, Inc. (land surveyor), CUBE 3 Studio (architect), and Shadley Associates, P.C. (landscape architect), dated August 12, 2016, revised thorough April 11, 2017 (53 Sheets)
2. Draft Approval Not Required Plan entitled, "#230 Beal Street Plan of Land in Hingham, MA (Plymouth County)," prepared by Precision Land Surveying, Inc., dated February 24, 2017 (1 Sheet)
3. Plan entitled, "Eastern Buffer Study with Gate," prepared by Shadley Associates, Inc., dated February 13, 2017 (1 Sheet)
4. Drainage Report, prepared by Allen & Major Associates, Inc., dated August 12, 2016 and revised through January 10, 2017
5. Traffic Impact and Access Study, prepared by VHB, dated August 2016 and revised October 2016, as modified by a Memorandum regarding "Broadstone Bare Cove Park, Hingham, Massachusetts" and related to the change in proposed unit count to 220, dated October 28, 2016
6. Parking Demand Study, submitted to the Board on November 9, 2016.
7. MWRA Wastewater Capacity Evaluation Final Letter Report, prepared by Weston & Sampson, dated December 28, 2016
8. Beals Cove Existing Sewer Infrastructure Assessment, prepared by Allen & Major Associates, Inc., revised October 10, 2016
9. Sewer & Water Usage Summary Spreadsheet (Proposed Conditions), prepared by Allen & Major Associates, Inc., dated November 2, 2016
10. Correspondence to Joseph M. Fisher, Acting Chairman, from Jeffrey A. Tocchio, Drohan Tocchio & Morgan, P.C., regarding "Broadstone Bare Cove Alliance, LLC; 230 Beal Street, Hingham," dated November 15, 2016

ATTACHMENT B

Comprehensive Permit Conditions Broadstone Bare Cove, 230 Beal Street (Applicant shall include successor and assigns.)

A. General Conditions

1. This Decision permits the construction, use and occupancy of a multifamily rental housing development consisting of 220 units, including 55 affordable units, with other improvements as shown on the Approved Plans, on the Property. The construction and use of the Property shall be in substantial conformity with the Approved Plans, and there shall be no subdivision of the Property, or the creation of additional housing units or any other structures or infrastructure, except that which is shown on the Approved Plans and except as otherwise permitted in this Decision, without further approval of the Board, subject to the provisions of 760 CMR 56.00 et seq. Notwithstanding the foregoing, upon conveyance of Parcel B-1B (as herein defined) to the Town of Hingham in accordance with this Decision, the term Property shall thereafter exclude Parcel B-1B.
2. The Applicant shall record this Decision at the Plymouth County Registry of Deeds and provide evidence of said recording to the Board and the Building Commissioner prior to application for a Building Permit.
3. The Approval Not Required Plan ("ANR Plan"), entitled "#230 Beal Street Plan of Land in Hingham, MA (Plymouth County)," dated February 24, 2017, prepared by Precision Land Surveying, Inc., which creates a 2.231 acre parcel labeled "Parcel B-1B", shall be revised to include zoning district information and a signed, stamped mylar in recordable form (subject to endorsement by the Planning Board) shall be delivered to the Zoning Administrator. The ANR Plan shall be recorded by Applicant (and evidence thereof provided to the Zoning Administrator) upon Applicant's acquisition of the Property from Hingham Mutual.
4. Each condition in this Decision shall, in accordance with its terms and applicable law, be applicable to and binding on the Applicant and the Applicant's successors and assigns for as long as the Project and the use of the land does not strictly and fully conform with the requirements of the Hingham Zoning By-Law.
5. The Applicant shall copy the Board and the Building Commissioner on all material correspondence between the Applicant and any federal, state or Town official, board or commission that concerns the conditions set forth in this Decision.
6. The Applicant shall comply with all local rules and regulations of the Town of Hingham and its boards and commissions in effect as of the date of the Application unless expressly waived herein or as otherwise addressed in these conditions.

7. The Applicant shall provide peer review funds as specified by this Decision. Any surplus funds remaining in a specific peer review fund may be utilized by the Board for other peer review expenses as necessary as determined by the Zoning Administrator. Such funds are not to be spent for any other use, and any excess funds will be returned to the Applicant upon Project completion.

B. Pre-Construction Conditions

1. Modifications to Project Plans: Prior to the issuance of a building permit, the Applicant shall submit final Project Plans to reflect the conditions set forth herein for review by the Board or its representative to ensure that it is consistent with the Approved Plans. Such Plans shall be reviewed solely to ensure that they are consistent with this Decision and applicable federal and state codes in effect as of the date of the Application and shall be reviewed administratively, meaning and intending that there shall not be a public hearing at which the Board reviews and discusses them, but rather, the Board may do so at a public meeting. The Board or its representative shall provide written comments to the Applicant requesting revisions, if any, that are required to make the same comply with this Decision and any applicable federal and state codes in effect as of the date of the Application, or approve such Plans, in writing within thirty (30) days of submission of same, or else they shall be deemed approved. If revisions are required, then review, suggested revisions, and/or approval shall again take place within fifteen (15) days of submission of the revisions, or else they shall be deemed approved.

The final Project Plans shall include the following modifications:

- a. Clear indication of the limit of work to implement the proposed construction and detailed survey data, including spot elevations, due to the proximity of the proposed work to abutting properties. No work shall be shown on the adjoining Bare Cove Park land.
- b. Utility plans:
 - (i) Utility plan including individual service locations and showing all pipe inverts, pump calculations, and profiles. The design shall provide adequate separation including consideration of the depth of utilities for repair and maintenance of all utilities, in accordance with utility provider requirements and standard engineering practice. Details of all utility components shall be shown on the plan, including but not limited to: catch basins, utility manholes, utility trench construction, water system components, sewer system components, conduit duct banks, etc. Materials used shall be consistent with utility provider requirements.
 - (ii) Flow test results and will-serve letter from Aquarion Water Company to demonstrate that there is an adequate water supply for fire protection and water supply.

c. Lighting Plans:

- (i) All site lighting shall be DarkSky compliant.
- (ii) Color temperature of any outdoor light source shall not exceed 3,500 Kelvin.
- (iii) Building-mounted lighting details similar to Progress Lighting square outdoor wall sconce. All building lighting shall be located at entries; mounted no higher than 8' above finished grade; and downward directed. Smaller versions may be mounted at unit balconies facing internal courtyards or other balconies as required by code. No floodlights shall be permitted.

d. Landscape Plans:

- (i) Detailed landscape plan, including materials list specifying planting size and species, including a minimum of one tree, with a minimum 3" caliper, per every 10 parking spaces located on the Property.
- (ii) Grading details associated with proposed berms shown on the "Eastern Buffer Study with Gate," dated February 13, 2017, and Sheet C-3B.
- (iii) The note on Sheet L-100, entitled "Selective Removal of Invasive Species within Wooded Area to Remain," to be revised consistent with Condition C.12.d.

e. Detail Plans:

- (i) Retaining wall details, prepared by a structural engineer, for each wall in excess of 4' in height.
- (ii) Details for surfacing and equipment to be located within the Play Area for children.
- (iii) If the Existing Private Sewer System (as defined in Section B.7) is to be utilized for the Project, detail specification of the grinder pump to be installed by Applicant with sufficient capacity to service the Existing Private Sewer System including the flow of the Project.

f. Architectural Plans:

- (i) Floor plans consistent with the unit mix shown on the "Conceptual Building Summary & Unit Mix" table shown on Sheet A-002 of the Approved Plans.
- (ii) No balconies shall be located on the north and east elevations of Building 2 except as shown on the Approved Plans.

g. Beal Street Improvements:

- (i) Details for the public sidewalk, including vertical granite curbing, and parallel parking spaces to be constructed on the north side of Beal Street between the Project drive and the Lynch Field entrance to be revised to conform to Town of Hingham DPW/Highway Department standards for public sidewalks and for parking spaces within a public right of way.
- (ii) Raised island at Project site driveway to be redesigned to incorporate a handicap accessible pedestrian crossing to access a proposed future sidewalk on the west side of the Project site driveway.
- (iii) All sidewalks and pedestrian routes shown on the Approved Plans required in this decision shall comply with applicable requirements of the state Architectural Access Board (AAB) and federal Americans with Disabilities Act (ADA) regulations.

h. Pedestrian Path Signage: Signage shall be shown at the terminus of any pedestrian path on the Project at the property line with Bare Cove Park to notify residents that they are entering Town of Hingham park land subject to park rules and regulations. Each sign shall be 2 square feet and posted a maximum of 6 feet high. The opposite side of these signs shall inform the public that the Project is private property and residents and guests only are permitted entry. Design of such signage shall be submitted to the Zoning Administrator for confirmation of consistency with this condition.

i. Storm Water:

- (i) The Applicant shall perform a minimum of two test holes/soil evaluations witnessed by an appropriate agent of the Town or its designee at the site of each proposed infiltration system to verify soil textural analysis and depth to seasonal high ground water prior to submission of final Project Plans. Test pits shall be excavated to a minimum depth of four feet below the proposed bottom of each infiltration system and shall be witnessed by an agent of the Town or its designee. Test pit logs shall be submitted to the Zoning Administrator. The following actions shall be required based on test pit results:
 - 1. If the test pits confirm assumed soil textural analysis and depth to seasonal high groundwater then no further action is required.
 - 2. If the test pits indicate more-restrictive soil texture, then the design of the infiltration system(s) shall be reevaluated. Results of the reevaluation shall be submitted to the Zoning Administrator for review.

3. If the seasonal high groundwater is found to be less than four feet from the bottom of any infiltration system a mounding analysis shall be performed and results submitted to the Zoning Administrator for review.
 4. If the seasonal high groundwater is found to be less than two feet from the bottom of any infiltration system the system shall be redesigned to provide a minimum of two feet of separation.
 5. Any modifications to an infiltration system design shall be submitted to the Zoning Administrator for review.
- (ii) The Applicant shall submit a final storm water management plan and supporting calculations that document compliance with the DEP Storm Water Management Performance Standards. The plan shall include, but not be limited to, spot grades, limits of various soil components and infrastructure specifications.
- (iii) The Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) consistent with National Pollution Discharge Elimination System (NPDES) Construction Stormwater General Permit for review at least one month prior to submission of a Building Permit application.
- j. Land Transfer: The full set of Project Plans (except existing conditions plans) shall be revised to show Parcel B-1B (as shown on the ANR Plan) as the "Area to be Deeded".

2. General Pre-Construction Conditions

- a. Prior to the start of construction, the Applicant shall engage the services of a qualified professional engineer and/or registered architect to provide certification at the completion of work that the Project has been built in accordance with the Approved Plans and prior to the start of construction shall inform the Zoning Administrator 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 Project completion.
- b. Prior to the start of construction, the Applicant shall schedule a pre-construction meeting, including a site walk, with the Zoning Administrator, Building Commissioner, Conservation Officer, DPW Director, Town Engineer, Sewer Department, Hingham Police Department and Fire Department representatives, Historical Commission Administrator, the Board's Consulting Engineer, and the Applicant's Project engineer and/or architect, and contractor.
- c. Prior to the start of construction, the Applicant shall submit the proposed transportation route for construction vehicles and material deliveries. Construction

vehicles and delivery trucks shall be prohibited from traveling on Bulow Road, Fottler Road, and the signalized Stop & Shop driveway.

- d. Prior to the start of construction, the Applicant shall submit a construction schedule.
- e. Prior to the start of construction, the Applicant shall erect construction fencing along any unfenced portions of the property line between the Project and Lynch Fields, Bare Cove Park, and along certain boundaries of Parcel B-1B as provided in Condition B.5. Supplemental construction fencing may be required by the Zoning Administrator as necessary to adequately screen the construction site for abutters. No clearing, staging or construction shall be permitted on Lynch Fields, Bare Cove Park land, including, without limitation, the area known as Sheltry Path, or Parcel B-1B except as provided in Condition B.5.
- f. Prior to the start of construction, including any demolition or site work, the Applicant shall develop an Integrated Pest Management Plan and contract with a licensed or certified applicator(s) to implement the Plan. Any rodenticides shall be placed in tamper resistant bait stations.
- g. The Applicant shall provide the Zoning Administrator with up to \$5,000 to support consultant review of the Project Plans, including as-built site plans, unless additional peer review funds are available and determined to be necessary by the Zoning Administrator in accordance with Condition A.7. This condition is not a limitation on Applicant's other peer review expenses that may be required by this Decision.

3. Sewer System Improvements (Pre-construction obligations and connection to system)

Hingham public sewer system ("Public Sewer System") improvement upgrades, including extension of the Beal's Cove Pump Station Force Main to the MWRA Pump Station and abandonment of certain existing gravity sewers, are required to support the Project. Recommended improvements are set forth in that certain report entitled "MWRA Wastewater Capacity Evaluation Final Letter Report," dated December 28, 2016, prepared by Weston and Sampson. Prior to application for a Building Permit, the Applicant shall contribute \$124,600 to the Hingham Sewer Commission toward the cost of such improvements, which funds shall be earmarked and tracked for the costs of such improvements. Subject to payment of the foregoing contribution, payment of applicable sewer fees in effect as of the date of the Application and compliance with the "Sewer Rules and Regulations in Hingham Massachusetts adopted by the Hingham Board of Sewer Commissioners" (as amended and restated on April 5, 2016), the Project shall be entitled to connection to the Public Sewer System regardless of the status of the upgrades to the Beal's Cove Pump Station Force Main extension and associated sewer system improvements, and delays in the completion of such upgrades shall not be a

basis for delay in connection of the Project to the sewer system when necessary for occupancy of the Project.

4. Beal Street Sidewalk Improvements West of the Project Entrance: The Applicant has agreed, in lieu of constructing a public sidewalk to accommodate resident pedestrian access to Bare Cove Park along the south side of Beal Street between the Project site driveway and the secondary driveway to the Bare Cove Park to the west, to contribute \$18,400 to the Town of Hingham for construction of such sidewalk. Such contribution shall be made prior to the receipt of a building permit for the Project.
5. Land Transfer – Treatment of Parcel B-1B: Prior to the earlier of the commencement of any site work on the Project site or a demolition permit for the existing building:
 - a. Granite bounds shall be installed along the northerly boundary of Parcel B-1B, including the boundary that wraps around the southerly terminus of the boardwalk, at each corner and at each change in bearing.
 - b. Construction fencing shall be installed along the northerly boundary of Parcel B-1B with the Project Site on either side of the proposed boardwalk area and along the Parcel B-1B boundary around the southern terminus of the boardwalk up to the tree line. Construction fencing around the boundary at the southern terminus of the boardwalk shall remain in place at least until issuance of the first certificate of occupancy for the Project.
6. Compliance with State Law Regarding Human Remains and Historic Artifacts

Prior to issuance of a building permit, Applicant and Applicant’s general contractor shall certify in writing that all contractors and sub-contractors engaged in the excavation or the disturbance of soils for the Project shall have been advised of the provisions of Massachusetts law related to disturbance of human remains and/or historical artifacts, including without limitation, the provisions of M.G.L. Ch. 38, Section 6 (“Unmarked Burial Law”), and have been provided a copy of the Massachusetts Historical Commission’s flyer entitled “Know How #4: What to Do When Human Burials are Accidentally Uncovered.”

7. Confirmation of Sewer Capacity: As of the date of issuance of this Comprehensive Permit, the existing building at the Property indirectly accesses the existing Public Sewer System main within Route 3A by connection to a private sewer system (“Existing Private Sewer System”). Prior to the issuance of a Building Permit for the Project, Applicant must deliver to the Board the following information, which shall be subject to peer review (“Sewer Peer Review”) at Applicant’s expense by a peer review engineer on behalf of the Board.
 - a. If Applicant constructs the Project utilizing the Existing Private Sewer System, a report by a qualified licensed engineer confirming that the operating capacity of the

existing sewer pump station is adequate to serve the Existing Private Sewer System.

The Applicant shall provide the Zoning Administrator with up to \$5,000 for Sewer Peer Review pursuant to this condition, unless additional peer review funds are available and determined to be necessary by the Zoning Administrator in accordance with Condition A.7.

b. If Applicant constructs the Project utilizing an alternative sewer layout to the Existing Private Sewer System (“Alternative Sewer Layout”):

(i) Engineered plans showing the Alternative Sewer Layout from the Project site to the Public Sewer System; and

(ii) Report(s) by a qualified licensed engineer confirming the capacity of the Alternative Sewer Layout to carry wastewater flow from the Project site to the Public Sewer.

The Applicant shall provide the Zoning Administrator with up to \$15,000 for Sewer Peer Review pursuant to this condition, unless additional peer review funds are available and determined to be necessary by the Zoning Administrator in accordance with Condition A.7.

c. Documentation evidencing the party or parties responsible for maintaining the sewer infrastructure extending from the Project site to the Public Sewer System; and if the sole party responsible is the Applicant, an operations and management plan governing maintenance of such system.

Peer review funds provided by the Applicant under a. or b. above shall be utilized for review of these documents as necessary.

8. Maintenance of Sidewalk to Bus Stop: In lieu of accommodating a public school bus stop for its school age residents at the Project site entrance that meets Hingham Public School criteria, thereby requiring such school age residents to walk to a bus stop at the entrance to Lynch Field, the Applicant shall contribute \$40,000 to the Town of Hingham to be applied by the Town toward sidewalk snow plow/maintenance equipment. Such contribution shall be made prior to the receipt of a building permit for the Project.
9. Mitigation of Project Impacts on Adjacent Town Property: As the waivers requested by the Applicant and granted by the Zoning Board in connection with this Project result in the siting of certain Project improvements in close proximity to existing Town ball fields, the Applicant shall contribute an amount of \$25,000, and if deemed reasonable by the Zoning Administrator, an additional amount not to exceed \$25,000, to the Town of Hingham. Such funds shall be used by the Town solely for the design and installation of backstops, pole/netting systems or like improvements to mitigate against potential adverse impacts on the operations, or users, of either the Project or the Town fields due

to the close proximity of the activities on each site. Such contribution shall be made upon the later of (a) delivery to the Applicant and the Zoning Administrator by the Board of Selectmen (or its designee) of the cost of the mitigation as designed by an independent third party with experience in the design of such improvements, and (b) Applicant's application for a building permit for the Project.

C. Conditions in Effect During Construction

1. The Applicant shall comply with the State Building Code and any local regulations or fees of the Hingham Building Commissioner in effect as of the date of the Application. The Applicant shall pay all required fees for all such building and other permits including any fees charged for inspections and permits in effect as of the date of the Application.
2. The Board or its agent(s) may enter onto and view the Site during regular business hours to ensure compliance with the terms of this Decision, subject to applicable safety requirements. The Board or its agents may make reasonable efforts to notify the Applicant or its agents in advance.
3. Under the Massachusetts Unmarked Burial Law, the Applicant and its contractors shall be responsible for reporting the discovery of any human remains or suspected human remains exposed during construction. Protocols for notification shall be available on the site during construction. In addition, the Applicant shall simultaneously notify the Zoning Administrator.
4. The Applicant may display one temporary construction or marketing sign not exceeding 50 square feet at the site entrance, stating appropriate marketing information on the Site, provided it otherwise complies with Section V-B of the Zoning By-Law. The temporary construction and marketing sign shall be displayed for no longer than three years from the date of issuance of a Building Permit, which term shall be renewable at the Board's discretion.
5. During the period of construction, all deliveries of construction materials and equipment shall be made only on Monday through Friday no earlier than 7:00 am and not later than 5:00 pm. Construction operations shall be limited to the hours of 7:00 am to 6:00 pm Monday through Friday and 8:00 am to 4:00 pm on Saturday. After-hours activity shall be limited to interior work within a fully-enclosed building and site cleanup. Except for emergency conditions, no exterior construction work shall be allowed on Sundays. The Building Department shall be notified promptly of any such emergency conditions. Hours of operation may be enforced by the Police Department. Throughout construction, the Applicant shall comply with all local, state, and federal laws in effect as of the date of the Application regarding noise, vibration, dust and blocking of roadways.
6. During the period of construction and leasing, notwithstanding any pre-conditions for the issuance of a certificate of occupancy otherwise set forth herein, the Applicant shall

be entitled to designate, construct and operate up to two (2) of the units as decorated, model units, but not to be used as inhabited units.

7. During construction, the Applicant shall be able to locate up to three construction trailers, unless additional trailers are otherwise permitted by the Building Commissioner, on the Property. All construction trailers shall be located within the fenced construction area of the Project. 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 issuance of a building permit or certificate of occupancy shall not apply to building permits or certificates of occupancy required for the construction trailers.
8. Portable bathroom facilities, trash containers, and portable generators shall be located within the fenced construction area for the Project, at least 150 feet from the easterly boundary of the Property, and shall not be visible from Beal Street or Sheltry Path.
9. Construction trash containers, including dumpsters, shall not be filled above top or sides of the container and shall be covered at the end of the workday.
10. During the period of construction, no construction worker vehicles, and no construction equipment (unless in connection with off-site mitigation while such work is underway), shall be parked on any public or private way nor on the adjoining lands of Lynch Field or Bare Cove Park.
11. During the period of construction, no construction vehicles or construction worker vehicles shall be permitted to idle their vehicles for more than 5 minutes, in accordance with MGL Chapter 90, Section 16A and 310 CMR 7.11.
12. Construction of the Project shall be subject to the following:
 - a. There shall be no access to or from the Project over Parcel B-1B during construction;
 - b. Parcel B-1B shall not be a staging or storage area for any building materials or equipment, including without limitation any materials to be used for the boardwalk. Applicant shall be responsible for removing any debris related to construction which blows off the Project site.
 - c. Upon completion of the boardwalk, the area surrounding the southerly terminus of the boardwalk in the meadow shall be raked to a level condition and planted with meadow seed. Until the meadow seed is established, Applicant shall fully fence and water the planted area.
 - d. The Applicant shall clear invasive species in the wooded area on Parcel B-1B, in an area not less than 10', and up to 20', from the east and west sides of the proposed boardwalk. At a site visit just prior to commencement of clearing, the Applicant's landscaping consultant and the Hingham Conservation Agent or her/his designee

shall make a more detailed determination of invasive species to be cleared in the area between 10' and 20' from each side of the boardwalk.

D. Occupancy-Related Conditions

1. As-Built Plans: Prior to the issuance of certificates of occupancy for more than 85% of the dwelling units within the Project, the Applicant shall submit as-built site and building plans stamped by the appropriate qualified professional with a certification that all site work improvements have been completed in accordance with the Approved Plans, including a certification from its landscape architect that all landscape plantings have been installed in accordance with Sheet L-100.
2. Pedestrian Path Signage: Prior to issuance of any certificate of occupancy for the Project, the Applicant shall install signage on the Property at the end of any pedestrian walkway, and at the fire access gate, located along the shared property line with land owned by the Town of Hingham such signage to be in accordance with Condition B.1.h above.
3. Traffic Improvements: Prior to the issuance of any certificate of occupancy for the Project, in order to provide safe and efficient vehicular and pedestrian access to and from the Project and to promote public health, safety, and welfare of the residents of the Project and the public, and to address the Project's projected impacts on transportation and pedestrian infrastructure, the Applicant shall complete the traffic improvements in accordance with the Approved Plans and as described below:
 - a. **Beal Street at Project Access Improvements** - In order to prohibit left-turn movements exiting the Project which may result in cut-through traffic negatively impacting the commercial abutter on the north side of Beal Street, and to accommodate safe pedestrian access between the Project and Lincoln Plaza, the Hingham Shipyard and surrounding amenities, the Applicant shall design and construct the following improvements in accordance with the Approved Plans:
 - (i) The Project site driveway shall include a raised island with sloped granite curbing to separate traffic entering and exiting the Project site and to channelize exiting traffic to right turns only, and be designed to accommodate handicap accessible pedestrian crossings to the west side of the Project entrance drive and to the south side of Beal Street.
 - (ii) A pedestrian crosswalk shall be provided for crossing Beal Street between the raised island at the center of the Project site driveway and the sidewalk along the north side of Beal Street that shall include Americans with Disabilities Act (ADA) compliant wheelchair ramps and pedestrian crossing warning signs at and in advance of the crosswalk.
 - (iii) A raised median with vertical granite curbing shall be installed along the center

of Beal Street both approaching and departing the intersection with the Project site driveway. The median shall be a minimum of 6-feet in width, including the curbing, and shall extend southerly along Beal Street across the channelized right-turn lane for vehicles exiting the Project site so as to preclude the ability of vehicles exiting the Project site to turn left onto Beal Street. Said median shall not block access to the Lincoln Plaza and shall include trees and landscaping consistent with the landscaping that is provided within the median to the east of Sgt. William B. Terry Drive.

- b. **Beal Street Sidewalk and Parking Improvements** – In order to accommodate safe, efficient, and accessible pedestrian access between the Project and Lynch Field, where the school bus stop servicing the Project will be located, the Applicant shall construct the following improvements along Beal Street and as part of the Project driveway in accordance with the Approved Plans:

- (i) The Applicant shall construct the proposed sidewalk along the south side of Beal Street between the Project driveway and the Lynch Field parking lot to the east.
- (ii) The Applicant shall install 18 parallel public parking spaces along the south side of Beal Street adjacent to Lynch Field.
- (iii) The construction of the improvements described in (i) and (ii) shall be undertaken in coordination with the Hingham DPW, Highway Department, and Hingham Police Department (HPD), including HPD approval of the construction schedule to avoid dangerous traffic and construction conditions during peak youth athletic programming at Lynch Field.

- c. **Beal Street/Fottler Road/Tuckers Lane Planning Study**

- (i) The Applicant shall complete a Planning Study of potential improvement measures at the Beal Street/Fottler Road/Tuckers Lane intersection in order to address existing operational constraints at the intersection that will be further impacted by the Project. This evaluation shall include an assessment at a conceptual level of reconfiguring the intersection as a modern roundabout or the implementation of other traffic control measures that are appropriate for the context of the intersection. The results of the evaluation shall be summarized in a technical memorandum provided to the Zoning Administrator, Community Planning Director, Police Chief, Town Engineer, and Department of Public Works Director, and shall include conceptual plans illustrating the alternatives that were evaluated, the resulting traffic operations and the associated cost (preliminary) to implement the improvement measure.

4. Confirmation of Sewer Improvements:

- a. If the Applicant utilizes the Existing Private Sewer System as currently proposed in

the Approved Plans, then, prior to issuance of any certificate of occupancy, the Applicant shall provide documentation certifying that the Project sewer improvements have been completed, including installation of the grinder pump (per the specification required in Condition B.1.e(iii)).

- b. If the Applicant utilizes the Alternative Sewer Layout, then, prior to issuance of any certificate of occupancy, the Applicant shall provide documentation certifying that the Project sewer improvements have been completed.
5. Land Transfer: In lieu of the grant of a perpetual conservation restriction as contemplated in the recommendations of MassHousing in its Project Eligibility Letter, dated August 12, 2016, the Applicant has agreed to convey fee title to the Town of Hingham Parcel B-1B shown on the ANR Plan in the form of the draft deed dated May 1, 2017.

Prior to the earlier of completion of the southern terminus of the boardwalk or the issuance of the first certificate of occupancy for the Project, Applicant shall deliver to the Zoning Administrator the deed, fully executed, and in recordable form, together with a written title certification from Massachusetts counsel that, except as expressly set forth therein, the deed shall be granted free and clear of all recorded or unrecorded encumbrances, rights, restrictions, and easements, and with a recordable long-form certificate of legal existence and authority for the grantor from the Massachusetts Secretary of the Commonwealth.

6. Landscaping: Prior to use by any vehicles of the parking area east of Building 2, the Applicant shall install the berm and landscaping along Sheltry Path that are identified on Sheet L-100 and the Eastern Landscape Buffer Study.

E. Post-Construction and Ongoing Conditions

1. **Beal Street/Sgt. William B Terry Drive Traffic Signal Timing Improvements** – Within 6-months of achieving 80 percent occupancy permits for the Project, the Applicant shall engage a professional traffic engineer to review traffic operations (motorist delays and vehicle queuing) at the intersection of Beal Street at Sgt. William B. Terry Drive during the weekday morning (7:00 to 9:00 AM) and evening (4:00 to 6:00 PM) peak periods, and determine if adjustments to the traffic signal timing or other improvements are necessary to accommodate the change in traffic volumes and turning movements at the intersection, and shall deliver a written report to the Board. Such report shall be subject to peer review at Applicant's expense, such expense not to exceed \$5,000 unless additional peer review funds are available and determined to be necessary by the Zoning Administrator in accordance with Condition A.7. To the extent that it is determined by the Board after review of the Applicant's report and the peer review report that adjustments are required, the Applicant shall promptly design and implement the traffic signal timing changes in accordance with such determination.

2. The Applicant shall undertake the following measures to maintain sight lines:
 - a. Ensure that signs, landscaping and other features located within the sight triangle areas of the Project site driveway intersection with Beal Street do not to impede lines of sight. Such features shall be maintained so as to not exceed 2.5-feet in height as measured from the surface elevation of the Project site driveway.
 - b. Promptly remove snow windrows located within the sight triangle areas of the Project driveway intersection with Beal Street and at intersections within the Project that exceed 2.5-feet in height or that would otherwise inhibit sight lines.
3. Parking outside of designated areas within the Project shall be prohibited in order to ensure that sufficient maneuvering areas are afforded for life safety vehicles.
4. The Applicant shall implement the following Transportation Demand Management (TDM) as a part of the Project:
 - a. Current information regarding public transportation services, maps, schedules and fare information shall be posted in a central location within each building;
 - b. A “welcome packet” shall be provided to new residents of the Project detailing available public transportation services, bicycle and walking alternatives, and commuter options available through MassRIDES;
 - c. The Applicant or property manager shall become a MassRIDES employer partner to facilitate and encourage healthy transportation options for residents of the Project and to coordinate a carpool/vanpool matching program;
 - d. Residents will be encouraged to participate in MassRIDES’ NuRide program, which rewards individuals who choose to walk, bicycle, carpool, vanpool or who use public transportation to travel to and from work;
 - e. Residents will be made aware of the Emergency Ride Home (ERH) program available through MassRIDES, which reimburses employees of a participating MassRIDES employer partner worksite that is registered for ERH and that carpool, take transit, bicycle, walk or vanpool to work;
 - f. A mail drop shall be provided in a central location for each building;
 - g. Secure bicycle parking shall be provided, including both exterior bicycle racks proximate to the entrance of each building and weather protected bicycle parking in a secure area within the parking garages; and
 - h. Electric vehicle charging stations shall be provided within the Project.

5. The storm water drainage system shall be operated and maintained by the Applicant in accordance with the Operation and Maintenance Plan included in the Drainage Report, revised through January 10, 2017, prepared by Allen & Major Associates, Inc.
6. The Applicant shall remove snow from the site as soon as practicable following large snow events when the site cannot itself accommodate snow storage without a loss of driving aisles or a loss of five (5) or more parking spaces.
7. No commercial landscaping activities shall be permitted between the hours of 7:00 p.m. and 7:00 a.m. on weekdays or between the hours of 7:00 p.m. and 8:00 a.m. on weekends.
8. No dumpsters or similar trash containers shall be emptied between the hours of 7:00 p.m. and 7:00 a.m. on weekdays or between the hours of 7:00 p.m. and 8:00 a.m. on weekends.

F. Affordability Conditions

1. The Project shall provide no fewer than twenty-five percent of the units to households at or below 80% of the area median income, subject to all applicable requirements of the subsidizing agency for the Project (“affordable units”).
2. A local preference for the affordable units shall be afforded to Hingham residents, employees, employees of a business in Hingham or those with a bona fide job offer from a business located in Hingham, and households with children attending Hingham public schools to the extent permitted by applicable law and subject to the approval of the subsidizing agency.
3. The affordable units in the Project shall remain affordable in perpetuity.

ATTACHMENT C

**Comprehensive Permit Waivers
Broadstone Bare Cove, 230 Beal Street**

Waivers Granted: The Board grants the following waivers from Town of Hingham local regulations:

HINGHAM ZONING BY-LAW		
Local Regulation	Requirement	Waiver
1. Section III-A – Schedule of Uses (Sub-Section 1.4) and all provisions Section IV-E, Multi-Unit Development	Apartment House if subject to the provisions of Section IV-E, Multi-Unit Development, and is not allowed in an Office Park District	Allows multifamily development within the Office Park District. Project as shown on Plan.
2. Section IV- A – Dimensional Requirements	Max. Bldg. Height = 35 ft. Max. Floor Area Ratio = 0.15	Bldg. 1 Height = 53.25± ft. parapet at entry; 58± ft. at peak of sloped roof Bldg. 2 Height = 56.75± ft. parapet at entry; 61.5± ft. at peak of sloped roof Floor Area Ratio = 0.68
3. Section IV-B-5 – Special Requirement to Schedule of Dimensional Requirements	Min. 20’ wide open & green space maintained along entirety of property line.	Allow less than 20’ of open & green space maintained along property line; specifically for (i) pedestrian and vehicular connections, (ii) walkway and parking stalls abutting Lynch Fields; (iii) walkway on westerly side of entrance drive abutting Bare Cove Park; and (iv) the Building 2 move-in loading area access drive.
4. Section IV-C.5 – General Intensity Provisions	No more than one dwelling unit per any single lot.	Allows 220 dwelling units on a single lot.
5. Section V-A – Off-Street parking requirement – Residential Use	2 parking spaces per dwelling unit; Length 18 ft. with overhang, 20 ft. without overhang; 24 ft. aisle width	1.56 parking spaces per dwelling unit; Length 18 ft. without overhang within garage; 23 ft. aisle width within portions of garage
GENERAL BYLAW		
1. Article 10-34.A – Public Ways and Common Land	The removal of soil, loam, sand or gravel from any land in the town not in public use to any location outside the town is prohibited.	Allows soil, loam, sand and gravel to be removed from the Town (as pertinent).

Waivers Not Granted: By granting the foregoing waivers from local bylaws and regulations, it is the intention of this Comprehensive Permit to permit construction of the Project as shown on the Approved Plans. If it is determined by the Applicant, the Building Commissioner, or the Zoning Administrator that any additional waiver from local bylaws or regulations is necessary to permit construction to proceed as shown on the Approved Plans, the Building Commissioner or the Applicant, as applicable, shall be informed of any additional waiver required and the Applicant may submit a request to the Zoning Administrator to proceed under 760 CMR 56.05(11).