



TOWN OF ROCKLAND

ZONING BOARD OF APPEALS

Town Hall - 242 Union Street, Rockland, Massachusetts 02370
Phone: 781-871-0154, ext. 1195; E-MAIL: zoning@rockland-ma.gov

DECISION of the BOARD of APPEALS

Comprehensive Permit Application

Pursuant to G.L. c.40B, Sections 21-23

RESIDENCES AT 320 CONCORD

320 CONCORD STREET

ROCKLAND, MASSACHUSETTS

I. PROCEDURAL HISTORY

A. An application for a Comprehensive Permit was submitted by Wall Street Development Corp. ("Wall Street") and 320 Concord Development, LLC ("320 CD"), an entity to be formed by Wall Street, on October 22, 2021, to the Rockland Zoning Board of Appeals (the "Board"). Wall Street and 320 CD are collectively referred to herein as the "Applicant" or "Developer". The Applicant proposes to construct four detached single-family condominium homes on the property known as and numbered 320 Concord Street, Rockland, Massachusetts (the "Project") to be called the Residences at 320 Concord.

B. In compliance with 760 CMR 56.05(3), the Board notified all Local Boards of the receipt of the application and invited their participation by providing them with a complete copy of the application.

C. In compliance with 760 CMR 56.05(3), the Board opened a duly noticed and advertised public hearing on the Developer's application on November 16, 2021. The public hearing was continued to December 21, 2021, January 25, 2022, March 15, 2022, April 19, 2022 (rescheduled due to posting issue with agenda), April 21, 2022. There was an informal site visit on December 11, 2021. The Board deliberated on this application on April 26, 2022, May 3, 2022, May 17, 2022, May 31, 2022, June 2, 2022, and June 7, 2022, during duly posted public meetings of the Board. A written extension of time for the Board to complete its deliberations and file its

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decision with the Town Clerk on or before June 10, 2022, was emailed to the Board's counsel and Regulatory Coordinator on May 25, 2022.

D. In response to concerns raised by the Board, the Board's Peer Review Consultant, other Local Boards, abutters and other interested parties, the Developer submitted revised Site Development Plans (including revisions dated November 25, 2021), a Cut and Fill analysis dated on or about January 14, 2022, a photometric lighting plan dated January 13, 2022, lighting pole details, a landscape plan dated January 10, 2022, updated architectural plans (concept plans 1 & 2), revised Site Development Plans (including revisions dated January 3, 2022), a water demand chart dated December 29, 2021, Drainage Calculations and Stormwater Management Plans dated January 3, 2022, updated Drainage Calculations and Stormwater Management Plans revised February 18, 2022, a building grading plan dated February 2, 2022, a revised photometric lighting plan dated February 23, 2022, revised architectural plans dated February 3, 2022, revised Site Development Plans (including revisions dated February 18, 2022), a revised list of waivers dated January 24, 2022, revised architectural plans dated February 8, 2022 and revised Site Development Plans (including revision dated March 16, 2022).

E. All submittals concerning the original Project and revised Project are on file in the office of the Board and are incorporated herein.

F. The Project is located at 320 Concord Street, Rockland, Massachusetts and is identified on the Town of Rockland Assessor's Maps on Map 57, Lot 70 (the "Property").

G. The Property is located in the R-1 Residence Zoning District. The Property contains 28,937 s.f. of lot area, and was formerly the site of a single-family residence that was torn down by the Developer after it was acquired from the Town of Rockland in an auction of tax properties. The remaining remnants of the former home are proposed to be removed and disposed of lawfully. There are no wetlands as defined pursuant to the Wetlands Protection Act and its Regulations, Gen. L. c. 131, §40 and 310 CMR 10.00 et seq. on the Property. The Property is subject to and has the benefit of a sewer line easement dated April 30, 2010 by and between the former owner of the subject property and the abutting property at 330 Concord Street, Rockland, MA pursuant to which a sewer line serving the Property and the abutting property at 330 Concord Street is existing.

H. The Developer has provided certain plans, materials, reports and revised plans during the course of the public hearing on the Application. During the public hearing, the Developer was represented primarily by its principal, Louis Petrozzi, President of Wall Street and its civil engineering consultant, Erik Schoumaker, P.E. of McKenzie Engineering Group of Norwell, Massachusetts. Architectural Plans were prepared by Morabito Architects of Pittsford, NY, and Patrick H. Morabito, AIA who is licensed in Massachusetts and several other state jurisdictions.

I. The Board utilized the services of Patrick G. Brennan, PE of Amory Engineers, PC of Duxbury, Massachusetts for civil, engineering and stormwater peer review. Mr.

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Brennan is sometimes referred to herein as the Board's Peer Review Consultant. The Board was also assisted during the public hearing process by Land Use Counsel, Robert W. Galvin and Asst. Land Use Counsel, Anthony J. Riley.

J. The Board requested and heard from input from Town Officials, abutters and other interested persons, including the Selectmen, Town Administrator, Planning Board, Conservation Commission, Fire Department, Police Department, Highway Department, Abington and Rockland Joint Water Works and the Rockland Sewer Commission.

K. Abutters to and neighbors of the Property presented emails and letters raising numerous objections to the proposed Project including without limitation the scale and size of the proposed Project, the density of the proposed Project, the potential impacts of stormwater and groundwater to abutting properties before, during and after construction, parking impacts and traffic safety impacts on Concord Street, the height of the proposed single-family condominium units, screening and aesthetic concerns, design concerns, fire department access for emergency equipment, potential damage to abutting properties and their trees and vegetation.

L. In response to Governor Baker's declaration of a public health emergency and the related Emergency Executive Order dated March 12, 2020, as amended and as effected by the June 16, 2021 law entitled "An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency", and Chapter 22 of the Acts of 2022, the Board conducted the public hearings on the Developer's Application by remote participation using the audio-conferencing application Zoom and providing an online link and telephone access number. The Board's public hearing on this matter was also broadcast live on www.youtube.com/wrpsrockland and its sessions were recorded by WRPS.

II. THE TOTAL PROJECT:

The Applicant proposes a total of four (4) single-family, three-bedroom, condominium homes containing generally 1,800 s.f.¹ of floor area, +/-, with a two-car garage as shown on the last revised architectural plans and last revised site development plans. In accordance with Gen. L. c. 40B and 760 CMR 56.00 et seq, at least one of the single-family condominium homes shall be perpetually restricted as a low and moderate income unit, as approved by the subsidizing agency, and sold to an eligible household whose annual income may not exceed 80% of area median income (AMI), adjusted for household sized, as determined by the United States Department of Housing and Urban Development (the "Affordable Units") and, subject to approval by DHCD, the Affordable Unit shall be included in the Town's Subsidized Housing Inventory, as maintained by DHCD.

¹ The specific floor areas are depicted on the last revised Site Development Plans and shall be finalized in the final Site Development Plans.

In addition to the foregoing condominium homes, several landscaped small gardens, new trees, grasses and shrub cover will occupy the grounds immediately surrounding the proposed single-family condominium homes that form the Project. The Site Development Plans also show proposed stormwater management systems consisting of catchbasins, manholes, piping and detention basins. The single-family condominium homes, as proposed, will be connected to municipal water and sewer via existing connections or new connections in Concord Street.²

The Property is located entirely within the R-1 Residential Zoning District with single-family residential properties abutting to either side and across the street and property to the rear is used in part for a golf course.

III. PROJECT ACCESS:

The Project will be accessed via a two-way site access 20' foot wide, driveway leading from Concord Street to individual driveways and two-car garages and also a 22' foot wide dedicated emergency vehicle turnaround area that will be striped and maintained as an emergency vehicle turnaround area. Parking in the main access driveway will be restricted to maintain emergency vehicle access to all of the single-family condominium units.

IV. APPLICATION:

A. On or about October 22, 2021, the Developer, filed a Comprehensive Permit Application, pursuant to G.L. c.40B, Sections 21-23, (Act), to construct four (4) three-bedroom single-family condominium homes including three market rate homes and one low and moderate income home at the property known as and numbered 320 Concord Street, Rockland, Massachusetts known as the Residences at 320 Concord. The one low and moderate income single-family condominium home is proposed to be an affordable unit in perpetuity.

B. The following documents and exhibits, among others, were received from the Applicant as part of the initial application and not during the public hearing and are hereby incorporated by reference in this decision:

- a). Comprehensive Permit Application for a Public Hearing
- b). Cover Letter
- c). Cover Sheet
- d). Table of Contents
- e). Preliminary Site Development Plans – Proposed Residential Development, 320 Concord Street, Rockland, Massachusetts

² There is at present a Sewer Moratorium in Rockland as per the Rockland Sewer Commissioners as a result of an Administrative Consent Order issued by the EPA.

- prepared by McKenzie Engineering Group, Inc. dated October 7, 2021 (full size)
- f). Report on Existing Conditions
 - g). Preliminary Architectural Drawings
 - h). Tabulation of Proposed Buildings
 - i). Compliance Documents
 - Applicant Qualifications
 - Letter from Needham Bank dated February 24, 2021
 - Treasurers Tax Title Deed dated January 26, 2021
 - Letter from MassHousing dated August 30, 2021
 - j). List of Requested Exemptions and Waivers
 - k). Certified List of Abutters dated September 15, 2021, with envelopes to the abutters for filing advertisement notice and decision.

V. LATEST PROJECT PLAN REVISIONS, DOCUMENTS AND EXHIBITS RECEIVED FROM THE APPLICANT:

The following documents, among others, were received from the Developer and/or its consultants, during the public hearing and are hereby incorporated by reference in this decision:

- A. Preliminary Site Development Plans – Proposed Residential Development, 320 Concord Street, Rockland, Massachusetts. prepared by McKenzie Engineering Group, Inc. dated October 7, 2021 (full size), revised November 30, 2021, January 3, 2022, February 18, 2022
- B. Drainage Calculations and Stormwater Management Plan, prepared by McKenzie Engineering Group, Inc. dated November 30, 2021, revised January 3, 2022, and February 18, 2022
- C. Proposed Water Demand Spreadsheet prepared by McKenzie Engineering Group, Inc. dated December 29, 2021
- D. Cut & Fill Analysis prepared by McKenzie Engineering Group, Inc. dated January 3, 2022
- E. Architectural plan (4 sheets) prepared by Morabito Architects dated January 10, 2022
- F. Landscape Plan prepared by Steven G. Cosmos dated January 12, 2022

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- G. Undated Light fixture specifications by GMR Enlights and Undated Light pole specifications by Hapco
- H. List of Requested Exceptions and Waivers revised January 24, 2022
- I. Building Grading Plan (8 copies) prepared by McKenzie Engineering Group, Inc. dated February 2, 2022
- J. Architectural Concept Plans (8 copies) prepared by Morabito Architects dated October 7, 2021, and revised February 3, 2022
- K. Drainage Calculations and Stormwater Management Plan, prepared by McKenzie Engineering Group, Inc. dated November 30, 2021 (full size), revised January 3, 2022, and revised February 18, 2022
- L. Photometric Study Plan (8 copies) prepared by SpecLines dated January 21, 2022, and revised February 23, 2022
- M. Grading and Drainage Plan (8 copies) prepared by McKenzie Engineering Group, Inc. dated October 7, 2021, and revised March 16, 2022

**VI. DOCUMENTS AND EXHIBITS RECEIVED FROM THE BOARD'S
CONSULTANTS, TOWN OFFICIALS OR MEMBERS OF THE PUBLIC DURING
THE PUBLIC HEARING:**

The following documents, among others, were received from the Board's consultants, Town officials, or members of the public during the public hearing and are hereby incorporated by reference in this decision:

- A. October 25, 2021 – Letter from Abington & Rockland Joint Water Works advising temporary suspension of all water hookups until completion of supply and demand study
- B. October 26, 2021:
 - Letter from Rockland Police Department
 - Email from Keith Nastasia advising sewer moratorium in effect and no new connections are permitted
- C. Correspondence:
 - November 6 and November 8, 2021 – Emails from Susan Joyce
 - November 9, 2021:
 - Email from Carol Brigham
 - Email from Carol Gordon

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November 16, 2021:

Letter from the Wong Family

Email from Susan Joyce

November 17, 2021 – Email from Susan Joyce

November 19, 2021 – Email from Susan Joyce

November 22, 2021 – Email from Kathleen Boyd

- D. November 5, 2022 – Email from Rockland Board of Health
- E. November 24, 2021- Email from Amory Engineers, P.C. stating traffic study is not required.
- F. December 1, 2021 – Letter from Abington & Rockland Joint Water Works stating Joint Water Commissioners will not waive any connection fees; the Joint Water Commissioners voted to temporarily suspend all water hookups; the property only has water for a single-family home; at this time there is no domestic water available for project.
- G. December 9, 2021 – Letter from Amory Engineers, P.C. regarding review of documents.
- H. December 29, 2021 - Proposed Water Demand Worksheet prepared by McKenzie Engineering Group, Inc.
- I. January 3, 2022- Letter from McKenzie Engineering Group. Inc. in response to Engineering Peer Review letter dated December 9, 2021, from Amory Engineers, P.C.
- J. January 21, 2022 - Letter regarding review of documents from Amory Engineers, P.C.
- K. January 30, 2022 – Email from Susan Joyce
- L. February 1, 2022 – Email from Susan Joyce
- M. February 7, 2022 - Letter from Rockland Fire Department
- N. February 18, 2022 - Response to comments from McKenzie Engineering Group, Inc.
- O. February 24, 2022 – Letter from McKenzie Engineering Group, Inc. submitting documents

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- P. February 28, 2022 - Letter from Amory Engineers, P.C. regarding review of documents
- Q. March 1, 2022 - Letter from Abington Rockland Joint Water Works conditionally approving domestic water and proposed Hydrant Relocation
- R. April 5, 2022 - Letter submitting documents from McKenzie Engineering Group, Inc.

Any documents or other evidence received during the public hearing which are not listed above, are unintentionally omitted. All documents and plans received during the public hearing are hereby incorporated by reference in this decision.

VII. TECHNICAL REVIEW CONSULTANTS:

As indicated, the Board retained the following consultants to assist in its review of this application:

Peer Review Consultant:

Civil Engineers: Amory Engineers, Inc.
P.O. Box 1768
25 Depot Street
Duxbury, Massachusetts 02331

Land Use Counsel: Robert W. Galvin, Esquire
Galvin & Galvin, PC
10 Enterprise Street, Suite 3
Duxbury, Massachusetts 02332

Traffic Engineer: None

VIII. TOWN BOARDS AND DEPARTMENTS:

As indicated before, the Board notified all local boards and commissions of this application and considered their comments when making its decision.

FINDINGS OF FACT

I. JURISDICTION: Based upon the information presented at and during the course of the Public Hearings and incorporated as part of the official record, the Board makes the following findings:

- A. **Limited Dividend Organization/Non-Profit Status:** The Developer presented sufficient evidence that Wall Street will form a limited dividend entity to be

known as 320 Concord Development, LLC, and that it is qualified to apply for a comprehensive permit pursuant to 760 CMR 56.04(1)(a).

- B. **Fundability:** The Total Project is “fundable” in accordance with the Project Eligibility Letter issued by the Massachusetts Housing Finance Agency dated August 30, 2021, under the New England Fund (NEF) Program of the Federal Home Loan Bank of Boston. As evidence, the Applicant provided a copy of the Project Eligibility Approval, issued by the Massachusetts Department of Housing & Community Development.
- C. **Site Control:** The Developer is the owner of the subject property and acquired the Property from the Town of Rockland.

II. STATUTORY MINIMA:

- A. Based on the most recent Subsidized Housing Inventory maintained by the Department of Housing and Community Development, the Town does not have more than ten percent (10%) of its available housing units dedicated to low and moderate-income households, as defined by the Act.
- B. Upon information and belief, the following is believed to be true:
 - 1. The sites used for the Town’s affordable housing do not comprise of more than one and one-half percent (1-1/2%) of the total land area zoned for the residential, commercial or industrial land use, and
 - 2. The construction of the Project would not result in the commencement of construction of low and moderate income housing on sites comprising more than 0.3% of the Town’s land or ten (10) acres, whichever is larger, in any one (1) calendar year.

III. FACTUAL FINDINGS:

- A. The Property is located in the R-1 Residential Zoning District that requires 32,670 s.f. of minimum lot area for one detached single-family dwelling.
- B. The Project is located in a predominantly residential area of Concord Street with abutting single-family homes on each side and across the street and a property used as a golf course to the rear of the Property. The Property is in proximity to downtown Rockland.

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- C. The Property has the remnants of a former home remaining on it which the Developer has proposed to remove and dispose of lawfully prior to the commencement of any site work.
- D. The Developer plans to construct four single-family condominium homes with three bedrooms and two-car garage. Three of the four homes have a footprint area of 1,414 s.f. (Buildings 1 to 3) and one of the four homes has footprint area of 1,354 s.f. (Building 4). The Developer shall construct the Project substantially in accordance with the revised Site Development Plans (including revisions dated February 18, 2022), the revised architectural plans dated February 8, 2022 and the further revised Site Development Plans (including grading and drainage revisions dated March 16, 2022) (collectively the "last revised Site Development Plans") or final Site Development Plans consistent with these last revised Site Development Plans.
- E. The Developer plans to construct a shared access driveway 20' feet in width (so-called "gutter to gutter") plus a 1' wide Cape Cod berm on both sides of the driveway to access the driveway areas and garages and has proposed a 22' foot wide emergency vehicle turnaround area plus a 1' wide Cape Cod berm on the outside perimeter side of the turnaround area that shall be striped and maintained as a turnaround area by the Developer and its successors and assigns as shown on the last revised Site Development Plans.
- F. Three of the four single-family condominium homes shall be market rate homes and one of the four single-family condominium homes shall be affordable meaning that in accordance with Gen. L. c. 40B and 760 CMR 56.00 et seq, the affordable single-family condominium home shall be perpetually restricted as a low and moderate income unit, as approved by the subsidizing agency, and sold to an eligible household whose annual income may not exceed 80% of area median income (AMI), adjusted for household sized, as determined by the United States Department of Housing and Urban Development (the "Affordable Units") and, subject to approval by DHCD, the Affordable Unit shall be included in the Town's Subsidized Housing Inventory, as maintained by DHCD.
- G. The Developer agreed to restrict the height of the proposed homes so that the ridge of the homes shall not be higher than 25.4' above the basement floor elevation using the approved final grades shown on the last revised Site Development Plans. The side yard setbacks shall be 14' side offset for decks and 18' offset for main structure, including projections, 27' feet off the front lot line, and 20' off rear lot line. Any cantilevering shall be limited to first floor towards the driveway.
- H. There are no wetlands as defined pursuant to the Wetlands Protection Act and its Regulations, M.G.L. c. 131, §40 and 310 CMR 10.00 et seq. on the Property.

- I. There will be one main access driveway to the Project from Concord Street (one way in and one way out). Parking shall be restricted on and along the main access driveway and signage shall be installed and maintained by the Developer and its successors and assigns to maintain safe access and egress.
- J. As proposed by the Developer and required in this decision, each housing unit will be serviced by a public water supply from the Abington-Rockland Joint Water Works (ARJWW), and a public sewer connection to the system operated by the Rockland Sewer Commission.
- K. The Board finds that the Board does not have the authority under Chapter 40B to grant a waiver from the requirements of the ARJWW for the provision of water service, because the ARJWW is not a board of the Town of Rockland. The granting of this Comprehensive Permit is subject to and conditioned on the Developer reaching agreement for the provision of water service by the ARJWW.
- L. The Developer has supplied to the Board a letter from the Rockland Sewer Commission in which the Rockland Sewer Commission has indicated that the Development has been pre-approved to connect to the public sewer system. The granting of this Comprehensive Permit is subject to and conditioned on this representation and is not intended to waive the requirements of the Rockland Sewer Commission or to exercise any potential authority that the Board might have under Chapter 40B to require the Rockland Sewer Commission to allow the Development to connect to the public sewer system in light of the current moratorium on sewer connections.
- M. The Developer proposes an on-site stormwater management system that includes on-site treatment, rain garden, detention and/or infiltration that does not connect to the Town of Rockland's municipal stormwater system.

IV. LOCAL CONDITIONS, PUBLIC HEALTH AND PUBLIC SAFETY: The Act allows communities to protect local health and safety concerns by conditioning the issuance of a Comprehensive Permit. The conditions must be reasonable, considering the need to provide affordable housing juxtaposed against the legitimate health, safety, and environmental concerns of the community. The Board finds that the proposed project, as restricted by the conditions listed below, is consistent with the local needs.

VOTE OF THE BOARD

A MAJORITY (3 in favor, 2 opposed) of the Zoning Board of Appeals ("Board"), consisting of Chairman Robert C. Rosa, III, Vice-Chairman Gregory Tansey, Board Members Robert Baker, Sr., Robert Baker, Jr. and Timothy Haynes, being all of the members of the Board of Appeals designated to hear and act upon this application, **VOTED** at a Public Meeting/Hearing duly

held on *June 7, 2022*, upon a motion made and seconded, to **GRANT** the application for a **COMPREHENSIVE PERMIT**, subject to and upon the Conditions set forth herein.

CONDITIONS

General

1. The Project shall be constructed in accordance with the Plans referenced and defined herein and as limited by the Conditions of this Decision. Any deviation from these Plans and Conditions set forth in this Decision shall require a modification of this Comprehensive Permit, as set forth in 760 CMR 56.05 and applicable revisions thereto, and the Board's *Rules*, as may be amended from time to time.
2. This Comprehensive Permit ("Permit") is based upon a project eligibility/site approval letter issued to the Developer on August 30, 2021, from the Massachusetts Housing Finance Agency ("MHFA") under the NEF Program. This Permit is conditional upon the execution of a Regulatory Agreement as a condition precedent to any grading (other than to remove the remnants of the former single-family home), land disturbance, construction of any structure or infrastructure, or issuance of any building permit(s).
3. To the extent permitted by state and federal law the following preference shall be incorporated in the Project's resident selection plan, as approved by DHCD: first preference for (a) Rockland residents; (b) the children or parents of Rockland residents; (c) employees of the Town of Rockland; or (d) employees of businesses within the Town of Rockland.
4. The Developer has represented to the Board that there will be no earth removal from the Property based on its analysis of the project site but rather some filling of the Property. To the extent there is any trucking of materials, it shall be subject to the following conditions:
 - a. The Developer may only engage in any trucking or hauling activities between 8:30AM and 2:00PM or 3:30PM until 5:00PM or dusk, whichever is earlier, Monday through Friday and between 8:00AM and 3:00PM on Saturdays. During weekdays, this restriction is applicable only to those days when the Rockland School Systems is in session. At all other times, the limitations under the "Conditions Relating to Construction" of this Permit shall apply. There shall be no trucking or hauling activities on Sundays or Holidays which shall include Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, New Years' Day, Martin Luther King Day, President's Day, Patriot's Day, Memorial Day, Independence Day and Labor Day.
 - b. The Applicant shall be limited to no more than forty (40) trucking or hauling trips per day through the Town of Rockland;

- c. The removal of the earthen material in the quantity caused by the displacement /excavation for the subsurface infiltration system, subsurface utilities, catchbasin and manhole shall be allowed subject to required permitting.

Compliance With State and Federal Requirements

5. The Project, and all construction, single-family condominium homes/units, utilities, roads, drainage, site grading or relocation of structures and all related appurtenances with respect to the Project, shall comply with all applicable state and federal regulations and all current local regulations unless otherwise waived by this Decision. The Developer will provide the Building Commissioner and the Board's Peer Review Consultant with copies of all permitting requests and other correspondence directed to any applicable local, state or federal agency and of all correspondence, approvals or disapprovals received from any such agency.
6. The Project shall comply with all rules, regulations, permit and filing requirements, and certifications of the Department of Environmental Protection with respect to stormwater disposal and best management practices.

Compliance With Local Requirements

7. Except as expressly waived by this written Decision, the Project shall comply with the following, which were in effect at the time of the issuance of this Permit and Conditions:
- A. The development of this Project, including the construction of all dwelling units, utilities, roads, drainage structures and other appurtenances, shall comply with the Rockland Zoning By-Law.
 - B. The development of this Project, including the construction of all utilities, drainage structures, and other appurtenances, shall comply with the Rockland Subdivision Rules and Regulations.
 - C. The Rockland Sewer Commission orders, rules and regulations governing sewage disposal into the municipal sewerage system.
 - D. Other than the lighting poles, no other street lights or other street illumination shall be constructed or installed within the Project.
 - E. All exterior lighting in the Project shall be installed and maintained so that no direct light or glare shines on any street or any nearby homes and be considered "dark sky" compliant and headlight glare from vehicles entering or leaving the Development or parking on the Development, excepting at the egress at Concord Street.

- F. Applicant shall be responsible for complying with the "Town of Rockland - Rules and Regulations for Street Excavation" full and condensed versions as adopted by the Rockland Highway Department on July 25, 2016.

Density; Dwelling Units

8. The total number of single-family dwelling units on the Property shall not exceed four (4).
9. All dwelling units shall be used, and offered, for fee-simple sales purposes only. No dwelling unit shall at any time be made available for sale in time-proportional ownership of any degree.

Affordable Units

10. Not less than twenty-five (25%) percent of the total number of single-family dwelling units approved, i.e., no fewer than one (1) unit, shall be affordable. In this Decision, such dwelling unit is referred to as the "affordable unit."
11. The affordable unit shall be indistinguishable in architectural style, exterior finish materials, and exterior appearance from market units.
12. The affordable unit shall be sold with a Deed Rider consistent with the Decision ensuring the perpetual affordability-component of the affordable unit.

Condominium Association Documents

13. The Developer represented to the Board that the Project is being constructed with a condominium form of ownership with the single-family condominium homes being constructed on Property that will be owned by the Developer and converted into a condominium by Master Deed to be managed by a condominium association. All such condominium documents shall be in a form that conforms with this Decision and applicable law.
14. The Developer shall establish a unit owners' association (the "Condominium Association") to maintain and repair all common areas, including the storm water management system, landscaping, streets and ways, site line easements, and other improvements within the subject property. The documents establishing the Condominium Association shall set forth the obligations of the Condominium Association for the operation and maintenance of the site access driveway, emergency vehicle turnaround area, the municipal sewerage connection, stormwater management system, any common areas and all improvements thereon. Prior to the issuance of any Building Permit, the Developer shall provide the documents establishing the Condominium Association and the rules and regulations of the Condominium Association to the Board for approval by Land Use counsel as to form and for verification that such documents are in conformance with this Decision. The

- stormwater management system, sewage system and connection to municipal sewerage, common areas, landscaping and landscaped gardens, fencing, open space areas and other improvements within the Project shall remain in private ownership in perpetuity and be maintained in good condition by the Developer and/or its successors and assigns, including the Condominium Association.
15. Condominium Association documents shall provide that none of the provisions thereof and none of the rules and regulations of the Condominium Association arising from or connected with conditions of this Decision, may be changed without the written approval of the Board, which approval will not unreasonably be withheld.
16. The Condominium Association documents shall contain the following terms and conditions:
- A. A specific plan to maintain stormwater management system and sewerage connection to the municipal sewerage system.
 - B. A specific plan to maintain the access driveway, landscaped areas and garden, fencing, emergency vehicle turnaround area, including snow removal, spring clean-up, repair of driveway surface and resurfacing, as needed.
 - C. A specific easement to maintain all water infrastructure and connections.
17. The Condominium Association documents shall provide that the Condominium Association is responsible for, and that the Town of Rockland shall not, have any legal or financial responsibility for, operation or maintenance of driveways, parking areas, storm water management, wastewater disposal, landscaping, trash disposal or pick up, lighting or other illumination, provided, however, that the Town of Rockland shall have the right, but not the obligation, to enter the Project for the purpose of performing necessary and essential repairs and asserting a lien against the Condominium Association and/or unit owners for such costs and expenses and the costs of collection thereof including reasonable counsel fees.

Marketing

18. No single-family condominium home that is part of the Project shall be sold or advertised or offered for sale until the Developer has entered into a Monitoring Services Agreement, similar in form to the Monitoring Agreement published by the Massachusetts Housing Finance Agency (MassHousing).

Conditions Precedent to Commencement of Project

19. The conditions below are each conditions precedent to site disturbance. In particular, and without limitation, no site grading, tree removal or land clearing of any kind or construction of any structure or infrastructure shall commence until:

- A. The Developer has submitted to the Building Commissioner and the Board's Peer Review Consultant, for review and final acknowledgment of consistency with this Decision, final and detailed Site Development Plans, including storm water management plans and improvements in accordance with the standards set forth in the Rockland Subdivision Rules and Regulations not waived by this Decision, and with DEP's Storm Water Management standards, policy and handbooks, to the detail required for use as on-site construction drawings. These plans and improvements shall address the effects on abutters and assure that there will be no detrimental drainage or erosion impact on the abutting properties. Copies of the final, approved plans along with the proof of recording at the Plymouth County Registry of Deeds should also be filed with the Board and the Building Department for record keeping purposes. The Developer must secure all such approvals prior to construction and allow the Building Commissioner and/or Board's Peer Review Consultant to the Town, thirty (30) days to review the final plans or the time frame set forth in the then-current edition of the State Building Code. The final plans shall include a regulatory review by the Building Commissioner and/or Board's Peer Review Consultant to the Town at the Developer's cost and expense.
- B. A Deed Rider, similar in form to that published by MassHousing but revised in content as required for consistency with this Decision (as approved by MassHousing), has been executed by the Developer and MassHousing.
- C. A Monitoring Agreement, similar in form to the Monitoring Agreement published by MHFA but revised in content as required for consistency with this Decision (as approved by MHFA), has been executed by the Applicant, the Monitoring Agent and MassHousing.
- D. A Regulatory Agreement, similar in form to that published by MassHousing but revised in content as required for consistency with this Decision and subject to the terms and conditions of this Decision (as approved by MassHousing), has been executed by the Developer and MassHousing and has been recorded with this Decision.
- E. The Developer has obtained and submitted to the Board, when obtained, all necessary approvals from all local, state and federal agencies, departments or commissions pertaining to this Project, including the Abington Rockland Joint Water Works (ARJWW) and Rockland Sewer Commission.

The following items shall be included with the final design submittal:

- i. Construction details, including without limitation, the performance of compaction testing deemed necessary by the Board's Peer Review Consultant, as well as details of all proposed infrastructure including sewer, water main and

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- drain appurtenances, catchbasins, roof drains, driveway and parking area construction, curbing, pavement, signage and walkways, etc.
- ii. Final Landscaping details.
 - iii. Sediment and erosion control plan and details.
 - iv. Test hole data with locations of holes shown on plans.
 - v. Proposed profiles showing road (driveway), drain pipe and sewer elevations.
 - vi. Drain pipe and rain garden drainage system, and stormwater management system designs and calculations.
 - vii. Construction period and post-construction storm water system operation and maintenance plans.
 - viii. No additional habitable space not indicated on the last revised Architectural Plans shall be added, and no habitable space not indicated on said plans as a bedroom shall be converted to a bedroom by the Developer or by future owners of the units. Use of the roof areas shall be limited to for mechanical use only and said mechanical equipment shall be screened from view from abutting properties.
 - ix. Design and installation narrative for a back-up generator system with separate electric and gas meters for the grinder pumps ("Muffin Monster") included with final design submittal.
- F. Final and detailed landscaping improvements and plans prepared by a registered landscape architect have been submitted to the Board's Peer Review Consultant for review and approval, including acknowledgment of consistency with this Decision. Such plans shall provide for trees along the driveway, and shall specify the types, number, size and location of all proposed landscaping plants, trees and shrubs at maturity as well as the installation of a solid fence on the Property near the boundary line with the abutting residential property at 330 Concord Street (starting 10' feet from Concord Street) and a solid fence on the Property near the boundary line with the abutting residential property at 308 Concord Street (to complete the boundary line fencing to the point of the existing fencing on the boundary line).
- G. Documentation (including, e.g., covenants, easements, and deed restrictions in connection with a trust or condominium association) restricting the land noted on the above-noted plans identified as common areas and exclusive use areas has been submitted to the Board's Peer Review Consultant for review and approval by Land Use Counsel, said are to be shown on a site plan, and covenants and deed restrictions to be noted on the final Site Development Plans.

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- H. A detailed plan showing walkways, landscaping improvements, open areas, limit of construction activity, edge of clearing, sedimentation and erosion controls, a soil stockpiling area, and construction staging and storage area has been submitted to the Building Commissioner or Board's Peer Review Consultant to verify that such plan conforms with this Decision. The removal of trees, shrubs, and natural ground cover on the site shall be minimized to preserve the natural environment to the highest degree possible.
- I. An Operations and Maintenance Plan has been submitted for review and approval by the Building Commissioner and/or Board's Peer Review Consultant. The plan shall include, at a minimum, maintenance during and post-construction. The Operation and Maintenance Plan shall be part of the Condominium Association documents. It shall bind the developers of the Project (which includes the Developer) and after the Development is completed, the Condominium Association or like representatives.
- J. A construction schedule identifying the sequence and approximate dates of all key stages of construction shall be submitted to the Building Department and/or Board's Peer Review Consultant; this submission also will include:
 - i. Identification of all contractors, field engineers, and other professionals that will be involved in the implementation of the Project;
 - ii. Staking driveways, sewer lines, dwelling foundations, auxiliary buildings, parking areas, drainage basins and other drainage structures;
 - iii. Placement of sediment and erosion controls and limit of construction fencing;
 - iv. Removal of vegetation and top soil;
 - v. Water, sewerage and drainage system construction; and,
 - vi. Major stages of access and driveway construction.
- K. The Developer has provided to the Board and its Land Use Counsel for review and approval, and upon such approval has recorded, deed restrictions requiring at the site entrance an intersection clear sight distance that is shown on the Plan in either direction, to the extent on land owned by the Developer, and requiring also that grading, clearing and planting be performed as required to maintain the clear sight distances as shown on the Plan. The Condominium Association documents shall require that said Association maintain the grading, clearing and planting as required to maintain a clear sight distances as shown on the last revised Site Development Plans.
- L. The Applicant has received all necessary approvals from the Town of Rockland, to access the Joint Abington Rockland municipal water system that is under the responsibility of the Abington Rockland Joint Water Works and Rockland municipal sewerage system under the control of the Rockland Sewer Commission. The Board agrees to recommend approval of a provision of water service from the Abington Rockland Joint Water Works to the Project.

- M. At least forty-eight (48) hours prior to any ground disturbance or initial site work, a duly noticed pre-construction meeting, identified as such, shall be held with the developer, the developer's site contractors, a representative of the Rockland Police Department (traffic safety officer), a representative of the Board, the Board's Peer Review Consultant who will be serving as the Board's construction monitor, and representatives of those Town departments having an interest in the Total Project. Said meeting shall be for the purpose of familiarization with the Total Project, the conditions of approval, and the Project construction sequence and timetable.

Conditions Precedent to Issuance of Building Permit

20. Prior to the date any building permit application is filed for and approved, the Applicant shall file with the Building Commissioner and/or Board's Peer Review Consultant for review and for consistency with this Decision:
- A. A long-term property management plan in a form acceptable to the Board's Peer Review Consultant for the entire development. The purpose of the property management plan is to ensure that the Developer has developed a sound and long-term strategy to ensure that the Project remains viable, attractive and safe to the purchasers living within the Project and the Town of Rockland in general. The Board requires that the property management plan identify, at a minimum, who the day-to-day responsible parties will be in case of an on-site emergency, detailed contingency plans in the event of an emergency, including, but not limited to fire or flood and plans and contingencies for day-to-day and periodic on-site maintenance.

Conditions Precedent to Building Construction

21. For any single-family condominium home unit of the Project, prior to the start of construction of any building, the driveway serving the Project will have at least the first course of pavement, any hydrants in the Project will be operational, and house numbers (not lot numbers) will be provided at the building site to avoid conflict with building and lot numbers. House numbers shall be approved by the Rockland Fire Department and/or Assessors.
22. For any single-family condominium home and prior to framing, the Developer shall submit to the Building Commissioner an individual unit grading plan showing the foundation footprint and proposed finish grades at and around the foundation.

Conditions Relating to Construction

23. All single-family condominium homes shall be built by the Developer, or successors and assigns, through the employment of contractors or subcontractors over which it will exercise general supervision and control in accordance with the Regulatory Agreement and this Comprehensive Permit. It is the intention of the Board that the construction of

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the entire project authorized by this Comprehensive Permit shall be under the supervision and control of the Applicant, or successors and assigns. During construction the name and mobile telephone number of the site manager or clerk of the works employed by the Applicant shall be filed with the Board and the Rockland Police Department and kept current.

24. During construction, the Developer 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.
25. The Developer shall submit to the Building Department, for review and final acknowledgement of consistency with this Decision, final and detailed scaled architectural drawings for all structures as approved by this Decision, including interior floor plans, current and finished elevations, construction type and exterior finishes to the detail required to obtain a building permit in accordance with the State Building Code.
26. The development shall be designed to retain and reflect the architectural character of Rockland and to provide a diversity of dwelling unit types and prices. Exterior materials and trim elements shall be wood, vinyl, or an alternative material approved by the Building Commissioner. The theme shall include descriptions of exterior building materials, architectural design, fencing, and a statement of the means of assuring that the affordable dwelling units are compatible with the design theme and are indistinguishable in architectural style and finish materials from the market rate units.
27. The Developer shall provide soil examination and testing as needed by the Board's Peer Review Consultant to ascertain the suitability of the Property for development. Soil testing for the stormwater management system will be conducted.
28. Storm water management systems shall meet the design and the requirements of the DEP Storm Water Management Policy and Handbook (Vols. 1 & 2), as approved by the Board's Peer Review Consultant.
29. Driveway design plans and construction details have been provided for approval by the Board's Peer Review Consultant. Except as otherwise provided by this Decision, driveway design and construction standards shall conform to the requirements of the Rockland Planning Board Subdivision Rules and Regulations and the Board's Peer Review Consultant. All proposed driveway and utility construction, grading and appurtenant work shall be described in complete detail to readily enable peer review, project monitoring, inspection and construction. A note has been placed on each pertinent sheet of the Plans stating that the Project is the subject of a comprehensive permit under M. G. L. c. 40B, §§ 22-23 that the common access driveway within the Project in some cases may and in other cases may not conform to the standards and requirements of the Rockland Subdivision Rules and Regulations.

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30. Utilities - All water, sewer, electric, cable and telephone utilities shall be underground.
31. Detailed calculations and updated computer modeling indicating fire flow projections at a minimum twenty pounds per square inch (20 psi) at the high point of the project, in accordance with Massachusetts DEP regulations, 310 CMR 22.19(1), and the Guidelines and Policies Section 7.4III. Normal service pressure shall be a minimum thirty-five (35) psi. Available service pressure under peak water demand and fire flow conditions, including any additional development currently anticipated in the vicinity shall be demonstrated by use of the Town's computerized hydraulic model.
32. Water system design and construction shall meet the requirements, standards and regulations of the Abington Rockland Joint Water Works (ARJWW) and the Massachusetts Department of Environmental Protection's Guidelines.
33. 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.
34. The Developer shall keep the Project site clean during construction. Upon completion of all work on the Development site and prior to As-Built plan approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations. The Developer shall notify the Board in writing of the final disposition of the materials. Adequate provisions shall be made by the Developer to control and minimize dust on the site during construction, and to prevent the deposit of materials on Concord Street. The construction entrance shall be stabilized and maintained at all times at all access and egress of site for an area 50' long and 18' wide with crushed stone throughout construction until the binder course is installed and the access drive is constructed.
35. The Developer shall submit to the Board a complete and detailed "as-built" final site plans for review and approval by the Board's Peer Review Consultant.
36. Any excavations in Concord Street shall be backfilled with materials conforming to Massachusetts Highway Department "Standard Specifications for Highways and Bridges," latest edition. All excavations shall be backfilled and compacted in six (6) inch lifts to a minimum of ninety-five (95%) percent of maximum dry density. The Developer shall arrange and pay for compaction tests to be performed by a qualified testing laboratory on all trenches in Concord Street. The Board's Peer Review Consultant shall designate the locations where compaction tests shall be taken. Trench paving shall be placed and maintained in accordance with the Rockland Highway Department's specifications. No less than six (6) months after installation of trench pavement, Concord Street shall be resurfaced. The resurfacing shall include cold-planning to a depth of 1-1/2-inches and placing a 1-1/2-inch wearing course. The resurfacing shall be for the full-width of Concord Street a distance of not less than 100 feet beyond the outermost boundary lines of the Development and all areas in between.

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After Concord Street is resurfaced, a double solid yellow center-line and white fog lines on Concord Street for a distance of one hundred (100) feet in each direction from outermost boundary lines of the Development and all areas in between. The paint is to be of the Thermoplastic type with glass beads added for visibility. The work described in this Paragraph shall be at the Developer's expense.

Administrative

37. The Developer has proposed, and the Board requires, that the following aspects of the Project shall be and shall remain forever be private, and that the Town of Rockland shall not have, now or ever, any legal or financial responsibility for operation or maintenance, as may be applicable, of the following:
 - A. Driveways or parking areas on the Property;
 - B. Storm water management system;
 - C. The components of wastewater disposal system on the Property; and,
 - D. Landscaping on any common areas of the Property.
38. Prior to the time at which the Developer turns over the operation and maintenance of the storm water management system, the public water supply and wastewater disposal connection to the municipal sewer system, driveways and other improvement to the Condominium Association, the Applicant shall provide the Board with proof that an appropriate budget has been established and funded to maintain the systems, ways and improvements, and that a contract has been entered into with a suitable entity or entities to perform such maintenance for a period of not less than five years; such assurance, that the wastewater and stormwater management systems, driveways and other improvements shall be maintained.
39. Inspections and testing during the construction of driveway and installation of utilities and drainage systems in accordance with the schedule set forth in the Rockland Planning Board Subdivision Rules and Regulations shall be conducted at the expense of the Developer and the Board hereby appoints the Board's Peer Review Consultant as its agent to conduct such inspections at the cost and expense of the Developer who shall fund said inspections in advance.
40. No building shall be occupied until the improvements specified in this Decision and set forth on the plans of record are constructed and installed so as to adequately serve said building or adequate security has been provided, acceptable to the Board, to ensure such completion. Any such performance guarantee shall be approved as to form and amount by the Board.

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41. During the pre-construction and construction phases of this proposed project (and through the approval of as-built plans), the Developer shall fund an escrow account in the preliminary sum of \$5,000.00 to replenished when the balance falls below \$2,000.00 for the Board's Peer Review Consultant to conduct project monitoring and inspections and confirm conformity of the project with the approved plans and this Decision. This payment shall be made no later than 48 hours prior to the pre-construction meeting and then periodically when required.
42. Subject to approval by DHCD, this decision shall be recorded senior to all federal, and/or state mortgage loans. The Regulatory Agreement shall be senior to all federal, state and/or mortgage loans provided it does not conflict with the requirements of the subsidizing agency providing financing of the project.
43. The Developer shall coordinate the proposed mail delivery design with the Postmaster. If a central location is required, the Developer shall submit such a plan to the Board and a minor modification of this permit may be required at the sole discretion of the Board.
44. The final Site Development Plans shall be modified to show all roof drainage directed to underground storage for infiltration on site.
45. Concord Street shall not be blocked or restricted by construction activities or equipment and the Developer shall be required to employ a police detail in the event of any activities blocking or restricting traffic on Concord Street.
46. There shall be no use or storage of hazardous materials other than those types and amounts considered as normal to household use and/or residential construction, or in conjunction with the operation of the wastewater disposal system as approved.
47. In the event of any damage done to Concord Street during the construction of the Project or debris or dirt are left from construction equipment entering or exiting the site, the repairs and/or street sweeping shall be made or performed immediately to said street at the cost and expense of the Developer.
48. The proposed Project shall be serviced by municipal sewer. The Developer shall apply to the Sewer Commission to connect the municipal sewer system and comply with any rules and regulations of the Sewer Commission except as expressly waived herein.
49. The proposed Project shall not be constructed without final signoff and approval by the Sewer Commission as a result of the existing moratorium.
50. The provisions of this Permit shall be binding upon the successors and assigns.
51. Any change in financial interest and/or ownership and/or control of the Development must be approved in advance by the Board. Such approval shall not be unreasonably withheld.

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52. If any provision of this decision or portion of such provision or the Application thereof to any person or circumstances is for any reason held invalid or unenforceable, the remainder of the Decision (or the remainder of such provision) and the application thereof to other persons or circumstances shall not be affected thereby.
53. Additional site amenities (such as garages, sheds, and other amenities, including any paved surfaces) shall constitute changes to the approved Plans and shall require approval by the Board prior to construction consistent with state regulations governing modifications to the Special Permit. The Board shall determine whether or not the changes may require review at a public hearing.
54. Any and all adverse drainage conditions due to site development that affect a direct abutter's property and/or municipal property shall be mitigated by applicant, its successors and assigns.
55. Applicant/Developer, its successors and assigns, shall be responsible for the installation and maintenance of a back-up generator system with separate electric and gas meters for the grinder pumps ("Muffin Monster") included with final design submittal.

Decision Filing, Appeals, and Recording

56. This Comprehensive Permit shall be deemed final after expiration of all applicable appeal periods and after all appeals, if any, have been decided. Within thirty (30) days of: (a) expiration of the appeals periods or (b) after all appeals have been decided; whichever date is later, the Developer shall record this Decision at the Plymouth County Registry of Deeds and shall provide the Board and the Building Department with documentation (book and page) of the filing or a copy of the Decision with all recording information stamped thereon. A recordable Site Development Plan Set shall also be filed with the Plymouth County Registry of Deeds after approval by the Board and its Consulting Engineer.
57. As provided in 760 CMR 56.05(8)(a), the Board shall file its Decision within fourteen (14) days of its vote with the office of the Town Clerk, forward a copy to the Developer or its designated representative, and to the Department of Housing and Community Development.
58. Any person or parties aggrieved by this decision may appeal pursuant to Section 21 of the Act. An appeal may also be made, in certain cases, to Superior Court within twenty (20) days after the filing of the written decision with the Town Clerk.
59. The Developer shall commence construction within two (2) years from the date of the granting of the subsidy funds for the project and no more than four (4) years from the date of this Comprehensive Permit or the Comprehensive Permit shall lapse. Construction, once commenced, shall proceed expeditiously as possible without interruption on a timeline submitted to the Zoning Board of Appeals by the Developer.

Waivers

60. The Board grants waivers as requested by the Applicant only to the following sections of the Rockland Zoning By-Laws, Rules and Regulations of the Rockland Planning Board, the Rockland Board of Health Regulations and other local rules and regulations. The Applicant shall comply with any rule and regulation not waived herein. If any waiver is in conflict with a specific Condition of the Comprehensive Permit, the Condition shall apply.
- The Applicant has requested, and the Board of Appeals has granted or denied, the waivers from local rules as set forth in Attachment A which is incorporated herein by reference.
61. By granting the waivers from local By-laws and regulations specifically listed in this Comprehensive Permit, it is the intention of this Comprehensive Permit to permit construction of the Development as shown on the final Approved Plans. If, in reviewing the Applicant's building permit application(s), the Building Commissioner/Inspector determines that any additional waiver for local zoning, wetlands, health regulations is necessary to permit construction to proceed as shown on the Approved Plans, the Building Commissioner/Inspector shall proceed as follows: (a) any matter of a *de minimis* nature shall be deemed within the scope of the waivers granted by this Comprehensive Permit; and (b) any matter of a substantive nature shall be reported back to the ZBA for disposition of the Applicant's request for a waiver therefrom.
62. Waivers from any and all Town of Rockland rules, regulations, and/or By-laws not specifically listed above are hereby denied.

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SIGNATURE PAGE TO FOLLOW.

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RECORD OF VOTE

FOR THE ZONING BOARD OF APPEALS

At a duly-posted hearing/meeting of the Rockland Zoning Board of Appeals held on June 7, 2022, the Board voted to grant this Comprehensive Permit, subject to the above stated terms and conditions, by a vote of 3 in favor, 2 opposed.

The following members and of the Board of Appeals voted to grant the comprehensive permit:

Robert C. Rosa, III, Chairman
Timothy Haynes, Clerk
Robert Baker, Jr.

The following members of the Board of Appeals voted in opposition to the grant of the comprehensive permit:

Gregory Tansey, Vice-Chairman
Robert Baker, Sr.



Robert C. Rosa, III, Chairman

Signing on behalf of all members of the Zoning Board of Appeals

Date Filed with the Office of the Town Clerk

*This space is for the Date
Stamp of the Town Clerk*



June 10, 2022

Attachment A

(Waivers)

Rockland Zoning Bylaw

<u>REGULATION</u>	<u>REQUIRED</u>	<u>Zoning Relief Requested</u>	<u>Board Action</u>
Sec. 415-8 – R-1 Residence Zoning District	R-1 Residence Zoning District: Multi-family Residence not permitted as principal use	Exemption	Granted as per approved Plans
Sec. 415-22 – Building and Lot Regulations	Sec. 415-22: Building and Lot Regulations (R-1 Zoning District) • Minimum Lot Area: 32,670 s.f. • Maximum No. of Dwelling Units per 32,670 s.f.: 1 Dwelling Unit • Minimum Side Yard: 15 ft. • Minimum Rear Yard: 50 ft.	Exemption • Lot Area: 28,937 s.f. • Max. No. of Dwelling Units per 32,670 s.f.: 4.5 Dwelling Units; (4 units are proposed on 28,937 s.f.) • Minimum Side Yard: 14.0 ft. • Minimum Rear Yard: 20.0 ft.	Granted as per approved Plans & Conditions.
Sec. 415-22.A.2.a	In all Residential Zones, all parking areas, loading areas and areas used for access, egress or onsite circulation shall be set back a minimum of 10 feet from any property line and the ten-foot set back shall be properly landscaped and maintained.	Exemption Proposed access drive is located approximately 9.4 ft. from the side property line.	Granted as per approved Plans.

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Sec. 415-22.F.	Multi-family developments. Multi-family developments shall be subject to the Site Plan Review Requirements of Article VIII of this bylaw. (1) Minimum Area. A Multi-Family Development shall include no less than five acres of contiguous land. (2) A minimum of 20% of the site area shall be developed as public open space. Parking areas and vehicle access facilities shall not be considered calculated open space. (3) Building relationships. The arrangement of buildings and distance required between buildings shall be as set forth in Article VII of this bylaw.	Exemption	Granted as per approved Plans.
Sec. 415-27 – Lot Width	Minimum Lot width: 110 ft. (R-1 Zoning District)	Exemption Lot width: 97.4	Granted as per approved Plans
Sec 415-28 – Frontage Requirements	Minimum Frontage: 110 ft. (R-1 Zoning District)	Exemption Frontage: 97.4	Granted as per approved Plans
Sec. 415-29 – Number of Buildings on Single Lot	Only one principal residential building shall be allowed on a single lot except as provided in Article VI.....	Exemption Four principal residential buildings are provided on one lot.	Granted as per approved Plans
Sec. 415-50 – Land Use Density	Land Use Density – Entire Section	Exemption	Granted as per approved Plans

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Sec. 415-58.A. – Site Plan Review	A. Except as provided herein, no building, excavation, or foundation activities shall be initiated unless a site plan is first submitted and approved and a building permit is issued by the Building Inspector.	Exemption	Granted as per approved Plans; Building Permits for all units shall still be required at ordinary cost.
Sec. 415-59 – Site Plan Review and Approval	Site Plan Review and Approval – Entire Section	Exemption	Granted as per approved Plans
Sec. 415-89.A. – Special Permits	A. A Special Permit shall be required to construct or otherwise establish any of the specific types of uses so identified within this bylaw this bylaw which shall only be permitted upon issuance of a Special Permit	Exemption	Granted as per approved Plans
Sec. 415-94 – Types of Sites and Properties	Types of Sites and Properties – Entire Section	Exemption	Granted as per approved Plans

Rockland Subdivision Rules and Regulations

<u>REGULATION</u>	<u>REQUIRED</u>	<u>Relief Requested</u>	<u>Board Action</u>
Subdivision Rules and Regulation	Blanket Waiver	Exemption	Granted only as per approved Plans & Conditions

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Water and Sewer Regulations

<u>REGULATION</u>	<u>REQUIRED</u>	<u>Relief Requested</u>	<u>Board Action</u>
Abington Rockland Joint Water Works (ARJWW)	Domestic Water Service Charges	Waive all water service connection fees	Denied.
Abington Rockland Joint Water Works (ARJWW)	Water Main Tapping Charges	Waive all tapping charges	Denied.
Rockland Sewer Commission / Sewer Use Ordinance	Sewer Entrance Fees	Waive sewer connection fees for each unit	Denied.
Rockland Sewer Commission / Sewer Use Ordinance	I/I Removal Requirements	Waive all I/I requirements and fees.	Denied.