



TOWN OF ROCKLAND ZONING BOARD OF APPEALS

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DECISION of the BOARD of APPEALS

Comprehensive Permit Application,

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

SHINGLEMILL, LLC

0 POND STREET & 152 WILSON STREET

ROCKLAND, MASSACHUSETTS

I. THE PROPERTY:

The subject property contains 29.4 acres, more or less, is identified on the current plans as being located at 75-79 Pond Street, Rockland, Massachusetts, is located within the Town of Rockland's H-1 Industrial Park-Hotel Zoning District (28.64 +/- acre parcel) and the Residential R-2 Zoning District (0.78 +/- acre parcel (the "Property")).¹ The parcels on which the proposed Project is proposed are shown on the Rockland Assessors' Maps as Parcel Nos. 9-13-0 (75-79 Pond Street) and 10-68-0 (portion of 152 Wilson Street). The Property is currently depicted on a set of plans entitled "Shinglemill Apartments, Comprehensive Permit Plans, 75-79 Pond Street, Rockland, MA 02370" prepared for Shinglemill, LLC, Site Plan, Dwg.

¹ At the time of the last public hearing in August 2023, the Applicant, Shinglemill, LLC, represented that it had under agreement to purchase the property known as and numbered Lot 73 Colby Street, Rockland, MA which was owned by Boyd Fulton of Rockland. The Board is aware that on August 29, 2023 a deed from Fulton to Shinglemill was recorded at the Plymouth County Registry of Deeds in Book 58226, Page 200 thereby adding to the Subject Property by approximately 4,000 s.f. Said additional Parcel is shown on the Rockland Assessors' Maps as Parcel 10-67-0.

No. entitled “Existing Conditions Plan” Plan prepared by Coneco Engineers and Scientists, on April 14, 2020 and last revised July 14, 2023.

II. PROCEDURAL HISTORY:

A. An application for a Comprehensive Permit was submitted to the Town of Rockland and the Zoning Board of Appeals (the “Board”) by the applicant, Shinglemill, LLC (the “Applicant” or “Developer”), a Massachusetts limited liability company, has an address of 4 First Street, Bridgewater, MA 02324, on March 5, 2020 (the “Application”). The Applicant originally proposed to construct on the Property two hundred thirty six (236) residential apartment units in two, five-story buildings, one building with 109 units and the other with 127 units, with an associated 3,129 s.f. clubhouse building, accessed off of a to be constructed seven hundred fifty (750’) foot driveway off of Pond Street, with 296 surface parking spaces, 8 of which proposed as handicap accessible spaces on a parcel of land containing 29.4 +/- acres off of Pond Street in Rockland, MA, walkways, landscaping, utilities and a stormwater management system (the “Original Project”).

B. On or about March 10, 2020, Governor Charles Baker declared a State of Emergency due to the 2019 outbreak of the novel coronavirus, COVID-19. Governor Baker subsequently issued an Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, and a series of orders limiting the size of public hearings (March 13, 15, and 23, 2020). Pursuant to these emergency orders and Chapter 53 of the Acts of 2020 (April 3, 2020), which tolled public hearing and decision deadlines until 45 days after the termination of the Governor’s State of Emergency, the Board briefly stayed action on this Application. When the Board resumed the hearings the continued hearings were conducted remotely including in 2023 under the provisions of Chapter 2 of the Acts of 2023 extending the ability of the Board to conduct the continued public hearings remotely.

C. The Board's public hearing on the Application opened on April 7, 2020 and further public hearings were held on June 10, 2020, July 21, 2020, September 15, 2020, October 27, 2020, December 15, 2020, February 2, 2021, March 2, 2021, April 6, 2021, June 1, 2021, August 17, 2021, September 21, 2021, October 19, 2021, January 18, 2022, March 1, 2022, May 17, 2022, August 2, 2022, October 4, 2022, November 15, 2022, February 21, 2023, April 4, 2023, April 18, 2023, May 2, 2023, June 6, 2023, August 15, 2023. The Board deliberated on the Original Project and the Revised Project (discussed below) on September 5, 2023, September 12, 2023, September 19, 2023 and October 10, 2023. The original time period to complete the public hearing would have ordinarily expired on that date which was 180 days from the date of the opening of the public hearing by regulation (October 4, 2020). Through a series of verbal and written extensions granted by the Applicant and its counsel, occasioned by the need to study environmental issues affecting the alleged feasibility of the proposed Project and then a change in the size, design and scope of the Project, the time period for the Board to complete the public hearing was extended until after August 15, 2023. By written extension confirmed by email on September 19, 2023, the Applicant and counsel agreed to extend the time frame for the Board to deliberate and file its Decision through October 12, 2023.

D. A File Inventory by date is attached as Exhibit A and is incorporated herein.

E. All requested Waivers are listed on Exhibit B and incorporated herein.

F. The Applicant was, at times, accompanied by representatives from Jones Street Residential who were understood to be acting as agents for Shinglemill, LLC in connection with the Original Project. Jones Street Residential ceased to be involved in 2022 when the project was changed by the Applicant.

G. The Applicant provided certain plans, materials, reports and revised plans during the course of the public hearing on the Application. During the public hearing, the Applicant was represented by the principal in Shinglemill, LLC, Rick Lincoln, and its counsel, Walter Mirrione, Esq. of Mirrione, Shaughnessy & Uitti LLC. At times when Jones Street Residential was acting as agent it was represented by David C. Andronico, Jones Street's Director of Facilities & Project Management and its counsel, Mark T. Vaughn, Esq. of Riemer & Braunstein, LLP. The Applicant was also assisted with environmental related legal issues by Donald Nagle, Esq. of Scituate. The Applicant was assisted by its civil engineering consultant, Damien Dmitruk, PE of Coneco and Timothy Bodah, PLS of Coneco; architectural consultants, BKA Consultants of Brockton, MA; landscape architects, Traverse, of Providence, RI; Jeffrey T. Bandini, PE, PTOE of McMahon Transportation Engineers & Planners of Taunton, MA; stormwater consultant, Tighe & Bond,

H. The Board utilized the services of Patrick Brennan, PE formerly of Amory Engineers, PC in Duxbury, MA and now working at his own firm of PGB Engineering, LLC in Marshfield as its civil peer review engineering consultant; John T. Gillon of Gillon Associates of Weymouth, as its traffic peer review consultant; Judi Barrett, of Barrett Planning Group, LLC, as DHCD/planning consultant; Cliff Boehmer, AIA of Davis Square Architects, Inc. of Somerville, MA as an architectural peer review consultant; and, Brett Pelletier, CRE, MRA, FRICS of Kirk & Company of Boston, as its financial peer review consultant; and had the benefit of certain information provided to the Rockland Conservation Commission by Henry Nover, PE/BETA. The Board also had the benefit of an environmental review consultant, Roux Associates, Inc. to evaluate a hazardous waste assessment as provided by the Applicant. The Board was also represented by its Land Use Counsel, Robert W. Galvin.

I. The Board requested and heard input from Town officials, boards, committees, commissions, abutters, and other area and town

residents throughout the hearing process, including but not limited to the Selectmen, Sewer Commissioners, Planning Board, Police Department, Fire Department, Abington-Rockland Joint Water Works, Building Commissioner, Conservation Commission, Board of Health, and others.

J. Abutters to the Property were present throughout the public hearing process and raised numerous objections to the Original Project including, but not limited to: (a) issues with contaminated soils; (b) traffic safety concerns; (c) the massing, scale and height of the proposed buildings adjoining the residential neighborhood; (d) buffering to the residential neighborhood; (e) lack/inadequacy of parking plans; (f) impacts to schools; (g) impact to town water and sewer where the town's sewer department has implemented a local moratorium; (h) the amount of waivers sought from local regulations; (i) proximity to an alleged vernal pool; (j) concerns that domestic water supply is not adequate to service the proposed Project or will adversely impact the Town of Rockland's public drinking water supply wells; (k) the quantity of fill proposed for the site and trucking impacts; (l) alleged clearing and dumping on the Property; (m) adverse impact to wetland resource areas.

K. Based on the reviews by the Board's peer review consultants, questions and comments from the Board, abutters, and other interested persons as well as certain environmental constraints affecting the Property, on or about January 2022, the Applicant presented revised sets of plans including a re-designed buildings and site plans that among other things revised the Project as follows: (a) a revised apartment count to one hundred ninety-nine (199) total residential apartment units in two buildings; (b) building 1 (aka as the "L" building) containing 99 apartments with 37 one-bedroom units, 49 two-bedroom units and 13 three-bedroom units; (c) building 2 (aka the "Bar" building) containing 100 apartments with 68 one-bedroom units, 23 two-bedroom units and 9 three-bedroom units; and (d) a clubhouse building, accessed off of a to be constructed seven hundred fifty (750')

foot driveway off of Pond Street, with 299 surface parking spaces², 7 of which proposed as handicap accessible spaces, walkways, landscaping, an amenities area, snow storage area, utilities and a stormwater management system. The plans eventually were modified to eliminate the clubhouse building. The reduction to 199 units, together with the changes to the Original Project shown on the plans entitled "Shinglemill Apartments, Comprehensive Permit Plans, 75-79 Pond Street, Rockland, Massachusetts 02370" prepared on April 14, 2020 revised July 14, 2023 by Coneco Engineers & Scientists, Damien J. Dmित्रuk, PE and Timothy S. Bodah, PLS, the Landscape Plans by Traverse Landscape's Kris Bradner, Registered Landscape Architect last revised July 21, 2023, as well as the matters described on the Waiver List dated July 14, 2023 constitute the Revised Project (the "Revised Project").

L. The following Board members were present for the entire public hearing, Robert C. Rosa, III, Chair, Gregory Tansey, Vice-Chair and Robert Baker (Sr.), Member. Other Board members who have been in attendance but did not participate in all the meetings include, Stephen Galley, Robert Baker (Jr.), and others whose terms have expired, including Timothy Haynes and Chuck Heshion.

III. GOVERNING LAW:

A. The law governing this Application is the Comprehensive Permit Law, Mass. Gen. L. c. 40B §20-23 (the "Act") and the regulations promulgated by the former Department of Housing and Community Development (DHCD) now known as the Executive Office of Housing and Livable Communities (EOHLC), 760 CMR 56.00, et seq. (the "Regulations").

² The Applicant's Parking Expansion Concept Plan dated May 25, 2023 by Coneco contains a Parking Summary Chart with a Proposed Concept Plan and 3 Additional Concept Plans in Blue, Red and Green adding as many as another 50 parking spaces which the Applicant proposed to construct if required. All parking spaces other than the handicap accessible spaces are proposed to be 9' x. 18' which is not consistent with the Town Code Zoning Bylaw's off-street parking requirements as to size and number of parking spaces.

B. The Act promotes regional distribution of low- or moderate-income housing by preventing individual cities and towns from using zoning to block construction of such housing. Toward these ends, the purposes of the Act are satisfied if: (a) a town has low- or moderate-income housing in excess of 10 percent of the total number of year-round housing units reported in the latest decennial census; or (b) a town has low or moderate income housing which is on sites comprising 1.5 percent or more of the town's total land area zoned for residential, commercial, or industrial use; or (c) if the application results in the commencement of low- and moderate-income housing construction on sites comprising more than .3 percent of such total area or 10 acres, whichever is larger, in one year.

C. The Regulations expand the conditions for satisfying the Act to include various "safe harbor" opportunities, such as certification of progress under an approved Housing Production Plan ("HPP"), where "progress" means achieving a minimum annual low- or moderate-income housing production threshold established by EOHLC; or increasing the number of low- or moderate-income units by at least 2 percent of the community's year-round housing units.

D. The Board's decision on a comprehensive permit must balance the regional need for low-or moderate-income housing against the town's long-range planning goals and local requirements and regulations to the extent that they are applied equally to subsidized and unsubsidized housing, and valid concerns about the health and safety of residents of the proposed housing, the surrounding neighborhood or the town as whole.

IV. JURISDICTIONAL FINDINGS:

A. The Town of Rockland (including, as the context in this Decision permits, its boards, commissions and departments, the "Town") does not meet the statutory minima set forth in Mass. Gen. L. c. 40B § 20 or 760 CMR 56.03(3):

1. According to the DHCD Subsidized Housing Inventory ("SHI"), as defined in 760 CMR 56.02, as of March 20, 2020, 6.26% percent of the Town's total housing stock is comprised SHI eligible housing. Thus, the Town had not met the 10 percent statutory minimum as of the date of the Board's receipt of the Application.
2. The Board received no evidence that existing affordable housing units are on sites which comprise more than 1.5 percent of the total land area of the Town which is zoned for residential, commercial, or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof). Accordingly, the Board did not exercise the provisions of 760 CMR 56.03(8), which require the Board to provide written notice to the Applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, together with the grounds that have been met.
3. The granting of this Comprehensive Permit will not result in the commencement of construction of low- or moderate-income housing units on a site comprising more than three tenths of one percent of land area in the Town or ten acres, whichever is larger, zoned for residential, commercial, or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.
4. The Town does not qualify for any of the "safe harbor" provisions under 760 CMR 56.03. Most specifically, the Town has a DHCD-approved HPP, effective February 12, 2020, but the Town has not yet created enough new low- or moderate-income units pursuant to the HPP to qualify for any of the "safe harbor" provisions. Nevertheless, progress is being made in this area.

B. Shinglemill, LLC, the Applicant, received a Project Eligibility Letter ("PEL") from MassHousing dated February 19, 2020, which was submitted to the Board with the Application. Based on determinations made by the Subsidizing Agency (as defined in the Regulations) in the PEL, the Board finds that the Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the Revised Project fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1).

V. FACTUAL FINDINGS:

A. The Property, situated close to the boundary with the Town of Norwell, and in close proximity to Route 3, contains 29.4 acres, more or less, is identified on the current plans as being located at 75-79 Pond Street, Rockland, Massachusetts is located within the Town of Rockland's H-1 Industrial Park-Hotel Zoning District (28.64 +/- acre parcel) and the Residential R-2 Zoning District (0.78 +/- acre parcel (the "Property"). To the northwest of the site is a large property in commercial use by a home improvement store, Home Depot, and restaurant use, Wendys. To the east and southeast of the Property there is existing residential development at one point known as Lake Park in neighborhoods comprised of single family, one to two and one-half story dwellings.

B. The Abington-Rockland Reservoir is located in close proximity to the Property to the southwest and Accord Pond, also a municipal drinking water supply in Hingham, is located in close proximity to the northeast on the opposite side of Route 3.

C. The parcels on which the proposed Project is proposed are shown on the Rockland Assessors' Maps as Parcel Nos. 9-13-0 (75-77 Pond Street) and 10-68-0 (portion of 152 Wilson Street).³

³ The Applicant may have since the close of the public hearing acquired a portion of Parcel 10-67-0.

D. The Property is presently undeveloped; however, there is evidence that there was some prior clearing and dumping of urban debris on the site other than associated with well-testing. The upland portion of the site is accessed from a narrow strip of upland leading from Pond Street a short distance (300') northerly of the entrance on the opposite side of Pond Street to the Assinippi Park, an industrial park leading into the Town of Norwell and Hanover.

E. There is an extensive expanse of wetlands, including without limitation, bordering vegetated wetlands, and wetland resource areas that abut the strip of land proposed for access and virtually surrounding the upland portion of the site where the Applicant is proposing to situate and construct the proposed 199 apartment units and related surface parking areas. The Applicant had filed a Notice of Intent with the Rockland Conservation Commission while the public hearing on this matter was ongoing and submitted site plans, stormwater reports, wetland buffer impact plans, and temporary wetland impact plans. The Applicant withdrew its Notice of Intent prior to any decision by the Rockland Conservation Commission on or about March 20, 2023.

F. The principal in Shinglemill, Rick Lincoln, has prior experience in creating market rate residential communities and prior affordable housing experience in Massachusetts.

G. Patrick Brennan, P.E. of PGB, provided a peer review of the site and civil engineering plans, including the plans relating to the Original Project and the Revised Project. In response to several of Mr. Brennan's comments as well as to certain environmental concerns about the site and limiting conditions, the Applicant made material revisions to the Site Plans. With the modifications to the Site Plans, Mr. Brennan's peer review of the site and civil engineering aspects of the Project found them to be in general compliance with applicable state laws and regulations and followed acceptable engineering practices, provided that certain conditions he proposed were included in this Decision and such conditions are included herein. To be sure, Mr. Brennan has

opined that there are still outstanding concerns with respect to aspects of the Revised Project.

H. Cliff Boehmer, AIA, of Davis Square Architects, was retained by the Board to perform a peer review of the architectural/building plans submitted in connection with the Original Project (the Original Building Plans). Based upon Mr. Boehmer's comment letters and several of his recommendations, the Applicant and its current architect, BKA Architect, made revisions to the Building Plans incorporating some of his recommendations and revised Building Plans and building renderings were provided to the Board in May of 2023.

I. The Applicant submitted a Transportation Impact Study ("TIS") prepared by Jeffrey T. Bandini, PE, PTOE of McMahon Transportation Engineers & Planners of Taunton, MA. John T. Gillon of Gillon Associates was retained by the Board to perform a peer review of the TIA and other traffic and parking issues related to the Project. Mr. Gillon's peer review dated July 27, 2020 included comments that were responded to by Mr. Bandini and McMahon. Based upon the review, modifications were made to the Project. Mr. Gillon opined that the proposed southbound left-turn storage lane to Longwater Drive is essential (shown on the Proposed Roadway Improvements at Pond Street & Longwater Drive, Rockland, MA, prepared by McMahon). Mr. Gillon also suggested that construction at the site start after 8:30 AM so as not to conflict with weekday peak hour traffic.

J. According to the Applicant and the Abington-Rockland Joint Water Works (ARJWW) which provides public drinking water to the Town of Rockland, the Revised Project proposes to connect to the public water supply system for fire protection purposes since there is insufficient water capacity to provide domestic water for the proposed project according to ARJWW. The Applicant is in the process of on-site testing to determine if there will be sufficient domestic drinking water supply from on-site groundwater supply wells. As of the close of the public hearing in August, the Applicant had not concluded its testing to affirmatively determine that (1) there was adequate drinking

water for domestic purposes without which there is no Project; and (2) that any proposed on-site groundwater wells based on proximity to the Abington-Rockland Reservoir would not adversely impact or reduce the safe yield to the public water supply and which would result in no viable Project. The ARJWW sent letters to the Board on May 30, 2023 and May 31, 2023 (1) recommending against any waivers, (2) suggesting certain conditions including the performance of a hydrologic study/modelling of the proposed development to demonstrate the fate and transport of contaminants from the proposed development do not pose a threat to the public water supply, and also, certain groundwater modelling and firm yield estimator calculations demonstrating no negative impacts or reductions in the safe yield of the Hingham Street Reservoir.

K. The Town of Rockland is currently served by a municipal sewer system. The Applicant is unable to dispose of wastewater on-site due to the proximity of the site in zones that are proximate to public drinking water wells and supplies. The Applicant is proposing to connect the Revised Project to the Rockland Sewer System. The Town of Rockland was subject to an Environmental Protection Agency (EPA) Administrative Consent Order ("ACO") issued on September 29, 2006 which said EPA Administrative Consent Order (ACO) to the Town in response to violations of Total Suspended Solids (TSS) and flow limitations in Part I.A.1 of the Town's NPDES permit. In response to the 2006 AO, the Town submitted a "Plan for Compliance" on February 12, 2007 that included: summaries of previously conducted sewer system studies; a description of plans to remove additional sources of inflow and infiltration ("I/I"); an annual flow monitoring plan to assess the effectiveness of sewer rehabilitation efforts; a listing of specific tasks to be conducted, based on a May 2006 draft I/I plan, including a sump pump identification and removal program and implementation of an August 2006 sewer connection moratorium.

The Town was alleged, inter alia, to have continued to discharge wastewater volumes that exceeded the monthly average flow limitation of 2.5 MGD in Part I.A.1 of the NPDES Permit. Over the five-year

period, from June 1, 2017, to May 31, 2022, the Town violated the monthly average flow limitation for 32 of 60 months. During this same period, the Town also violated its daily maximum and weekly average limitations for Ammonia Nitrogen for three months, its Whole Effluent Toxicity limitations for three months and its TSS limitations for one month. A summary of NPDES permit violations was provided to the Town.

On May 19, 2021, the Town of Rockland Sewer Commission established a New Connection Moratorium that became effective on July 1, 2021.

Based on certain findings of violations on July 14, 2022, the EPA issued a document entitled Findings of Violations and Order for Compliance, Docket NO. CWA-AO-R01-FY22-05 which provided a schedule for compliance that the EPA deemed to be reasonable, functionally an amendment to the ACO. Said Order, inter alia, requires the Town to provide the EPA with actions it has taken to comply with the new sewer moratorium and update a table to show any development projects before the Rockland Sewer Commission pending approval to connect to the Collection System including the revenue paid to the Town for connection, gallons per day to be connected and the volume of I/I that must be removed associated with the proposed project.

Based on the foregoing, the Board will require the Applicant's Revised Project to be placed on the Rockland Sewer Commission's current waitlist for sewer capacity which was implemented as a part of the moratorium in that position that it would be in as of the date of the issuance of this Comprehensive Permit and require the Applicant to supply at its cost and expense a study with an engineering firm that is sufficiently skilled and experienced with municipal sewer systems and with the demonstrated ability to complete a new Sewer System Evaluation Survey of the Rockland Sewer System to identify and recommend specific pipe segments and service connections for rehabilitation sufficient to provide that quantity of so-called Infiltration and Inflow (I/I) permitted by the ACO in order to allow a new connection into the existing sewer system. The Applicant will also be

required to either pay for the entire cost of the implementation or implement the specified improvements to reach the required I/I reduction by a contractor approved by the Sewer Commission which said approval shall not be unreasonably withheld. Only through the reduction of I/I can the existing system accept a new sewer connection.

Should the existing system be sufficiently upgraded or replaced eliminating the EPA orders and conditions, the Applicant will be permitted to connect to the sewer system.

L. A portion of the proposed sewer main that would convey sewage from the development to the Rockland Sewer System would pass through the Zone A Surface Water Protection area tributary to the Rockland Reservoir. According to Patrick Brennan, PE, this is not allowed by 310 CMR 22.20B(3)(b) which reads "all sewer lines and appurtenances are prohibited, except as required to eliminate existing or potential pollution to the water supply, or where the crossing of tributaries is necessary to construct a public sewer system." According to Mr. Brennan, the proposed sewer line does not meet either of the two exceptions listed in the regulations and would require a DEP variance. According to Mr. Brennan, Coneco also provided an alternative route for the sewer line which would not pass through Zone A; however, the alternate route is within 25 feet of a vernal pool, and it crosses through private property (Assessor's Parcel No. 10-067), which Mr. Brennan indicated is not owned or controlled by the Applicant and is not a viable option. The Applicant shall be required as a condition of this Decision to obtain DEP approvals prior to the commencement of any work, or alternately, obtain DEP approval to connect in the alternate manner proposed.

M. The Applicant will file for Project coverage under the National Pollution Discharge Elimination System (NPDES) Construction General Permit program prior to beginning any land disturbance activity on the Site, which shall include preparation and compliance with a Project-specific Stormwater Pollution Prevention Plan (SWPPP) meeting permit requirements. Copies of both the NPDES Notice of Coverage and the

SWPPP shall be submitted to the Board, the Board's Peer Review consultant, Patrick Brennan, PE and the Building Commissioner.

N. The Applicant submitted and the Rockland Fire Department reviewed the Original Project plans and the Revised Project Plans. In its Letter to the Board dated January 7, 2022, the Deputy Fire Chief detailed the Fire Department's concerns with response times for a project of this size and the ability of the Fire Department to handle a major incident and recommended a series of conditions detailed on their letter many of which were based on life safety concerns. The Revised Project will be conditioned to meet these conditions.

O. During the public hearing process, the Board received many comments, both verbal and written, on the Original Project and the Revised Project. The comments were overwhelmingly opposed to the Original Project and the Revised Project, with the majority of commenters citing environmental issues to wetlands, public water supplies, the size of the project, concerns with access through the abutting neighborhood, lack of water supply, impact to public water supply, traffic congestion and the lack of parking as overriding concerns. The Board appreciates residents of the Town who actively participated in this public hearing and their willingness to politely share with the Board their views.

P. The Board finds that the conditions imposed in this Decision are necessary in order to address Local Concerns as defined in the Regulations. The Board finds that such conditions will not render the Revised Project uneconomic. To the extent that such conditions may render the Revised Project uneconomic, the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.

Q. The Board finds that granting certain waivers from local bylaws and regulations is acceptable even though granting any waivers may have an adverse impact on certain Local Concerns. Nevertheless, the Board finds that the Local Concerns affected by the Revised Project do

not outweigh the regional need for affordable housing, except as provided.

R. Since the Applicant elected not to present evidence on the feasibility of the Revised Project, the Board determined it would be in the best interests of justice and expediency and consistent with the requirements of the Act to close the public hearing without further information on the financial feasibility of the Revised Project.

VI. DECISION:

Pursuant to the Act, the Board, after convening a public hearing and making findings of fact, grants a Comprehensive Permit to the Applicant by a vote of 2 in favor (Rosa, Tansey) and 1 opposed (Baker Sr.) for the construction of 199 rental housing units on the Site, subject to the conditions set forth herein.

VII. CONDITIONS:

A. General Conditions

A.1. The Project shall be bound by all applicable local, federal, and state laws and regulations with respect to comprehensive permits issued under the Act, except as may be waived pursuant to this Decision (collectively, the "Applicable Laws" and each an "Applicable Law"). The Applicant shall not take any action, or fail to take any action, that would cause this Project not to meet the requirements of the provisions of the Act.

A.2. Except as may be provided for in the following conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance with the last revised plans and drawings and identified as the Revised Project Plans, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Revised Project (the "Approved Plans").

A.3 The Applicant shall file appropriate documentation to be organized as a Limited Dividend Entity as required by the Act, and it and its successors and assigns shall comply with the limited dividend or other applicable requirements of the Act and the Regulations adopted thereunder.

A.4. The Project shall consist of not more than 199 residential units in the following configuration:

The so-called “Bar” Building

- 68 one bedroom units
- 23 two bedroom units
- 9 three bedroom units

Total Units: 100

The so-called “L” Building

- 37 one bedroom units
- 49 two bedroom units
- 13 three bedroom units

Total Units: 99

On-site Parking has been proposed at the Project as follows: 299 total spaces in a surface lot on the Site shown on the Revised Plans. The Applicant has also offered a concept plan showing three alternate concept parking plans (called concepts 1 to 3) in which as many as 345 parking spaces are proposed on a plan dated May 25, 2023 by Coneco. All proposed parking spaces shown on the Applicant’s plan are identified as 9’ x 18’ which is not consistent with the Rockland Zoning Bylaw which contains a minimum dimension of parking spaces as well as a proper ratio of full sized versus reduced size parking spaces. The Revised Plans also show 7 handicapped spaces. The Board will allow 70% of the parking spaces to be reduced size and that the remaining

30% of the parking spaces be full sized, will require that the proper number of handicapped spaces be provided as per building code, and will allow a parking ratio of 2.0 spaces per unit. This will require a revision to the proposed parking plans. All surface parking associated with the Revised Project shall be screened from view by a dense vegetated buffer to all residential abutters to lessen off-site migration and shall be illuminated with lighting fixtures that are equipped with baffles that prevent any off-site migration of light.

A.5. The Buildings shall be consistent with the revised Architectural Plans by BKA Architects submitted to the Board after January 4, 2022 and shall include all architectural features described in said plans.

A.6. All building fixtures and appliances shall comply with Energy Star requirements and all energy efficiency requirements of the State Building Code.

A.7. Affordable units shall be interspersed evenly throughout the Revised Project as determined by the Subsidizing Agency during Final Approval in substantial conformity with the Approved Plans.

A.8. Pursuant to the Waiver List in Exhibit B, the Board has granted only those waivers from the Rockland Town Code, Zoning Bylaw ("Zoning Bylaw") and other local bylaws and regulations deemed necessary for the Revised Project to proceed. The Revised Project shall comply with all local regulations of the Town unless specifically waived herein. Some of the requested waivers have been granted conditionally by the Board, as set forth in Exhibit B. Those conditions are expressly incorporated by reference as conditions of approval to this Comprehensive Permit. No waivers are granted from requirements that are beyond the purview of the Act, and no waivers of any requirements otherwise within the Board's jurisdiction under the Act have been granted except for those specifically granted by the Board as set forth in Exhibit B. To the extent the Approved Plans reflect a waiver not expressly granted in Exhibit B, the terms and conditions of Exhibit B shall govern. There shall be no waiver of permit or inspectional fees,

water fees, betterments or assessments. Any subsequent revision to the Approved Plans that requires additional or more expansive waivers must be approved by the Board in accordance with 760 CMR 56.05(11).

A.9. The Applicant shall copy the Board, through the Board Secretary and the Building Commissioner, on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this Decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Revised Project, other than plans filed with the Building Commissioner to comply with the State Building Code.

A.10. Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Commissioner or other Town Departments, the Building Commissioner or applicable Department Head will use reasonable efforts to review and provide a written response within sixty (60) days following submission. The Town shall have the right to retain outside professional consultant assistance, at the Applicant's expense (subject to Applicable Law) to assist in the enforcement and administration of this Comprehensive Permit, as reasonably determined by the Building Commissioner or applicable Department Head. For submissions that require assistance from an outside consultant, as determined by the Building Commissioner or applicable Department Head, the 60-day time period shall not begin until the consultant's fee has been fully funded by the Applicant.

A.11. The provisions of this Comprehensive Permit shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the title to the Property. In the event that the Applicant sells, transfers, or assigns its interest in the Property or the Revised Project, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The limited dividend restrictions shall apply to

the owner of the Revised Project regardless of sale, transfer, or assignment of the Project.

A.11. All other infrastructure located on the Site and shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town shall not have, now or in the future, any responsibility for the installation, inspection, operation or maintenance of the infrastructure, including but not limited to snow removal and landscape maintenance. In this regard, the driveway within the Site is a privately owned element of the Revised Project, and shall not be dedicated to or accepted by the Town without further Town approval as necessary for such matters.

A.12. Except to the extent inconsistent with Applicable Law, the Board hereby designates the Town's Building Commissioner as its agent to review and approve matters on the Board's behalf subsequent to this Decision; provided however, that each such approval shall be consistent with this Decision in every respect; and, provided, further that the Building Commissioner shall be permitted to request guidance from the Board as to this designation at any time. Documents filed with the Building Commissioner in connection with the Revised Project and the record of decisions made by the Building Commissioner as the Board's designee shall be retained in the Board's file with respect to the Application.

B. Affordability

B.1 At least 25 percent of the units in the Revised Project shall be affordable in perpetuity or for the maximum period allowed by law and shall be rented to households with income at or below 80 percent of Area Median Income (the "Affordable Units"), determined in accordance with applicable EOHLG Guidelines for G.L. c. 40B Comprehensive Permit Projects and the Subsidized Housing Inventory then in effect (the "Guidelines"). The Applicant shall ensure that the Affordable Units are at all times occupied only by tenants who qualify for such Affordable Units and shall require such tenants to occupy the

units as their domiciles and principal residences and otherwise in accordance with Applicable Law.

B.2 A Regulatory Agreement in the form provided by the Subsidizing Agency and approved as to form by Land Use Counsel (the "Regulatory Agreement") shall be executed prior to occupancy of any units in the Revised Project. The Regulatory Agreement shall set forth the terms and agreements for occupancy and lease of the Affordable Units, the standards for maximum affordable rents and utility allowances, the term of the affordability restriction, provisions with respect to Affirmative Fair Housing Marketing, limited dividend requirements and cost certification, annual compliance monitoring responsibilities, and such other items as are required by Applicable Law. The Regulatory Agreement shall conform with the requirements and conditions imposed by the Subsidizing Agency. Upon its execution, the Regulatory Agreement shall be recorded with the Plymouth County Registry of Deeds (the "Registry") and a recorded copy shall be provided to the Board.

B.3. The Applicant shall submit to the Town's Planning Board and Town Planner or Planning Director an Annual Certification Report from the affordability monitoring agent pursuant to the Regulatory Agreement on the compliance requirements set forth in the Regulatory Agreement, including annual rent recalculations, tenant income recertification, and waiting list compliance. The submittal of such report shall be accompanied by a report on the status of compliance with the requirements of this Comprehensive Permit, the content and format of which shall be determined collaboratively between the Applicant and the Town Planner or Planning Director.

B.4. While the Regulatory Agreement is in effect, the Subsidizing Agency or its designee shall be responsible to monitor compliance with affordability requirements pursuant thereto; provided, however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency with the exception of personally identifying information, and may take any

lawful steps in relation to and enforcement of affordability provisions. If, at any time, the Subsidizing Agency ceases to monitor Applicant's compliance with the affordability requirements set forth in the Regulatory Agreement, the Applicant shall nonetheless continue to comply with the affordability requirements therein and collect annual income certifications from the tenants and, if so requested, continue to provide copies of the same to the Town Planner or Planning Director.

B.5 If requested by the Rockland Select Board, within 90 days of the issuance of the final certificate of occupancy for the last residential unit in the Revised Project, the Applicant shall enter into a regulatory agreement with the Town (the "Local Regulatory Agreement") which shall include the provisions set forth in Exhibit C, attached hereto, in addition to such other provisions as the Applicant and the Town may mutually agree, and which shall not be inconsistent with the requirements of this Decision. Notwithstanding the foregoing, the terms of the Local Regulatory Agreement shall be consistent with and not impose more stringent requirements than the terms of the Regulatory Agreement. Consistent with the balance of this Comprehensive Permit, this condition shall be binding upon Applicant's successors and assigns.

B.6. The Applicant shall, at its sole costs and expense, develop an Affirmative Fair Housing Marketing Plan ("AFHMP") for the Affordable Units which conforms to any and all Fair Housing requirements or other requirements as imposed by the Subsidizing Agency and Applicable Law. The Applicant shall select tenants and maintain any waiting lists for the Affordable Units in a fair and impartial manner, based on objective criteria set forth in the marketing materials. No later than two weeks prior to submitting the proposed AFHMP to the Subsidizing Agency, the Applicant shall provide a copy to the Town Planner or Planning Director for review and comment.

C. Submission Requirements

C.1. Prior to the start of any construction or development activities authorized under this decision ("Authorized Activity"), including, without limitation, site clearing, tree removal, grading, etc. on the Site, whether or not pursuant to a building permit, the Applicant shall:

- a. File for Project coverage under the National Pollution Discharge Elimination System (NPDES) Construction General Permit program, including preparation and compliance with a Project-specific Stormwater Pollution Prevention Plan (SWPPP) meeting permit requirements.
- b. Provide to the Building Commissioner and the Board the following information:
 1. A final set of complete construction documents for review by the Board's peer review consultants to ensure consistency with the terms of this Decision. Any comments from the peer review consultants, the Board, or the Building Commissioner shall be made in writing within 60 days after submission by the Applicant, and if no comments or requests for additional information are received within such period then the construction documents shall be deemed to be consistent with the terms of this Decision;
 2. Copies of both the NPDES Notice of Coverage and the SWPPP;
 3. Documentation, including a mounding analysis if applicable, showing the Revised Project stormwater management system complies with the Commonwealth of Massachusetts Department of Environmental Protection Stormwater Management regulations;

4. A final Construction Management Plan ("CMP"), including all items identified in the CMP submitted by the Applicant during the hearing, and which will include a construction schedule and parking plan for vehicles, and a plan for the removal of debris and delivery of materials, including during construction. The CMP shall prohibit the use of any public way or public parking area under the jurisdiction of the Town for parking by employees, contractors, and all other personnel working for or through the Applicant during the construction period. The CMP shall also detail the proposed use of public ways under the jurisdiction of the Town, along with details concerning proposed detours, all of which shall be subject to the approval of the Highway Director or other office of the Town with jurisdiction;
5. A copy of the Storm water Management Operation and Maintenance Plan;
6. Proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any Site work; and
7. Details of any temporary construction signs.
8. The Final Plans shall include a detail plan showing the existing culverts under the entrance causeway to be upgraded to Mass DEP Stream Crossing Standards and an additional culvert meeting the same Stream Crossing Standards listed above for the Zone A tributary to the Hingham Street reservoir.

c. Submit to the Building Department and the Town's peer review consultant a construction schedule identifying the sequence and approximate dates of all key stages of construction. This submission shall also include:

1. Identification of all contractors, field engineers, wetland specialists, and other professionals that will be involved in the implementation of the Project;
2. Staking driveways, foundations, parking areas, drainage basins and other drainage structures and any well locations;
3. Placement of sediment and erosion controls and limit of construction fencing;
4. Identification and approval of significant trees to be cut on the Site and/or in the buffer zone and any easement areas;
5. Removal of vegetation and top soil;
6. Drainage system construction;
7. Major stages of roadway interruption and construction; and
8. The name, address, electronic mail address and business cellular telephone numbers of the individual who shall be responsible for all activities on the Site.

d. Provide a long-term property management plan in a form acceptable to the Town Planner or Planning Director and the Building Commissioner for the completed Project. The Board requires that the property management plan identify, at a minimum, details concerning how the transportation demand management aspects of this Decision will be implemented, 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, flood or vehicular accident, and plans and contingencies for day-to-day and periodic on-site maintenance, and that the Applicant commit in the plan to appropriate terms in any tenant leases concerning the enforcement of reasonable rules and regulations at the Site.

e. At least one week prior to beginning any land disturbance activities authorized under this Decision, the Applicant will conduct an on-site inspection with the Building Commissioner, Highway Director, a representative of the Conservation Commission, and, at the Building Commissioner's option, the Town's Site Civil Peer Reviewer to observe the erosion controls installed at the Site and review the erosion controls anticipated to be employed during construction. It is understood and agreed that any soil remediation on the Property, if any, is not subject to this Decision and may be conducted at any time, subject to compliance with any applicable state regulations.

f. Submit to the Building Commissioner:

1. The company affiliation, name, address, and cellular and business telephone numbers of the construction superintendent who shall have overall responsibility for construction activities on Site;
2. A copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Property have been paid in full;
3. Certification from the Applicant that all required federal, state and local approvals, licenses and permits have been obtained;
4. Proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work; and
5. Proof that street signage is in place to ensure that emergency personnel can locate the Site to provide emergency services to protect and secure the Site and construction personnel.

g. Submit to the Board and the Town Planner or Planning Director a report in a form acceptable to the Applicant and the Town Planner or Planning Director as to the status of compliance with the requirements of this Comprehensive Permit (the "Comprehensive Permit Status Report").

h. Deliver to the Board a check in an amount to be determined by the Building Commissioner, but not to exceed \$20,000, to be used to retain outside experts for technical reviews and inspections required to ensure compliance with the requirements of this Comprehensive Permit. Such amount shall be used by the Building Commissioner or outside consultants if the Building Commissioner determines that outside experts are needed. The funds shall be deposited by the Board in an account pursuant to G. L. c. 44, s. 53G and shall only be used for technical reviews and inspections associated with the Revised Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the Revised Project, as determined by the Building Commissioner. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Board in a reasonable amount as may be determined by the Board.

i. Post a bond or other security or collateral acceptable to the Building Commissioner to ensure that the streets and related infrastructure, including but not limited to water, sewer, other utilities, lighting, drainage, sidewalks, paving, hydrants, landscaping and traffic signage are completed in accordance with the approved plans and all other laws and regulations and to allow the Town and its various departments to secure any and all portions of the Project in the event of abandonment of the project by the developer or the occurrence of any significant accident, disaster or storm related emergency. Such terms within this bond or other security shall first be approved by Town Counsel. Upon permanent stabilization of all surfaces and installation and the Town's acceptance of all drainage infrastructure, the Applicant

may submit a request to the Board for release of the bond or other security.

C.2 Prior to the issuance of a building permit, the Applicant shall:

- a. Record this Comprehensive Permit with the Plymouth County Registry of Deeds, at the Applicant's expense, and provide proof of such recording to the Building Commissioner and Town Planner or Planning Director.
- b. Submit to the Board and the Town Planner or Planning Director evidence of Final Approval from the Subsidizing Agency as required by the Project Eligibility Letter and the Regulations and an updated Comprehensive Permit Status Report.
- c. Submit to the Board and the Town Planner or Planning Director certified copies of the Regulatory Agreement and Monitoring Services Agreement for the Revised Project. Execution and recording of the Regulatory Agreement from MassHousing shall be complete prior to the issuance of a building permit.
- d. Submit to the Building Commissioner and the Board final construction-level engineering, architectural, and landscaping plans ("Final Plans") for the construction of the Project, including plans prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts that conform to the requirements of this Comprehensive Permit and the Approved Plans. The Final Plans shall incorporate all conditions and requirements of permitting agencies having jurisdiction. Appropriate signage shall be shown on the Final Plans. The Final Plans shall include full and detailed landscaping plans duly sealed and signed by a Landscape Architect registered in the Commonwealth of Massachusetts that show suitable on-site landscaping and screenings, shade trees as well as the type and number, size and location of all proposed landscaping materials. Any comments from the peer review consultant, the Board, or the Building Commissioner must be made in writing within 60 days after

submission by the Applicant, and if no comments or requests for additional information are received within such period then the Final Plans shall be deemed to be consistent with the terms of this Decision.

e. When able to connect, either pay to the Town the required sewer connection fees and Infiltration/Inflow ("I/I") mitigation fees in accordance with the then current Sewer Department fee schedule, which is currently calculated at a ratio of 11: 1 based on Title 5 daily sewer flows (110 gallons per day per bedroom) and a rate of \$6.61 per gallon of flow or implement to completion the required I/I mitigation, at the discretion of the Sewer Commission . If requested by the Sewer Commission, the Applicant shall provide to the Commission's satisfaction a combination of I/I removal and monetary fees in accordance with applicable Sewer Commission policy or regulations.

f. Submit to the Rockland Fire Department such plans and other materials as are required by the State Building Code or other Applicable Law.

g. Submit a trash and recycling management plan to the Board of Health for review and approval. In no event shall the Town be responsible for providing trash and recycling services at the Site or for the Project.

h. Obtain and file with the Building Commissioner a copy of all required Federal, State, and local permits and approvals required to begin construction of the Revised Project.

C.3. Prior to issuance of a Certificate of Occupancy for any portion of the Project, the Applicant shall:

a. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the Project has been constructed in compliance with the Final Plans in all material respects, except as specifically noted and approved by the Building Commissioner.

- b. Obtain acceptance from the Rockland Fire Department of such testing and other pre-conditions to a Certificate of Occupancy as required by Applicable Law.
- c. Submit to the Board and the Town Planner or Planning Director an updated Comprehensive Permit Status Report.
- d. Submit the portions of the As-Built Plans pertaining to the stormwater management system as signed and sealed by the Applicant's registered civil engineer and land surveyor and certification by peer review engineer of compliance with the conditions of approval for the storm water management system, the peer reviewer's comments and recommendations submitted during the course of the public hearings on this Comprehensive Permit, and the approved stormwater management plans.
- e. Submit to the Building Commissioner and Highway Director a final Operations and Maintenance Plan for the stormwater management system, which plan shall conform to the requirements of the Final Plans.
- f. Document to the reasonable satisfaction of the Building Commissioner that the Revised Project has been constructed in accordance with Applicable Law, the Final Plans, and this Comprehensive Permit, except only for items deemed by the Building Commissioner to be of a finishing nature appropriate for a punch list.
- g. Provide to the Town a one-year guarantee on all new plant or grass material such that the Applicant will replace any tree or shrub that dies within this time period.

C.4. Prior to issuance of the Certificate of Occupancy for the last residential building or unit to be constructed, the Applicant shall:

- a. Install the final infrastructure for the Revised Project (the "Final Infrastructure"), including but not be limited to intermediate and final

course of pavement, remaining landscaping, and any "punch list" items identified by the Building Commissioner or any other regulatory board, commission or department. Alternatively, if the Applicant desires to obtain such final occupancy permits for the final dwelling unit before the completion of said Final Infrastructure, it shall deposit monetary security with the Town securing the installation and construction of such Final Infrastructure. The amount of such security and any necessary contingency shall be determined by the Building Commissioner. The form of the security agreement binding such security shall be subject to approval of the Building Commissioner.

b. Submit to the Building Commissioner and Town Peer Review Site Civil Engineer, in digital file and hard copy format, a final as-built utilities plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, contours spot grades, roadway, sidewalk and associated construction. The file format shall be in a form acceptable to the Building Inspector. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. The digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet, all of which shall be stamped and sealed by the Applicant' registered civil engineer and professional land surveyor.

c. Submit to the Board and the Town Planner or Planning Director an updated Comprehensive Permit Status Report.

d. Submit to the Building Commissioner as-built plans for all buildings in the Revised Project.

e. Submit verification that all components of the stormwater management system have been inspected, cleaned, and received final

approval by the Building Commissioner, the Board's consulting engineer and the Highway Director.

- f. Document to the reasonable satisfaction of the Building Commissioner that the Revised Project has been constructed in accordance with Applicable Law, the Final Plans, and this Comprehensive Permit.
- g. Remove and dispose of all debris and construction materials in accordance with Applicable Law.
- h. Obtain certification from the Highway Director, ARJWW and Sewer Commission that all on-site and off-site sewer and water systems have been installed and tested, and that all items related to the systems are at grade and are in proper working condition.
- i. Install fire hydrants as shown on the Final Plans and consistent with the Approved Plans.
- j. Install all exterior lighting for the Project as shown on the Final Plans.
- k. Perform and conduct all utility and other roadwork within any public right of way in conformance with the regulations of the Town. The Board acknowledges that the Approved Plans show that the occupancy of portions of the Town's public ways is required to construct the Revised Project, but owing to the lack of detail now available concerning: (i) the timing of such construction the detours of traffic that will be necessary; (ii) the steps to be taken to mitigate the impact of such construction and detours; and (iii) the overwhelming local concern regarding traffic congestion in and around the Site, any such occupancy of the Town's public ways shall be subject to the approval of the appropriate office of the Town with jurisdiction. Contractors shall be duly licensed as required by the Town of Rockland. All such work shall be performed in accordance with current

engineering and construction standards and in coordination with the Rockland police department.

1. Implement the traffic and pedestrian safety measures described in and consistent with the Final Plans and in coordination with the Rockland police department.

D. Post-Construction and Occupancy Conditions

D.1 The Applicant shall provide on-site property management during normal weekday business hours as well as a telephone number for tenants to contact management that is available by phone 24/7. In the event the Applicant engages a management company, the Applicant shall post the name and telephone number of the management company at the Property which shall have a person available for the purpose of complying with this requirement 24/7.

D.2 Fertilizer, pesticide, and herbicide use shall be only permitted to the extent permitted by Massachusetts Department of Environmental Protection and then only consistent with good landscape maintenance practices. No fertilizer, pesticide, and herbicides shall be stored on site at any time.

D.3. Only calcium-based de-icer materials or other material acceptable to the Highway Director and the director of the Abington-Rockland Joint Water Works (ARJWW) shall be used on the vehicular and sidewalk areas, including the sidewalks within the Project or on the Town's public ways that are adjacent to the Site.

D.4. The Applicant shall provide an updated Comprehensive Permit Status Report not later than thirty (30) days following receipt of a request for such report from the Board or the Town Planner or Planning Director, which may be requested from time to time but in any event not more than annually.

D.5. All catch basins shall be cleaned as necessary during the project construction and again at the end of construction. Thereafter, the Applicant shall be responsible for maintaining the Revised Project's stormwater management system in accordance with the Operations and Maintenance Plan described above.

D.6. The Applicant shall be permanently responsible for operation and maintenance of the following at the Project and on the Site:

- a. All internal roadways, walkways, and parking areas;
- b. Snow removal (snow from the Site shall not be deposited on adjacent private property or Town land, including any Town right of way);
- c. Landscaping and landscape maintenance;
- d. Trash removal;
- e. Water systems including domestic use and fire protection, including hydrants;
- f. Wastewater infrastructure;
- g. Stormwater Management System including underground facility; and
- h. Exterior site lighting.

E. Project Design and Construction

E.1 Access to the Site over Wilson Street shall not be allowed. Access to Wilson Street for construction work in or within the layout of Wilson Street shall be permitted, but only during the hours set forth herein. During construction, the Applicant and its agents and employees shall conform to all local, state and federal laws regarding noise, vibration,

dust and use of Town roads and utilities. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction shall not commence on any day Monday through Friday before 8:00 AM or on Saturday before 8:00 AM. Construction activities shall cease by 5 :00 PM or dusk, whichever is earlier, on all days except as may be specifically approved by the Building Commissioner. No construction or activity whatsoever (except for interior finishing) shall take place on Sunday. No heavy equipment, including trucking and hauling shall take place on Sunday. No heavy equipment, including trucking and hauling equipment, shall operate on the site after 5 :00 P.M or dusk, whichever is earlier, on any day, except in the case of emergency. The Applicant shall be responsible for funding inspections, as required and in compliance, with Section V of the Rules and Regulations of the Planning Board of the Town of Rockland.

E.2. During construction, at the end of each workday, the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured. Upon completion of all work on site and prior to as-built approval, all debris and construction materials shall be removed and disposed of in accordance with Applicable Law, and the Board shall be notified in writing of the final disposition of the materials. Pond and Wilson shall not be obstructed at any time during the construction.

E.3. According to the Applicant and the Abington-Rockland Joint Water Works (ARJWW) which provides public drinking water to the Town of Rockland, the Revised Project can only connect to the public water supply system for fire protection purposes since there is insufficient water capacity to provide domestic water for the proposed project according to ARJWW. This Decision shall constitute the necessary permission for Applicant to connect to said municipal systems for this limited fire protection purpose, subject to determination by the ARJWW that the applicable technical requirements have been satisfied and any additional details that shall be provided on the Final Plans, which such determination shall not be

unreasonably withheld or delayed. The Applicant is in the process of on-site testing to determine if there will be sufficient domestic drinking water supply from on-site groundwater supply wells that will not adversely impact or reduce the safe yield to the adjacent municipal wells and water supplies. In the absence of sufficient on-site groundwater supply that does not adversely impact or reduce the safe yield to the adjacent and nearby public water supplies, the Project may not proceed until and unless there is an alternative source of sufficient domestic drinking water supply satisfactory to the ARJWW. As of the close of the public hearing in August, the Applicant had not concluded its testing to affirmatively determine that (1) there was adequate drinking water for domestic purposes without which there is no Project; and (2) that any proposed on-site groundwater wells based on proximity to the Abington-Rockland Reservoir would not adversely impact or reduce the safe yield to the public water supply and which would result in no Project. The ARJWW sent letters to the Board on May 30, 2023 and May 31, 2023 (1) recommending against any waivers, (2) suggesting certain conditions including the performance of a hydrologic study/modelling of the proposed development to demonstrate the fate and transport of contaminants from the proposed development do not pose a threat to the public water supply, and also, certain groundwater modelling and firm yield estimator calculations demonstrating no negative impacts or reductions in the safe yield of the Hingham Street Reservoir. The Board imposes these conditions on the Applicant as a condition of the proposed Project.

E.4. The Town of Rockland is currently served by a municipal sewer system. The Applicant is unable to dispose of wastewater on-site due to the proximity of the site in zones that are proximate to public drinking water wells and supplies. The Applicant is proposing to connect the Revised Project to the Rockland Sewer System. The Town of Rockland was subject to an Environmental Protection Agency (EPA) Administrative Consent Order ("ACO") issued on September 29, 2006 which said EPA Administrative Consent Order (ACO) to the Town in response to violations of Total Suspended Solids (TSS) and flow limitations in Part I.A.1 of the Town's NPDES permit.

In response to the 2006 AO, the Town submitted a “Plan for Compliance” on February 12, 2007 that included: summaries of previously conducted sewer system studies; a description of plans to remove additional sources of inflow and infiltration (“I/I”); an annual flow monitoring plan to assess the effectiveness of sewer rehabilitation efforts; a listing of specific tasks to be conducted, based on a May 2006 draft I/I plan, including a sump pump identification and removal program and implementation of an August 2006 sewer connection moratorium.

The Town was alleged, inter alia, to have continued to discharge wastewater volumes that exceeded the monthly average flow limitation of 2.5 MGD in Part I.A.1 of the NPDES Permit. Over the five-year period, from June 1, 2017, to May 31, 2022, the Town violated the monthly average flow limitation for 32 of 60 months. During this same period, the Town also violated its daily maximum and weekly average limitations for Ammonia Nitrogen for three months, its Whole Effluent Toxicity limitations for three months and its TSS limitations for one month. A summary of NPDES permit violations was provided to the Town.

On May 19, 2021, in an effort to come into compliance with the EPA ACO, the Town of Rockland Sewer Commission established a New Connection Moratorium that became effective on July 1, 2021.

Based on certain findings of violations on July 14, 2022, the EPA then issued a document entitled Findings of Violations and Order for Compliance, Docket NO. CWA-AO-R01-FY22-05 which provided a schedule for compliance that the EPA deemed to be reasonable. This order under general provision condition 36 reads “This order shall become effective upon receipt by the town and will supersede the 2006 AO in its entirety.” Said Order, inter alia, requires the Town to provide the EPA with actions it has taken to comply with the new sewer moratorium and update a table to show any development projects before the Rockland Sewer Commission pending approval to

connect to the Collection System including the revenue paid to the Town for connection, gallons per day to be connected and the volume of I/I that must be removed associated with the proposed project.

Based on the foregoing, the Board will require the Applicant's Revised Project to be placed on the Rockland Sewer Commission's current waitlist for sewer capacity which was implemented as a part of the moratorium in that position that it would be in as of the date of the issuance of this Comprehensive Permit and require the Applicant to supply at its cost and expense a study with an engineering firm that is reasonably acceptable to the Rockland Sewer Commission, that is sufficiently skilled and experienced with municipal sewer systems and with the demonstrated ability to complete a new Sewer System Evaluation Survey of the Rockland Sewer System to identify and recommend specific pipe segments and service connections for rehabilitation sufficient to provide that quantity of so-called Infiltration and Inflow (I/I) permitted by the ACO in order to allow a new connection into the existing sewer system. The Applicant will also be required to either pay for the entire cost of the implementation of the specified improvements to reach the required I/I reduction (see prior condition) by a contractor approved by the Sewer Commission which said approval shall not be unreasonably withheld or implement under the supervision of the Rockland Sewer Commission at the Applicant's cost at the discretion of the Rockland Sewer Commission. Only through the reduction of I/I can the existing system accept a new sewer connection.

Should the existing municipal sewer system be sufficiently upgraded or replaced eliminating the EPA orders and conditions, the Applicant will be permitted to connect to the sewer system and the Decision shall constitute the necessary permission for Applicant to connect to said municipal sewer system subject to determination by the Sewer Commission that the applicable technical requirements have been satisfied and when the applicable connection fees and sewer use charges are paid, and any additional details that shall be provided on the Final Plans are submitted to the Sewer Commission.

E.5. A portion of the proposed sewer main that would convey sewage from the development to the Rockland Sewer System would pass through the Zone A Surface Water Protection area tributary to the Rockland Reservoir. According to the Town's Site Civil Engineering Peer Reviewer, Patrick Brennan, PE, this is not allowed by 310 CMR 22.20B(3)(b) which reads "all sewer lines and appurtenances are prohibited, except as required to eliminate existing or potential pollution to the water supply, or where the crossing of tributaries is necessary to construct a public sewer system." According to Mr. Brennan, the proposed sewer line does not meet either of the two exceptions listed in the regulations and would require a DEP variance. According to Mr. Brennan, Coneco also provided an alternative route for the sewer line which would not pass through Zone A; however, the alternate route is within 25 feet of a vernal pool, and it crosses through private property (Assessor's Parcel No. 10-067), which Mr. Brennan indicated is not owned or controlled by the Applicant and is not a viable option. Should this become available, this alternate route shall be utilized with appropriate precautions to protect the vernal pool as set forth in an Order of Conditions issued by the Rockland Conservation Commission and/or DEP acting under the Massachusetts Wetland Protection Act and its implementing regulations.

E.6. The fire hydrants shall be installed in accordance with the recommendations of the Rockland Fire Department, be as shown on the Final Plans and shall be consistent with the Approved Plans.

E.7. The Applicant shall equip each unit with water saving plumbing fixtures in every bathroom, kitchen, and laundry area, and all underground water pipes shall have water-tight joints. The plumbing fixtures shall be documented on the Final Plans.

E.8. Storm water management systems shall meet the design and performance requirements of the Rockland Subdivision Rules and Regulations unless otherwise waived by this Decision, and shall meet the requirements of the DEP Storm Water Management Policy and

Handbook (Vols. 1 &2), as approved by the Town's Peer Review Site civil engineer and the Town's Stormwater Management Bylaw.

E.9. There shall be no construction on the Property on the following days unless special approval for such work has been issued by the Building Commissioner: Sundays or the following legal holidays: New Year's Day, Patriot's Day, Memorial Day, Juneteenth, July Fourth, Labor Day, Thanksgiving, and Christmas. The Applicant agrees that the hours of operation shall be enforceable by the Building Commissioner.

E.10. In the event that the Construction Activities on the Site cease for more than ten (10) days, written notice of the resumption of work shall be provided to the Building Commissioner at least 48 hours prior to restarting such Construction Activity. The Applicant shall take all commercially reasonable steps to prosecute the work in a timely, efficient manner in order to limit adverse impacts on the Site and the abutting residential neighborhood. For purposes of this Decision "Construction Activities" shall include: start-up of equipment or machinery; vehicle fueling; vehicle access to and from Site; delivery of fill, building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; rock breaking; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and erection of new structures.

E.11. All utility work and other roadwork within any public right of way shall be conducted in conformance with the regulations of the Town and shall otherwise be consistent with the further approval of the Town office with jurisdiction. Contractors shall be duly licensed as required by the Town of Rockland. All such work shall be performed in accordance with current engineering and construction standards.

E.12 Construction shall be in accordance with Applicable Law and the requirements of this Comprehensive Permit.

E.13. The Applicant shall implement all necessary controls to ensure that vibration from the Construction Activities does not constitute a nuisance or hazard beyond the Site. Upon notification from the Building Commissioner or other appropriate municipal officials, the Applicant shall cease all Construction Activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as are necessary to ensure the Construction Activity will so comply. All off-site utility work shall be coordinated and approved by the Highway Director, ARJWW and Sewer Commissioner and shall not be subject to the timing restrictions set forth above.

E.14. The Applicant shall permit, upon a 48-hour notice, subject to applicable safety standards representatives of the Board to observe and inspect the Site and construction progress until such time as the Project has been completed. Access to the Site for inspections of the Construction Activities shall be permitted by the offices with jurisdiction consistent with Applicable Law.

E.15. All utilities installed on the Site, including but not limited to telephone, electric, gas and cable shall be located underground.

E.16. Construction security fencing shall be utilized at least until the first occupancy permit is issued to ensure the safety and security of the Site for the benefit of the surrounding neighborhood and the Applicant. Six-foot tall chain-link fencing shall be utilized with an access gate at the entrance of the Site. The Applicant shall place a lock box at the Site to be accessible at the entrance to the gate and otherwise acceptable to the Rockland Fire Department. A security contractor shall be utilized to open and close the Site daily and confirm/mandate the hours of operation for the Site personnel.

E.17. Snow and ice removal on the Site shall be the responsibility of the Applicant. Snow storage areas are shown on Approved Plans. When snow storage areas become exhausted, snow shall be removed from the site and legally disposed of in accordance with all local, state and federal requirements. Snow and ice removal shall be undertaken as

soon as is practicable after snowfall to prevent any incursion of accumulated snow in any wetland or wetland buffer areas and shall not impede or obstruct the roadway and parking areas as or the sight lines thereon and so as not to impede or obstruct fire hydrants or access to or from any public way. Accumulated ice on the access roadway and parking lot shall be promptly removed and/or sanded such that vehicles may pass safely.

E.18. The Applicant shall maintain all portions of any public road, whether state or local roads used for access to the Site by construction vehicles free from soil, mud or debris deposited due to such use during the duration of the Construction Activities in accordance with the rules of the Highway Director.

E.19. All fill brought to the site shall be uncontaminated, clean fill free of toxins, organic matter and debris. Sources of fill shall be provided to the Building Commissioner and receipts from all truckloads of fill, listing their origin, material designation and quantity shall also be provided to the Building Commissioner. The Applicant shall, in addition, fund the cost of the Town's employing a Licensed Site Professional (LSP) to act as a peer review consultant on the Board's behalf pertaining to all matters related to soil importation and filling of the site.

F. Roadway, Parking and Traffic Safety Conditions

F.1 The Applicant shall provide an appropriate bus waiting area for school buses to safely stop in or at the Site in a manner approved by the Highway Director, the Rockland School Department and the Rockland Police Department.

F.2. The Applicant will provide a minimum of 60 bicycle parking spaces, including exterior bike racks proximate to the building entrance, and the Final Plans shall include provisions for expanding bicycle storage in the event of higher than anticipated demand. The

bicycle parking spaces shall be available to both occupants and guests of the Units.

F.3. The Applicant shall develop and implement a Transportation Demand Management ("TDM") Program for the Project and shall take such steps as are reasonable and practicable to make it easy for residents and visitors to the Project to use transportation other than by automobile or truck. The Applicant shall designate an on-site transportation coordinator for the Project to coordinate the elements of the TDM program.

F.4. The Applicant shall post information regarding public transportation services, schedules, and fare information in a central location in each of the two buildings.

F.5. The Applicant shall provide a "welcome packet" to residents detailing available public transportation services, bicycle and walking alternatives, and commuter options available.

F.6. The Applicant shall provide an internal mailroom within each of the two buildings.

F.7. The sight triangle areas for the Project site driveway intersections shall be shown along with a note to indicate that signs, landscaping, and other features located within sight triangle areas shall be designed, installed, and maintained so as not to exceed 2.5-feet in height. Snow windrows located within sight triangle areas that exceed 3.5-feet in height or that would otherwise inhibit sight lines shall be promptly removed.

F.8. All signs and pavement markings to be installed within the Project site shall conform to the applicable specifications of the Manual on Uniform Traffic Control Devices (MUTCD).

F.9. The applicant shall implement prior to the occupancy of the first unit the proposed roadway improvements as shown on the McMahan

Plan at Pond Street and Longwater Drive in Rockland at the Applicant's sole cost and expense.

G. Police, Fire, and Emergency Medical Conditions

G.1. The address for the Revised Project shall be displayed in a location clearly visible from Pond Street.

G.2. All buildings shall be fully sprinklered in accordance with the state law and regulations and also equipped with a complete fire alarm system monitored by an approved fire alarm system compliant with NFP A Standard 72. The fire alarm and sprinkler systems shall be monitored by an approved fire alarm control panel, which shall in turn be monitored by a municipal fire alarm master box. Key boxes shall be installed in accordance with Rockland Fire Department requirements.

G.3. A bi-directional amplifier to improve Fire Department radio communications shall be required if testing determines the need for such equipment, as specified in the Massachusetts Building Code.

G.4. The Applicant shall confirm and show on a plan the final layout and location of all safety equipment (hydrants, post indicator valves, panels, etc.) with the Rockland Fire Department prior to the start of construction.

G.5. The Applicant shall comply with all other Fire Department conditions as set forth in their letter dated January 7, 2022.

H. Water, Sewer, Stormwater, and Other Utilities.

H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project.

H.2. When sewer capacity becomes available (see above), the Project shall be subject to I/I mitigation fees in accordance with the then current Sewer Department fee schedule.

H.3. The Applicant shall install all utilities, including water connections and the stormwater management system, pursuant to the Final Plans. All utility work shall be undertaken in conformance with the regulations and requirements of the Town, and in accordance with then current engineering and construction standards. MassDEP Stormwater Management BMPs shall be adhered to during construction of the stormwater management system.

H.4. All solid waste (trash and recycling) collection and storage operations shall be either contained within the buildings or stored in dumpsters or similar exterior trash receptacles. If there are exterior dumpsters or trash receptacles they shall be screened by a solid wooden fencing to screen them from abutting properties and emptied on a regular basis to prevent any nuisance odors. Any dumpsters or trash receptacles shall be periodically cleaned to lessen any nuisance odors. Trash collection shall meet the requirements of the Rockland Board of Health.

I. Site Amenities and Landscaping

I.1 The Applicant shall install street trees and evergreen shrubs and other plantings shown on the Final Plans, and shall thereafter maintain all such landscaping in good condition in perpetuity. Dead or diseased plantings shall be replaced within six months in accordance with growing and weather conditions.

I.2 The Applicant shall install granite benches or benches composed of materials of comparable quality and durability, and shall maintain the benches in good condition in perpetuity.

I.3. The Applicant shall screen all utilities with evergreen shrubs or solid fencing, surrounded by an acoustic enclosure with industry standard sound-absorbing materials for any noise making equipment. Any roof equipment shall be placed together in a central location out of

view from any public way or sidewalk. No screening of fire hydrants will be allowed.

1.4 All generators shall be surrounded by industry standard sound absorbing materials appropriate for residential communities. The generators shall be visually obscured as much as possible from neighboring residents. Any equipment or materials screening shall be made to look visually attractive in keeping with the architecture of the Project.

I.5. All alarm systems will be kept to the minimal, safe, sound levels according to regulations and up to date standards.

I.6. On-site lighting shall be compliant with the standards of the International Dark-Sky Association (or equivalent standards); lighting shall be set to the minimum level while still ensuring Site safety and security; and lighting shall be set on a timer or a motion sensor where possible to prevent unnecessary light spillover. Lighting of entries and balconies shall be in the roof or building wall directed downward to avoid light overspill. Outdoor lights shall be placed at or below 10 feet high and pointed downward; exceptions can be made for site safety with approval from the Building Commissioner or Town Planner or Planning Director.

J. Completion of Infrastructure.

J.1. The completion of all Final Infrastructure required by this Comprehensive Permit shall be subject to the review and approval of the Highway Director, a representative of the ARJWW and Sewer Commission and may be reviewed by the Board's Peer Review Site Civil Engineer.

K. Other General Conditions.

K.1. Any change or modification to the Final Plans that bring the plans out of conformity with the Approved Plans shall be subject to the Board's review pursuant to 760 CMR 56.05(11).

K.2. In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three years from the date it becomes final, unless (a) prior to that time substantial work authorized by the Comprehensive Permit has commenced or (b) the Board has granted an extension or (c) the time period is otherwise tolled in accordance with Applicable Law.

K.3. In the event any conflicts exist between the Approved Plans and this Comprehensive Permit, this Comprehensive Permit shall control.

K.4. In the event of any default, violation or breach of these conditions by the Applicant is not cured 30 days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (b) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

K.5. When used in this Comprehensive Permit without specific identification to the contrary, an action called for to be taken by the Town shall, unless otherwise required by Applicable Law, be taken by the Building Commissioner.

RECORD OF VOTE

The Board of Appeals voted, at its public meeting on October 10, 2023, to grant a Comprehensive Permit subject to the above-stated Conditions and Waivers found on Exhibit B, with this Decision as attested by the signatures below.

Members in Favor:

By: 
Robert C. Rosa, III, Chairman

By: 
Gregory Tansey, Vice-Chairman

Members Opposed:

By: 
Robert Baker (Sr.)

Filed with the Town Clerk on October 12, 2023.


Town Clerk



NOTICE: Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Rockland, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within 20 days after the filing of this notice in the Office of the Town Clerk.

EXHIBIT A

File Inventory

April 7, 2020 – Initial hearing date – documents submitted

- Meeting Posting - Patriot Ledger Ad advertised 3/23/20 & 3/30/20.
- Agenda – prepared by Attny Galvin dated 4/1/20 (sent via email).
- Zoning Application dated March 5, 2020 (Stamped by TC 3/9/20).
- Letter of Transmittal dated March 6, 2020 RE: Application Package docs.
- Copy of certified list of abutters (Pond Street – 2 pgs dated 3/3/20 and 152 Wilson Street 1 pg dated 2/28/20.) Prepared by Assessor's office.
- Mass Housing Letter (9 pages) dated February 19, 2020 Project Eligibility/Site Approval Letter.
- Copy of check for Application Filing Fee – Check #10035 (\$25,600.00).
- Email from D. Andronico to CD dated 3/26/20 @ 2:49 P.M.
- Email from Attny Galvin to CD dated 3/27/20 #3:03 P.M.
- Email from Attny Galvin cc: CD dated 3/27/20 @ 3:14 P.M.
- Memo dated 3/16/20 sent to ZBA, Boards and Commissions re: Shinglemill package filing.
- McMahon Transportation Engineers & Planners Appendix for Traffic Impact Residential Development (140 pgs) prepared for Coneco – November 2019. (also on Shinglemill documents website).
- Shinglemill LLC Submission Package Comprehensive Permit 40B with following documents in notebook:
 - SECTION 1.0 General Information
 - Application for Chapter 40B Project Eligibility/Site Approval Section 1 General Information (2 pages - numbered 3 and 4)
 - 1.1 Location Map
 - 1.2 Tax Map
 - 1.3 Directions
 - SECTION 2.0 Existing Conditions/Site Information
 - Application for Chapter 40B Project Eligibility/Site Approval Section 2 Existing Conditions/Site Information - Pgs 5-8
 - 2.1 Existing Conditions Plan
 - 2.2 Aerial Photos
 - 2.3 Site/Context Photographs
 - 2.4 Site Characteristics/Constraints
 - 2.5 By-Right Site Plan
 - SECTION 3.0 Project Information
 - Application for Chapter 40B Project Eligibility/Site Approval Section 3 Project Information - Pgs 9-11
 - 3.1 Preliminary Site Layout
 - 3.2 Architectural Documents
 - 3.3 Design Approach Narrative
 - 3.4 Zoning Analysis/Waivers
 - 3.5 Sustainable Development Principles Evaluation Form
 - SECTION 4.0 Site Control
 - Application for Chapter 40B Project Eligibility/Site Approval Section 4 Site Control - Pgs 12, 13

- 4.1 Deed and P & S Agreement
- SECTION 5.0 Financial Information
- Application for Chapter 40B Project Eligibility/Site Approval Section 5 Financial Information - Pgs 14-20
 - 5.1 New England Fund Letter of Interest- Rockland Trust -3 pgs
 - 5.2 Market Rental Comparables
- SECTION 6.0 Applicant Qualifications
- Application for Chapter 40B Project Eligibility/Site Approval Section 6 Applicant Qualifications, Entity Information and Certification – Pgs 21-26
 - 6.1 Development Team Qualifications
 - 6.2 Applicant Entity 40B Experience
- SECTION 7.0 Notifications and Fees
- Application for Chapter 40B Project Eligibility/Site Approval Section 7 Notifications and Fees - Pgs 27, 28
 - 7.1 Meetings/Correspondence with Town
 - 7.2 Evidence of Mailing to Town
 - 7.3 DHCD Notice of Application
 - 7.4 MassHousing Processing Fee - \$2,500
 - 7.5 MHP Check - \$14,300
 - 7.9 W-9
- o Comprehensive Permit Plans prepared on October 29, 2019 (Stamped by TC 3/9/20) with the following pages: (19 total pages)
 - Notes & Legend - 10/29/19 - page 2
 - Existing Conditions Key Plan – 10/29/19 – page 3
 - Existing Conditions Sheet 1 of 4 – 10/29/19 – page 4
 - Existing Conditions Sheet 2 of 4 – 10/29/19 – page 5
 - Existing Conditions Sheet 3 of 4 – 10/29/19 – page 6
 - Existing Conditions Sheet 4 of 4 – 10/29/19 – page 7
 - Site Layout Plans – 10/29/19 – page 8
 - Site Layout Plans Sheet 1 of 2 – 10/29/19 – page 9
 - Site Layout Plans Sheet 2 of 2 – 10/29/19 – page 10
 - Erosion Control Plan Sheet 1 of 2 – 10/29/19 – page 11
 - Erosion Control Plan Sheet 2 of 2 – 10/29/19 – page 12
 - Grading and Drainage Plan Sheet 1 of 2 – 10/29/19 – page 13
 - Grading and Drainage Plan Sheet 2 of 2 – 10/29/19 – page 14
 - Site Utilities Plan Sheet 1 of 2 – 10/29/19 – page 15
 - Site Utilities Plan Sheet 2 of 2 – 10/29/19 – page 16
 - Details Sheet 1 of 3 – 10/29/19 – page 17
 - Details Sheet 2 of 3 – 10/29/19 – page 18
 - Details Sheet 3 of 3 – 10/29/19 – page 19
- o Email with attachment from David Taylor, Highway Superintendent dated 4/3/2020 (9 requirements/enhancements listed).
- o Email from Jack Egan dated 4/7/2020.
- o Email received 4/7/20 from John J. and Jean L. Wojner, 139 Turner Road, Rockland – 2 pgs.

- Email received 4/7/20 from Sheila Duquette, 51 Colby Street (sent 4/5/20).
- Letter from David Taylor, Highway Department (Stamped by BOS 4/3/20).
- Letter from Town Administrator Douglas Lapp, 242 Union Street, Rockland to Katherine Miller of MHFA, One Beacon Street, Boston dated December 23, 2019 – 3 pages.
- Letter from Virginia A. Hoffman, 66 Colby Street dated March 27, 2020.
- Email/Ltr from Sewer Commission, PO Box 330 dated 3/18/20.
- Email from CD to Attorney Galvin dated 3/30/20 re: letter received from Ms. Hoffman.

June 10, 2020 Continuance Hearing documents:

- Meeting Posting dated April 16, 2020 (stamped by TC on 4/16/20 @10:41 A.M.)
- Letter from Virginia A. Hoffman, 66 Colby Street, Rockland, MA dated 6/6/2020.
- Copy of zoom information for virtual public hearing dated 6/10/20 sent to all abutters for this project by Candi.
- Comprehensive Permit Plans prepared on May 14, 2020 by Coneco Engineers & Scientists, 4 First Street, Bridgewater, MA 02324 (11 X 17) (also listed on Shinglemill website under current projects-Rockland-Multi-Family Permitting Plans) (24 pages) listed as follows: (Note: given by Applicant to CD - plans were changed due to Fire Department concerns discussed with Applicant)
 - Notes & Legend – Page 2
 - Existing Conditions Key Plan – Page 3
 - Existing Conditions Sheet 1 of 4 – Page 4
 - Existing Conditions Sheet 2 of 4 – Page 5
 - Existing Conditions Sheet 3 of 4 – Page 6
 - Existing Conditions Sheet 4 of 4 – Page 7
 - Site Layout Plan – Page 8
 - Erosion Control Plan Sheet 1 of 2 – Page 9
 - Erosion Control Plan Sheet 2 of 2 – Page 10
 - Site Layout Plan Sheet 1 of 2 – Page 11
 - Site Layout Plan Sheet 2 of 2 – Page 12
 - Grading and Drainage Plan Sheet 1 of 2 – Page 13
 - Grading and Drainage Plan Sheet 2 of 2 – Page 14
 - Site Utilities Plan Sheet 1 of 2 – Page 15
 - Site Utilities Plan Sheet 2 of 2 – Page 16
 - Details Sheet 1 of 8 – Page 17
 - Details Sheet 2 of 8 – Page 18
 - Details Sheet 3 of 8 – Page 19
 - Details Sheet 4 of 8 – Page 20
 - Details Sheet 5 of 8 – Page 21
 - Details Sheet 6 of 8 – Page 22
 - Details Sheet 7 of 8 – Page 23
 - Details Sheet 8 of 8 – Page 24
- Stormwater Management Report (Pond Street Drainage Report) (163 pages) prepared by Coneco, 4 First Street, Bridgewater dated May 14, 2020 (Stamped by TC on May 25, 2020).
- Letter from Town Engineer, Amory Engineers, PC P25 Depot Street, Duxbury, MA dated June 10, 2020 5-pgs.

July 21, 2020 Continuance hearing documents:

- Meeting Posting dated July 16, 2020 (Virtual Public hearing)
- Email/ltr received July 14, 2020 from Planning Board.
- Shinglemill LLC Submission Package – REV received by ZBA 7/16/20 – listed as follows:
 - Exhibit 1 – Aerial Layout
 - 2.2 Aerial Photos
 - Aerial Map – L0.0 prepared by Traverse Landscape Architects, 150 Chestnut Street, 4th Floor, Providence RI dated 7.21.2020.
 - Exhibit 2 – Site Engineering Plans
 - Site Engineering Plans – Revised
 - Special Permit Drawings prepared by Tighe & Bond date July 13, 2020 as follows (23 Sheets):
 - General Notes, Abbreviations & Legend Sheet – G101 date 7/13/2020 (Tighe & Bond).
 - Existing Conditions Key Plan – Page 3 date 5/14/20 (Coneco Engineers & Scientists).
 - Existing Conditions Sheet 1 of 4 – Page 4 date 5/14/2020 (Coneco).
 - Existing Conditions Sheet 2 of 4 – Page 5 date 5/14/2020 (Coneco).
 - Existing Conditions Sheet 3 of 4 – Page 6 date 5/14/2020 (Coneco).
 - Existing Conditions Sheet 4 of 4 – Page 7 date 5/14/2020 (Coneco).
 - Existing Conditions/Demolition Plan C-101.1 date 7/13/2020 (Tighe & Bond)
 - Existing Conditions/Demolition Plan C-101.2 date 7/13/2020 (Tighe & Bond)
 - Overlay Site Layout Plan C-102 date 7/13/2020 (Tighe & Bond)
 - Site Plan C-102.1 date 7/13/2020 (Tighe & Bond)
 - Site Plan C-102.2 date 7/13/2020 (Tighe & Bond)
 - Grading, Drainage, & Erosion Control Plan C-103.1 date 7/13/2020 (Tighe & Bond)
 - Grading, Drainage, & Erosion Control Plan C-103.2 date 7/13/2020 (Tighe & Bond)
 - Utility Plan – C-104.1 date 7/13/2020 (Tighe & Bond)
 - Utility Plan – C-104-2 date 7/13/2020 (Tighe & Bond)
 - Erosion Control Notes and Details Sheet C-501 date 7/13/2020 (Tighe & Bond)
 - Details Sheet C-502 date 7/13/2020 (Tighe & Bond)
 - Details Sheet C-503 date 7/13/2020 (Tighe & Bond)
 - Details Sheet C-504 date 7/13/2020 (Tighe & Bond)

- Details Sheet C-505 date 7/13/2020 (Tighe & Bond)
 - Details Sheet C-506 date 7/13/2020 (Tighe & Bond)
 - Fire Truck Turning Plan C-701 date 7/13/2020 (Tighe & Bond)
- Exhibit 3 – Landscape Architectural Plans
 - Landscape Design
 - Site Lighting Plan 1 E1.0 date 7/21/20 (Traverse)
 - Site Lighting Plan 2 E1.1 date 7/21/20 (Traverse)
 - Overall Hardscape Plan L1.0 – date 7/21/20 (Traverse)
 - Hardscape Plan Enlargement 1 L1.1 date 7/21/20 (Traverse)
 - Hardscape Plan Enlargement 2 L1.2 date 7/21/20 (Traverse)
 - Details LD1.0 date 7/21/20 (Traverse)
 - Overall Planting Plan LP1.0 date 7/21/20 (Traverse)
 - Planting Enlargement 1 LP1.1 date 7/21/20 (Traverse)
 - Planting Enlargement 2 LP1.2 date 7/21/20 (Traverse)
 - Planting Details LP1.3 date 7/21/20 (Traverse)
- Exhibit 4 – Architectural Renderings/Floorplans
 - Architectural Documents
 - “L” Building Rendering date July 21st ZBA hearing (DMS Design, LLC, 5 Essex Green Drive, Suite 11A Peabody, MA 01960)
 - South West Rendering date July 21st ZBA hearing (DMS)
 - West Rendering date July 21st ZBA hearing (DMS)
 - Club House Rendering date July 21st ZBA hearing (DMS)
 - Bar Building Plans date July 21st ZBA hearing (DMS)
 - L Building – Plans date July 21st ZBA hearing (DMS)
 - Bar Building – Elevations date July 21st ZBA hearing (DMS)
 - L Building – Elevations date July 21st ZBA hearing (DMS)
 - Clubhouse Plans & Elevations date July 21st ZBA hearing (DMS)
- Exhibit 5 – Site Context and Massing
 - Site/Context Photographs
 - Site Context 1 date July 21st ZBA hearing (DMS)
 - Site Context 2 date July 21st ZBA hearing (DMS)
- Email dated July 20, 2020 from Jack Egan.

September 15, 2020 Continuance Hearing documents:

- Meeting Posting dated August 18, 2020 (stamped by TC 8.18.20).
- Agenda (stamped by TC 9.8.20.)
- Document from Tighe & Bond, 120 Front Street, Suite 7, Worcester, MA to David Andronico of Jones Street Residential dated July 30, 2020 – 13 pages re: Limited Summary of Environmental and Geotechnical Conditions – 0 Pond Street.
- Memo dated August 12, 2020 to Board re: documents (Packet #1) consisting of Traffic Study Report from Gillon Associates, 111 River Street, N. Weymouth, MA 02191 dated 7/27/20 – 6 pgs; email from T. Clerk dated 6/25/20 re: email from Lisa Fitzgerald, 10 Wright Street, Rockland; Letter from ARJWW Superintendent dated 7/30/20; DEP WPA Form 4B – Order of Resource Area Delineation issued 10/23/2018 – 7 pgs.; List of Waivers (Exhibit “A” – total 19); Document from Tighe & Bond, 120 Front Street, Suite 7, Worcester, MA dated July 30, 2020 re: limited Summary of Environmental and Geotechnical Conditions – 11 pages; report from Hadco (Pima) by Signify – 6 pgs.;
- Memo dated September 9, 2020 to Board re: documents (Packet #2).
- Email from CD to Applicant and Attny Mirrione dated 8/13/2020.
- Memo to Applicant, Attny Mirrione, D. Andronico dated 8/13/20.
- Email dated September 15, 2020 from Virginia Hoffman, 66 Colby Street
- Shinglemill LLC Submission Package – REV 2 dated 9/4/20 (stamped by TC 9/4/20) includes Exhibit 1 – Submission Package REV 2 – Comments and Response Summary; Exhibit 2 – Site Context Photos – prepared by DMS Design, LLC, 5 Essex Green Drive, Suite 11A, Peabody, MA 01960; Exhibit 3 – Architectural Renderings, Floor Plans and Elevations – prepared by DMS Design, LLC, 5 Essex Green Drive, Suite 11A, Peabody, MA 01960; Exhibit 4 – Site Section – prepared by DMS Design, LLC, 5 Essex Green Drive, Peabody, MA 01960; Exhibit 5 – Site Engineering Plans prepared by Tighe & Bond Engineers, stamped 9/2/20; Exhibit 6 – Storm Water Management Plan – prepared by Patrick Crimmins, PE Civil Engineer, Jones Street Residential, 100 High Street, Suite 2500, Boston, MA 02110 revised September 2, 2020; Exhibit 7 – Soil Management Plan Summary addressed to D. Andronico from Tighe & Bond, 120 Front Street, Unit 7, Worcester, MA 01608 dated September 2, 2020 – 2 pages; Exhibit 8 – ORAD & Wetland Location Plan from DEP date of issuance 10/23/18; Exhibit 9 – Cut & Fill Analysis – Run date of 8/17/20 ; Exhibit 10 – Subsurface Conditions Summary prepared by Tighe & Bond, 120 Front Street, Suite 7, Worcester, MA 01608 dated July 30, 2020; Exhibit 11 – Geotech Evaluation addressed to D. Andronico of Jones Street prepared by M. Rolandi of Tighe & Bond, Inc. dated July 16, 2020; Exhibit 12 – Culvert Condition Photos prepared by Tighe & Bond, dated September 4, 2020; Exhibit 13 – Landscape Plans prepared by Traverse Landscape Architects 150 Chestnut Street, 4th floor, Providence Rhode Island dated 9/15/20; Exhibit 14 – Abutter Landscape Rendering – date

of 9/15/20; Exhibit 15 – Exterior Light Fixture Cut Sheets by Hadco, Stonco; Exhibit 16 – Design Approach Narrative; Exhibit 17 – Demographic & Parking Use Narrative – prepared by DMS Design, 5 Essex Green Drive, Suite 11A, Peabody, MA 01960 ; Exhibit 18 – List of Required Waivers prepared by Shinglemill (3 pages).

- Email from Lisa and George Fitzgerald dated 7/25/20 @3:53 A.M.
- Email from CD to Judi Barrett dated 8/13/20.
- Letter from Clifford Boehmer, Davis Square Architects, 240A Elm Street, Somerville, MA 02144 re: 6 page preliminary architectural peer review report dated September 2, 2020.
- Letter from ARJWW, 366 Centre Avenue dated July 30, 2020.
- Letter from Gillon Associates, 111 River Street, N. Weymouth dated July 27, 2020.
- Letter from Chairman Michael Corbett, Planning Board.
- Letter from Deputy Thomas Heaney, Rockland Fire Department, 360 Union Street dated August 31, 2020.
- Letter from Town Engineer, Patrick Brennan of Amory Engineers, PC, 25 Depot Street, PO Box 1768, Duxbury, MA dated June 10, 2020 7 pgs.
- Letter from Town Engineer, Patrick Brennan of Amory Engineers, PC 25 Depot Street, PO Box 1768, Duxbury, MA dated August 14, 2020 (7 pages).
- Letter from Lt. Nicholas P. Zeoli of Rockland Police Department dated August 13, 2020.
- Email from D. Andronico dated 7/31/20 re: attachments – Revised and consolidated list of requested waivers; ORAD; Wetlands Location Plan; Subsurface Conditions Report/Summary; Exterior “Dark Sky” fixture cut sheet; Response letter to Amory 6/10/20 comments.
- August 24, 2020 - Re-notified abutters of new hearing date with continuance posting and zoom info. (Did have date for 8/18/20 but changed to September 15, 2020).
- Copy of Patriot Ledger article dated July 24, 2020.

October 27, 2020 Continuance Hearing documents

- Meeting Posting dated October 21, 2020.
- Agenda
- 42 Page Power Point presentation from Jones Street dated 10/23/20. (on Town ZBA website under Shinglemill project).
- Preliminary Architectural Peer Review Report (15 pages) from Clifford Boehmer of Davis Square Architects, 240 Elm Street, Somerville, MA 02144 dated September 2, 2020 (Applicant Responses in Red 10/23/20).
- Shinglemill Response to Amory Engineers-9/22/20 40B AE Report – RESPONSE dated 10/23/20 prepared by Jones Street.
- Letter from Gillon Associates Traffic & Parking Specialists dated October 10, 2020 (3 pages).
- Emails between R. Rosa, CD and Judi Barrett (dates 10/2, 10/21).

December 15, 2020 Continuance hearing documents:

- Meeting Posting dated December 8, 2020
- Agenda for Remote Participation Meeting
- Email from David Andronico, Jones Street, 100 Federal Street, Floor 20, Boston, MA 02110 dated 12/9/20 @2:44 P.M.
- Email from David Andronico to Liza Landy, R. Galvin, Pat Brennan, R. Rosa, Judi Barrett re ZBA Submission Package REV4 link to electronic files.
- Emails between Sewer Commission and R. Rosa (dates 10/21/20 and 11/3/20).
- Email from CD to D. Andronico dated 12/8/20.
- ZBA Submission Package – Rev 4 dated 12/9/20 from Jones Street.
 - EXHIBIT A Shinglemill ZBA & Town Dept RESPONSE dated 12/8/20 prepared by Jones Street – 19 pages.
 - Exhibit 1 – Shinglemill Financial Analysis
 - Exhibit 2 – Right Turn Lane Capacity Analysis
 - Exhibit 3 – Paper St (Cedar) Title Company Memo
 - EXHIBIT B – Shinglemill Amory 9.22.20 40B AE Report-RESPONSE REV1
 - EXHIBIT C – 20201208_Shinglemill Site Plan REV
 - EXHIBIT D – 20201208_15019-002 Drainage Report_Rev-2
 - EXHIBIT E – 20201208_15019-002_Wetland Buffer Impact Exhibit
 - EXHIBIT F – 20201208_Shinglemill Landscape Drwg REV
 - EXHIBIT G – 20201208_Shinglemill Landscape Concepts
 - EXHIBIT H – 20201208_Gillon 10.20.20 Comments Response (McMahon)
- Email from Jeanne Blaney, 118 Turner Road, Rockland dated 10/27/20.
- Email from Maureen Shorrock, 191 Webster Street, Rockland, MA dated December 14, 2022 with attachment from Henry Nover dated 11/11/22 (stamped by TC 12/15/22 @210 P.M.)

February 2, 2021 Continuance Hearing documents:

- Meeting posting dated January 26, 2021 (stamped by TC 1/26/21).
- Agenda (stamped 1/26/21 by TC).
- Letter from Patrick Brennan, Town Engineer, Amory Engineers, PC. 25 Depot Street, PO Box 1768, Duxbury, MA 02331 dated January 4, 2021 re: comments from our September 22, 2020 letter - 4 pgs.
- Copy of Temporary Wetland Impact Exhibit prepared by Tighe & Bond.
- Letter from Lt. Nicholas P. Zeoli, Rockland Police Department, 490 Market Street, Rockland dated January 7, 2021.
- Emails between Pat Brennan, David Andronico and Jack Gillon re: traffic response dated January 15, 2021.
- Email with attachments of field cards from Assessors office dated January 8, 2021 from Chrissi MacPherson re: 5 story hotel permit pulled 9/25/85.
- Copy of Zoning By-laws Amended through July 1980 (Section V. Building, Lot, and General District Regulations (A.) Page 12) and Zoning By-Laws dated 1994 (Section V. Building, Lot, and General District Regulations (A.) Page 22) from Building Department when height was changed from 5 stories to 3 stories.
- Email from John R. Ward, 22 Nevens Circle dated January 29, 2021.

March 2, 2021 Continuance hearing documents:

- Meeting Posting for Continuance dated February 24, 2021 (stamped by TC office 2/24/21).
- Agenda (stamped by TC office 2/24/21).
- Email from D. Andronico dated 2/26/21 to Pat Brennan, J. Gillon, R. Galvin, R. Rosa and Judi Barrett re Striping Plan draft attachment and email from Pat Brennan dated January 15, 2021 to D. Andronico re: traffic questions.
- Email from CD to Atty Galvin, Pat Brennan, ZEO and Judi Barrett dated 2/28/21 re: Striping Plan Draft sent from David Andronico.
- Email - 2 pgs from Jack Egan dated 2/15/21. (Stamped by TC 3/1/21).
- Email from R. Rosa dated 2/26/21 re: email from Mary Parsons dated 2/26/21.
- Email - 4 pgs. from Mary Parsons, 754 Union Street, Rockland dated 2/26/21 (Stamped by TC on 3/1/21).
- Email from Jacqueline Tieso, 455 Webster Street, Rockland dated 2/28/21 (Stamped by TC 3/1/21).
- Patriot Ledger Article sent by Mary Parsons 3 – pages.
- Copy of Pavement Marking Plan prepared by Tighe & Bond dated 2/16/21 (stamped by TC office on 3/1/21).
- Letter of Transmittal from Michael J. Toohill of Coneco dated February 24, 2021 with the following documents:
 - Response to Comments Submittal Cover Letter and Supporting Documents.
 - Memo from Lori MacDonald of Coneco, 238 Littleton Road, Suite 105, Westford, MA dated February 23, 2021 to Rockland Conservation Commission re: Response to January 4, 2021 Peer Review Comment Letter from BETA – 12 pages.
 - Memo from Lori MacDonald of Coneco, 238 Littleton Road, Suite 105, Westford, MA dated February 23, 2021 to Rockland Conservation Commission re: Impacts to Wetland Functions and Values associate with Work within BVW's 100 Foot Buffer Zone – 10 pages.
 - Memo from Lori MacDonald of Coneco, 238 Littleton Road, Suite 105, Westford, MA dated February 23, 2012 to Rockland Conservation Commission re: Impacts to Wetland F's Functions and Values Associated with Work in the 100-foot Buffer Zone – 11 pages.
 - Memo from Lori MacDonald of Coneco, 238 Littleton Road, Suite 104, Westford, MA dated February 24, 2021 to Rockland Conservation Commission re: Response to December 31, 2021 Peer Review Letter from Henry Nover, PE – 10 pages.
 - Revised Site Plans dated July 13, 2020 (REV February 19, 2021 (35 sheets)

- Stormwater Report prepared by Jones Street Residential, 100 High Street, Suite 2500, Boston, MA 02110 dated July 13, 2020 REV February 19, 2021 – 99 pages (on ZBA Shinglemill website under 20210219 Drainage Report REV 3 (Conservation)).
- Revised Wetland Buffer Impact Exhibit – 2/2021
- Temporary Wetland Impacts Exhibit - 2/2021

April 6, 2021 Continuance Hearing documents:

- Meeting Notice dated March 29, 2021 (Stamped by TC 3/29/21).
- Agenda (Stamped by TC 4/1/21)
- Letter from Gillon Associates, 111 River Street, N. Weymouth dated 3/6/21 re: Traffic Study Peer Review of Response – 6 pgs.
- Emails between David Andronico, Brett Pelletier and R. Rosa re: Pro Forma Review (dates 3/5; 3/17; 4/2).
- Email dated March 10, 2021 from Dennis O'Brien, 21 Curry Street, Rockland.
- Email from Jacqueline Tieso, 455 Webster, Rockland dated 4/6/21 (Stamped by TC 4/6/21).
- Letter from John Ward, 22 Nevens Circle, Rockland dated March 30, 3021 (Stamped by TC 4/6/21).
- Letter from James Hanson, 114 Pond Street dated 3/16/21.

June 1, 2021 Continuance Hearing documents:

- Meeting posting dated May 25, 2021 (Stamped by TC 5/25/21).
- Agenda
- Email from Barbara Browne, 94 Turner Road dated 4/8/21 (Stamped by TC 6/1/21).
- Email from Linda May Ellis, 65 Union Street dated April 6, 2021 (Stamped by TC 6/1/21).
- Email from Christine and Bob Crea, 226 Pond Street dated April 8, 2021 (Stamped by TC 6/1/21).
- Email from Sherri Vallie dated May 27, 2021 (Stamped by TC 6/1/21).
- Email from Mary Parsons, 754 Union Street, Rockland dated May 25, 2021 (Stamped by TC 5/26/21).
- Letter from Mark T. Vaughan, Attorney for Jones Street Residential dated May 14, 2021 (Stamped by TC 5/14/21).

August 17, 2021 Continuance hearing documents:

- o Meeting Posting dated August 11, 2021 (stamped 8/11/21 by TC).
- o Agenda stamped 8/11/21 by TC Office.
- o Email from Applicant to Candi and Attny Galvin on 8/4/21 @4:15 P.M.
- o Email from Applicant to Candi dated 8/4/21 @4:45 P.M.
- o Email between Applicant, R. Rosa and Attorney Galvin dated 8/13/21.
- o Email from Applicant to ZBA and Attny Galvin on 8/13/21 @4:38 P.M.
- o Email between Applicant, R. Rosa and Attny Galvin on 8/13/21.
- o Email from Attorney Galvin to Applicant dated 8/13/21 @10:41 AM.
- o Emails between R. Lincoln to Attorney Galvin dated 8/13/21.
- o Email from R. Rosa to David Andronico, etc. dated March 5, 2021 re: Pro Forma Review.
- o Memorandum (Draft Work in Progress) from Kirk & Company (Mr. Brett Pelletier) 31 Milk Street, Suite 820, Boston, MA 02109 dated April 27, 2021 - 7 pages.
- o Emails between David Andronico dated 3/17/21, Brett Pelletier, R. Rosa dated 3/5/21 Re: Pro forma Review.
- o Email from Kathleen Boyd, 343 Concord Street, Rockland - 8/17/21 (Stamped by TC 8/16/21).
- o Emails - R. Rosa to Mary Parsons 8/12/21 re: Hingham Reservoir Zone A; Joe LaPointe to Mary Parsons 4/16/21 (Richard Friend to Lori Macdonald 4/15/21).
- o Letter from R. Lincoln of Coneco Building LLC dated August 16, 2021 re: request to continue hearing (Stamped by TC 8/18/21).
- o Email from Russell Erickson dated June 1, 2021 (Stamped by TC 6/2/21).
- o Email from D. Shettlesworth to M. Vaughan dated 6/2/21 (Stamped by TC 6/2/21)
- o Email from Janet Cann dated August 16, 2021 (Stamped by TC 8/16/21).
- o Email from Sheila Webster Togo, 191 Summer Street dated 8/12/21 (Stamped by TC 8/16/21).
- o Email from Sherri Vallie, 411 Pond Street dated 8/12/21 (Stamped by TC 8/16/21).
- o Email from Mary Parsons, 754 Union Street dated 8/12/21 (Stamped by TC 8/16/21)
- o Email from Nancy Kearney from Ann and Martin Kearney, 205 Pond Street dated 8/17/21 (Stamped by TC 8/17/21).
- o Email from Caitlin Sudak dated 8/16/21 (Stamped by TC 8/17/21).
- o Email/Ltr from Attorney Mirrione dated August 17, 2021 (Stamped by TC 8/18/21).

September 21, 2021 Continuance Hearing documents:

- Meeting posting dated September 14, 2021 (stamped by TC 9/14/21).
- Agenda
- Email from Jill Gambon dated August 17, 2021 (Stamped by TC 8/18/21).
- Email from Karen Donovan, 44 Morningside Drive dated August 17, 2021 (Stamped by TC 6/18/21)
- Email from Gesina Noun, 2 Winter Circle dated 9/6/21 (Stamped by TC 9/7/21).
- Email/Ltr from Attorney Mirrione, 2 Batterymarch Park, Suite 302, Quincy, MA 02169 dated 9/15/21 (Stamped by TC 9/15/21).

October 19, 2021 Continuance hearing documents:

- Meeting Posting dated October 14, 2021.
- Agenda for Remote Participation Meeting.
- Email from D. Shettlesworth dated 10/14/21 @3:16 P.M.
 - Re: Zone A Tributary Response dated 10/12/21 (on website)
 - Re: Continuance dated 9/22/21 (on website)
- Letter from D. Shettlesworth to Attorney Mirrione dated 9/22/21.
- Letter (2 pages) from H2 Olson Engineering, Inc. 10 Riverside Drive, Suite 103, Lakeville, MA 02347 dated 10/12/ 21 w/attachment A (3 pages) from Richard Friend, DEP dated 4/15/21 and attachment B (3 pages) from Richard Friend, DEP dated 6/15/21).
- Emails from Candi dated October 17, 2021 to Attorney Galvin, Pat Brennan, Judi Barrett, R. Lincoln, R. Rosa, Greg Tansey, Bob W. Baker, Tim Haynes, Robert E. Baker, Stephen Galley
- Email from Candi to Attorney Galvin dated 10/18/21 re: R. Lincoln Email 10/18/21.
- Email from Candi to Liza Landy dated 10/18/21.

January 18, 2022 Continuance Hearing documents:

- Meeting Posting dated January 5, 2022 (stamped by TC 1/5/22).
- Agenda = (stamped by TC on 1/5/22).
- Comprehensive Permit Plans prepared on January 4, 2022 by Coneco, 4 First Street, Bridgewater, MA 02324 (25 pages) (DRAFT - not signed by engineers) Page 2 – Notes & Legend (1/3/22); Page 3 – Existing Conditions Key Plan (1/3/22); Page 4 – Existing Conditions Sheet 1 of 4 (1/3/22); Page 5 – Existing Conditions Sheet 2 of 4 (1/3/22); Page 6 – Existing Conditions Sheet 3 of 4 (1/3/22); Page 7 – Existing Conditions Sheet 4 of 4 (1/3/22); Page 8 – Site Layout Plan (1/3/22); Page 9 – Erosion Control Plan 1 of 2 (1/3/22); Page 10 – Erosion Control Plan Sheet 2 of 2 (1/3/22); Page 11 – Site Layout Plan Sheet 1 of 2 (1/3/22); Page 12 – Site Layout Plan Sheet 2 of 2 (1/3/22); Page 13 – Grading and Drainage Plan Sheet 1 of 2 (1/3/22); Page 14 – Grading and Drainage Plan Sheet 2 of 2 (1/3/22); Page 15 – Site Utilities Plan Sheet 1 of 2 (1/3/22); Page 16 – Site Utilities Plan Sheet 2 of 2 (1/3/22); Page 17 – Details Sheet 1 of 9 (1/3/22); Page 18 – Details Sheet 2 of 9 (1/3/22); Page 19 – Details Sheet 3 of 9 (1/3/22); Page 20 – Details Sheet 4 of 9 (1/3/22); Page 21 – Details Sheet 5 of 9 (1/3/22); Page 22 – Details Sheet 6 of 9 (1/3/22); Page 23 – Details Sheet 7 of 9 (1/3/22); Page 23 – Details Sheet 7 of 9 (1/3/22); Page 24 – Details Sheet 8 of 9 (1/3/22); Page 25 – Details Sheet 9 of 9 (1/3/22).
- Site Layout Plan in color prepared by Coneco, 4 First Street, Bridgewater, MA 02324 – draft dated 1/4/22. (on Shinglemill project website) Sheet 2 of 2.
- Memo to ZBA, Town Counsel, Departments, Town Engineer dated 1/5/22 re: new submission of plans dated January 4, 2022 prepared by Coneco Engineers and Scientists, 4 First Street, Bridgewater, MA 02324.
- Letter from Deputy Chief Thomas Heaney, Rockland Fire Department, 360 Union Street dated January 7, 2022 (stamped by TC 1/11/22).
- Rendering View from Hingham Street – prepared by BKA Architects, 142 Crescent Street, Brockton, MA 02302 dated 1/11/22. (also on Shinglemill project website).
- Rendering R-1 prepared by BKA Architects, 142 Crescent Street, Brockton, MA 02302 dated 1/6/22 (L Building). (also on Shinglemill project website).
- Rendering R-4 (two buildings) prepared by BKA Architects, 142 Crescent Street, Brockton, MA 02302 dated 1/11/22. (Looking North) (also on Shinglemill project website).
- Rendering R-3 (two buildings) prepared by BKA Architects, 142 Crescent Street, Brockton, MA 02302 dated 1/11/22 (Looking South)(also on Shinglemill project website).

- Rendering R-2 prepared by BKA Architects, 142 Crescent Street, Brockton, MA 02302 dated 1/11/22 (Massing-Home Depot-View from Hingham Street.
- Memo to ZBA, Town Counsel, Departments, Town Engineer dated 1/12/22 re: Colored renderings of Shinglemill Project R-1, R-2, R-3, R-4 prepared by BKA Architects.
- Letter from D. Shettlesworth dated October 22, 2021 to Attorney Mirrione.
- Letter from Attorney Mirrione, 2 Batterymarch Park, Suite 302, Quincy, MA dated 10/19/21 (stamped by TC 10/20/21).
- Letter from H2 Olson Engineering, Inc., 10 Riverside Drive, Suite 1-3, Lakeville, MA 02347 dated 10/12/21 to ARJWW. (8 pgs) (stamped by TC 10/13/21).

March 1, 2022 Continuance Hearing documents:

- Meeting Posting dated February 22, 2002 (stamped by TC 2/22/22).
- Agenda
- Letter from Attorney Mirrione dated January 19, 2022 (stamped by TC 1/21/22).
- Letter from D. Shettlesworth dated 1/21/22 (stamped by TC 1/21/22).
- Memo from CD to Board, Land Use, Town Engineer and Departments dated 1/21/22 re: documents sent from Applicant's attorney.
- Email from Attorney Mirrione to CD re: new documents re: DEP and Order of Conditions with Con Com.
- Copy of Order of Conditions from Conservation. Commission dated 6/18/21 (stamped by TC 1/21/22).
- DEP approval letter dated 10/30/19 for Site Exam/Pump Test Proposal (stamped by TC 1/21/22).
- Onsite Engineering BRP WS13 dated August 2019 (stamped by TC 1.21.22). 69 pages.
- Letter dated 2/14/22 from McMahon Transportation Engineers & Planners, 350 Myles Standish Boulevard, Suite 103, Taunton, MA 02780.
- Landscape Plans (10 pages) prepared by Traverse Landscape Architects, 150 Chestnut Street, 4th floor, Providence, RI dated March 2022. (also on Shinglemill Project website).
- Comprehensive Permit Plans (26 Pages) dated February 14, 2022 prepared by Coneco, 4 First Street, Bridgewater, MA 02324 (also on Shinglemill project website).
- Stormwater Management Report dated February 14, 2022 prepared by Coneco, 4 First Street, Bridgewater, MA 02324 (225 pages – also on Shinglemill project website with Rockland ZBA).
- Architectural Floor Plan A201 prepared by BKA Architects (stamped by TC 2/23/22).

May 17, 2022 Continuance hearing documents:

- Meeting Posting dated May 10, 2022 (stamped by TC 5/10/22).
- Agenda for Remote Participation Meeting (stamped by TC 5/10/22)
- AMENDED (5/12/22) Agenda for Remote Participation (stamped by TC 5/12/22).
- Letter from Attorney Mirrione dated March 2, 2022.
- Letter from Attorney Mirrione, 2 Batterymarch Park, Suite 302, Quincy, MA 02169 dated May 12, 2022.
- Copy of a document from Michael J. Toohill, Environmental Scientist of Coneco Engineers & Scientists, 4 First Street, Bridgewater, MA 02324.
- Letter (3 pages) from Roux of 12 Gill Street, Suite 4700, Woburn, MA 01801 to Debra Shettlesworth, Regulatory Coordinator re: Proposal for Third Party Review dated February 11, 2022.
- Letter (5 pages) from Edward Weagle of Roux, 12 Gill Street, Suite 4700, Woburn, MA 01801 to Debra Shettlesworth, Regulatory Coordinator re: Third Party Environmental Review dated May 6, 2022 (stamped on 5/9/22 by TC office).

August 2, 2022 Continuance hearing documents:

- Meeting Posting dated July 27, 2022 (stamped by TC 7/27/22)
- Agenda for Remote Participation Meeting (stamped by TC 7/27/22)
- Letter from Attorney Mirrione dated July 29, 2022.
- Copy of Conservation Commission agenda for 7/19/22 (stamped by TC 7/14/22).
- Copy of Exhibit "A" (3 pgs) Shinglemill List of Requested Exceptions, Waivers and Permits (submitted for 9/15/2020 meeting).

October 4, 2022 Continuance Hearing documents:

- Meeting Posting dated September 19, 2022 (Stamped by TC 9/19/22)
- Agenda (Stamped by TC 9/18/22).
- Letter via email from D. Shettlesworth to Attorney Mirrione dated August 3, 2022 (stamped by TC 8/3/22) re: how many copies and when to submit documents for 10/4 hearing.
- Email from D. Shettlesworth dated 9/12/22.
- Letter from Attorney Mirrione dated July 29, 2022 re: close public hearing thru October 15, 2022.
- Email from D. Shettlesworth to Attorney Mirrione dated 9/16/22.
- Email from R. Lincoln dated 9/20/22 to Candi re Email from D. Shettlesworth dated 9/20/22 to Attorney Mirrione.
- Email from Attorney Mirrione to D. Shettlesworth dated 9/20/22.
- Email dated 9/21/22 from Candi to Applicant re: email submittal list for electronic filing of documents for 10/4 hearing.

November 15, 2022 Continuance hearing documents:

- Meeting Posting dated November 2, 2022 (stamped by TC 11/2/22).
- Agenda for Remote Participation Meeting (stamped by TC 11/2/22).
- Email from D. Shettlesworth dated 10/5/22.
- Letter from D. Shettlesworth to Attorney Mirrione dated 10/5/22 (stamped by TC 10/5/22).
- Letter from Attorney Mirrione, 2 Batterymarch Park, Suite 302, Quincy, MA 02169 dated October 5, 2022 (stamped by TC 10/5/22).
- Email from D. Shettlesworth to Attorney Mirrione dated 10/5/22 re: 10/4/22 ZBA hearing.
- Email from D. Shettlesworth to Attorney Mirrione dated 10/6/22.
- Memo from Candi to ZBA Members, and ZBA Secretary dated 10/11/22 re: Submission Package – October 5, 2022 from Applicant.
- Memo from Candi to Land Use Counsel, Town Engineer, ZEO, Asst. TA and 40 B Consultant dated 10/12/22 re: Submission Package – October 5, 2022 from Applicant.
- Memo from Candi to Planning Board, Conservation Commission, Water Commissioners, Sewer Commissioners, Highway Superintendent dated 10/14/22 re: Submission Package – October 5, 2022 from Applicant.
- Memo from Candi to Fire Department, Police Department dated 10/15/22 re: Submission Package – October 5, 2022 from Applicant.
- Memo from Candi to ZBA, ZEO, Land Use, Town Engineer, ZBA Secretary, 40B Consultant and ATA dated 11/8/22.
- Letter of Transmittal from Damien J. Dmitruk, PE for Coneco Engineers & Scientists, 4 First Street, Bridgewater, MA 02324 for the following documents: (Stamped by the TC office on October 5, 2022).
 - List of Required Waivers dated 9/26/22.
 - Site Entrance Rendering - one page.
 - Architectural Floor Plans & Renderings (BKA Architects, 142 Crescent Street, Brockton, MA 02302 dated 1/11/22 – R-2, R-3, R-4; A101B – Bar Building (1,2,3 floors dated 3/9/22); A102B – Bar Building (4, 5 floors dated 3/9/22); A101L – L Building (1st floor dated 3/9/22); A102L – L Building (2nd floor issued 3/9/22); A103: -L Building (3rd floor dated 3/9/22); A104L – L Building (4th floor dated 3/9/22); A105L – L Building (5th floor issued 3/9/22); A103B – Bar Building Amenity Plan dated 7/18/22; 106L – L Building Amenity Plan dated 7/18/22.
 - Landscape Plans (Traverse, Landscape Architects, 150 Chestnut Street, 4th Floor Providence, RI 02903 dated March, 2022 Rev 1-9/23/22. (CS – Cover Sheet; L0.0 – Landscape Plan; L0.1 – Landscape Enlargement Plan; L0.2 – Planting & Amenities Board; LP1.0 – Overall Planting Plan; LP1.1 Planting Enlargement Plan 1; LP1.2 – Planting Enlargement Plan 2; LE1.0 – Site Lighting Plan 1; LE1.1 – Site Lighting Plan 2.

- Comprehensive Permit Plans (Coneco, 4 First Street, Bridgewater, MA 02324 prepared on February 14, 2022 and Rev 9/23/22 – Grading & Drainage Redesign – 28 pages). (Page 2 – Notes & Legend; Page 3 – Existing Conditions Key Plan; Page 4 – Existing Conditions Sheet 1 of 4; Page 5 – Existing Conditions Sheet 2 of 4; Page 6 – Existing Conditions Sheet 3 of 4; Page 7 – Existing Conditions Sheet 4 of 4; Page 8 – Site Design Key Plan; Page 9 – Demolition and Erosion Control Plan Sheet 1 of 2; Page 10 – Demolition and Erosion Control Plan Sheet 2 of 2; Page 11 – Site Layout Plan Sheet 1 of 2; Page 12 – Site Layout Plan Sheet 2 of 2; Page 13 – Grading and Drainage Plan Sheet 1 of 2; Page 14 – Grading and Drainage Plan Sheet 2 of 2; Page 15 – Site Utilities Plan Sheet 1 of 2; Page 16 – Site Utilities Plan Sheet 2 of 2; Page 17 – Fire Apparatus Turning Analysis Sheet 1 of 2; Page 18 – Fire Apparatus Turning Analysis Sheet 2 of 2; Page 19 – Access Driveway Sections Sheet 1 of 3; Page 20 – Access Driveway Sections Sheet 2 of 3; Page 21 – Access Driveway Sections Sheet 3 of 3; Page 22 – Details Sheet 1 of 7; Page 23 – Details Sheet 2 of 7; Page 24 – Details Sheet 3 of 7; Page 25 – Details Sheet 4 of 7; Page 26 – Details Sheet 5 of 7; Page 27 – Details Sheet 6 of 7; Page 28 – Details Sheet 7 of 7.
- Stormwater Management Report (Coneco, 4 First Street, Bridgewater, MA 02324 dated February 14, 2022 and Rev 1-9/23/22).
 - o Email from Attorney Galvin re: Revised Zone A dated 10/4/22 re: (emails between Donald Nagle, Richard Friend, Michael Toohill and Lori MacDonald) – 4 pgs.
 - o Email from P. Brennan to D. Dmitruk dated 10/13/22 re: drainage calcs.
 - o Correspondence received from Highway Superintendent, 841 Market Street, Rockland, MA dated 11/4/22 (stamped by the TC office 11/4/22).
 - o Correspondence received from Deputy Chief of Rockland Fire Department, 360 Union Street, Rockland, MA dated 11/2/22 (stamped by the TC office 11/3/22).
 - o Correspondence received from Nicholas Zeoli, Chief of Police, 490 Market Street, Rockland, MA dated 10/27/22 (stamped by TC office 10/28/22).
 - o Correspondence received from Kristel Cameron, Superintendent of AR Joint Water Works, 366 Centre Avenue, Rockland, MA dated 11/4/22.
 - o Email dated November 1, 2022 from Charles Heshion, Sewer Commissioner, 587R Summer Street, Rockland with attached minutes of their Board meeting on 9/24/20).
 - o Copy of Letter from Sewer Commission dated September 29, 2020 with Attachment A sent to ZBA.
 - o Email to Damien dated October 7, 2022 @4:09 P.M. re: extra copies of documents needed for upcoming hearing.

- Letter of Transmittal from Damien Dmitruk, P.E. of Coneco Engineers re: extra copies of documents sent 10/5/22 needed for Departments.
- Email from D. Shettlesworth to Damien Dmitruk dated 11/15/22 @ 4:15 PM re: LP1.0 Overall Planting Plan.
- Email from Damien Dmitruk to D. Shettlesworth dated 11/15/22 @ 4:24 PM re: attached landscaping plan sent by email.

February 21, 2023 Continuance hearing documents:

- Meeting Notice Posting & Agenda cover sheet for TC office (stamped by TC 2/8/23).
- Meeting Posting dated January 25, 2023 (stamped by TC 11/25/23).
- Agenda For Remote Participation Meeting for 2/21/23 (stamped 1/25/23 by TC office).
- Revised Agenda stamped 2/7/23 by TC office.
- Amended 2/8/23 Agenda for Remote Participation Meeting.
- Copy of Letter from Attorney Mirrione dated November 16, 2022.
- Email from D. Shettlesworth to Attorney Mirrione dated 11/16/22 (stamped by TC on 11/16/22).
- Letter from Attorney Mirrione dated January 25, 2023.
- Memo from Candi to ZBA, ZEO, Town Eng., Land Use Counsel, Applicant, Attorney Mirrione and Judi Barrett dated February 16, 2023.
- Email from Candi to Attorney Mirrione dated 2/27/23.
- Email from Applicant to Candi dated 1/25/23.
- Email from Maureen Shorrock dated 12/14/22 with Attachment from H. Nover dated 11/22/22. (6 pages)
- Email from Nancy Kearney, 205 Pond Street with Attachment from H. Nover dated 11/22/22.
- Email from Jim Hanson, 114 Pond Street with Attachment from H. Nover dated 11/22/22.

April 4, 2023 – Continuance Hearing documents:

- Meeting Posting dated March 21, 2023 (Stamped by TC 3/21/23). – In person meeting at RHS Lecture Hall.
- Meeting Notice Posting & Agenda for TC (Stamped by TC 3/21/23).
- Agenda (Stamped by TC 3/21/23).
- Letter from Attorney Mirrione dated 3/16/23 (Stamped by TC 3/16/23).
- Email from D. Shettlesworth to CD dated 3/16/23 @ 3:06 P.M.
- Memo from Candi to Board, Land Use Counsel, Town Engineer, Applicant and his attorney re: Meeting info Packet for 4/4/23 meeting @ 6:30 P.M.
- NOTIFICATION of revised agenda from D. Shettlesworth adding another hearing to this meeting date of 4/4/23; then Meeting CANCELLED notification from D. Shettlesworth with TC stamp of 4/3/23 @2:26 PM.

April 18, 2023 – Continuance Hearing documents:

- Meeting Posting dated April 4, 2023 (Stamped by TC 4/4/23). – In person meeting at RHS Lecture Hall.
- Meeting Notice Posting & Agenda for TC (Stamped by TC 4/18/23).

May 2, 2023 Continuance Hearing documents:

- Meeting Notice Posting & Agenda cover sheet for TC office (stamped 4/21/23 by TC office).
- Meeting Posting dated 4/21/23 and stamped 4/21/23 by TC office).
- Agenda for Remote Participation Meeting (stamped by TC 4/21/23).
- Memo to ZBA and Departments dated 4/28/23 re: packet submittal from Conceco dated 4/27/23).
- Emails between CD, D. Shettlesworth and Damien Dmitruk on 4/27/23.
- Letter of Transmittal and Documents received from Coneco Engineers and Scientists on 4/27/23 and stamped by TC on 4/27/23.
 - Letter (Re: Response to Henry and Marta Nover (Con Com Peer Review) (11 pages) from Damien J. Dmitruk, P.E. Project Engineer from Coneco Engineers & Scientists dated April 26, 2023 (stamped by TC 4/27/23).
 - Comprehensive Permit Plans prepared by Coneco, 4 First Street, Bridgewater -32 pages – Rev 2-4/26/23 (stamped by TC 4/27/23) listed as follows:
 - Notes & Legend Page 2
 - Existing Conditions Key Plan Page 3
 - Existing Conditions Sheet 1 of 4 Page 4
 - Existing Conditions Sheet 2 of 4 Page 5
 - Existing Conditions Sheet 3 of 4 Page 6
 - Existing Conditions Sheet 4 of 4 Page 7
 - Site Design Key Plan Page 8
 - Demolition and Erosion Control Plan Sheet 1 of 2 Page 9
 - Demolition and Erosion Control Plan Sheet 2 of 2 Page 10
 - Site Layout Plan Sheet 1 of 2 Page 11
 - Site Layout Plan Sheet 2 of 2 Page 12
 - Grading and Drainage Plan Sheet 1 of 2 Page 13
 - Grading and Drainage Plan Sheet 2 of 2 Page 14
 - Access Road Culverts Sheet 1 of 3 Page 15
 - Access Road Culverts Sheet 2 of 3 Page 16
 - Access Road Culverts Sheet 3 of 3 Page 17
 - Site Utilities Plan Sheet 1 of 2 Page 18
 - Site Utilities Plan Sheet 2 of 2 Page 19
 - Site Layout Plan Sheet 1 of 2 Page 20
 - Site Layout Plan Sheet 2 of 2 Page 21
 - Access Driveway Sections Sheet 1 of 3 Page 22
 - Access Driveway Sections Sheet 2 of 3 Page 23
 - Access Driveway Sections Sheet 3 of 3 Page 24
 - Details Sheet 1 of 8 Page 25
 - Details Sheet 2 of 8 Page 26
 - Details Sheet 3 of 8 Page 27
 - Details Sheet 4 of 8 Page 28
 - Details Sheet 5 of 8 Page 29

- Details Sheet 6 of 8 Page 30
 - Details Sheet 7 of 8 Page 31
 - Details Sheet 8 of 8 Page 32
- Stormwater Management Report (Coneco – Rev 2-4/26/23
(stamped by TC 4/27/23 – Also on project website).

June 6, 2023 Continuance hearing documents:

- Meeting Notice Posting & Agenda Cover sheet for TC office (stamped 5/19/23 by TC office).
- Meeting Posting dated 5/19/23 (stamped 5/19/23 by TC office).
- Agenda for Remote Participation Meeting (stamped 5/19/23 by TC office).
- Email from Dave Taylor Highway Dept. to Rob Rosa dated 5/2/23 (stamped 5/11/23 by TC office).
- Letter from Charles Heshion, Chairman, Rockland Board of Sewer Commissioners dated 5/11/23.
- Letter from Nicholas P. Zeoli, Rockland Police Department dated 5/11/23 (stamped 5/16/23 by TC office) and a copy of a letter of dated 10/27/22 (stamped again on 5/16/23 by TC office).
- Letter from Attorney Walter Mirrione, Esq. dated 5/3/23 (stamped 5/3/23 by TC office).
- Memo to ZBA and other parties dated 5/9/23.
- Letter from Charles Heshion, Chairman, Rockland Board of Sewer Commissioners dated 6/6/23 (stamped 6/6/23 by TC office).
- Letter from Abington & Rockland Joint Water Works dated 5/30/23 (stamped 5/30/23 by TC office).
- Letter from PGB Engineering (Town Engineer) dated 5/30/23.
- Email from Nancy Kearney dated 6/2/23 (stamped 6/5/23 by TC office).
- Email from Mary Parsons dated 6/5/23 (stamped 6/6/23 by TC office).
- Email from Jim Hanson dated 5/25/23 w/attachments.
- Email from Richard Friend (DEP) dated 10/11/22; from Sheila Togo 6/5/23 (stamped 6/5/23 by TC office).
- List of Waivers (Exhibit A) (stamped 5/30/23 by TC office).
- Email from Debra Shettlesworth dated 6/6/23.
- Letter of Transmittal from Damien J. Dmitruk, PE (Coneco) dated 5/31/23 (stamped 5/31/23 by TC office)
 - Parking Ratio Summary – RRL Multi Family Developments – dated 5/26/23.
 - Wetland By-law Waiver Request List (Coneco) dated 5/30/23.
 - Domestic Water Wells Site Overview Plan (Onsite) dated N/A.
 - Local Road Improvements Plan (Coneco) dated 5/25/23.
 - Parking Expansion Concept Plan (Coneco) dated 5/25/23.
 - Wilson Street Sewer Extension (Coneco) dated 5/25/23.
 - Shinglemill L Building-Floor Plans w/Amenities (BKA-6 pages) dated 5/30/23 (stamped 5/31/23 by TC office).
 - Shinglemill "Bar Building-Floor Plans w/Amenities (BKA-3 pages) dated 3/9/22.
 - Proposed Signing & Pavement Marking Plan (McMahon) dated 2/16/21 (stamped 5/31/23 by TC office).
 - Shinglemill Apartments Landscape Plans (Traverse) dated 3/20/22 (revisions dated 9/23/22).

August 15, 2023 Continuance hearing documents:

- Meeting Notice Posting & Agenda Cover sheet for TC office (stamped 7/27/23 by TC office).
- Meeting Posting dated 7/27/23 (stamped 7/27/23 by TC office).
- Agenda for Remote Participation Meeting (stamped 7/27/23 by TC office).
- Letter from Attorney Mirrione dated 6/7/23 (stamped 6/7/23 by TC office).
- Letter and email of Transmittal from Damien J. Dmitruk, PE (Coneco) dated 7/19/23.
 - Response to PGB May 30, 2034 Comments.
 - Comprehensive Permit Plans dated 2/14/22 – Rev 3 – 7/14/23 (stamped 7/20/23 by TC office).
 - Stormwater Management Report dated 2/14/22 – Rev 3 – 7/14/23 (stamped 7/20/23 by TC office).
 - List of Required Waivers Requested dated 7/14/23 (stamped 7/20/23 by TC office).
 - Landscape Plans (Traverse) Rev 1 – 9/23/22 – Engr edits 7/20/23 (stamped 7/20/23 by TC office).
 - Mass Balance Analysis (Cut/Fill) Plan dated 7/14/23 (stamped 7/20/23 by TC office).
 - Wetland Buffer Impact Exhibit (Coneco) dated 7/14/23 (stamped 7/20/23 by TC office).
 - Local Road Improvements (Coneco) dated 7/14/23 (stamped 7/20/23 by TC office).
 - Sewer Connection Alternatives (Coneco) dated 5/25/23 (stamped 7/20/23 by TC office).
 - Traffic Impact Study (TIS) Supplemental Memorandum (McMahon) dated 6/12/23 (stamped 7/20/23 by TC office).
 - Hydrant Flow Test Report (Hoadley) dated 8/6/18 (stamped 7/20/23 by TC office).
 - 48-hour Well Pump Test NOI Plan dated 2/11/21 (stamped 7/20/23 by TC office).
 - Response to Sewer Commission Comments dated 7/14/23 (stamped 7/20/23 by TC office).
 - Response to Highway Superintendent Comments dated 7/14/23 (stamped 7/20/23 by TC office).
 - Response to Chief of Police Comments dated 7/14/23 (stamped 7/20/23 by TC office).
 - Response to ARJWW Superintendent Comments dated 7/14/23 (stamped 7/20/23 by TC office).
 - Response to Fire Department Letter Superintendent Comments dated 7/14/23 (stamped 7/20/23 by TC office).
 - Response to Public Comments dated 7/14/23 (stamped 7/20/23 by TC office).

August 15, 2023 Continuance hearing documents:

- Letter and email from PGB Engineering (Town Engineer) dated 7/25/23 (stamped 7/25/23 by TC office).
- Memo from CM to ZBA & other parties dated 7/25/23.
- Letter from Highway Superintendent dated 7/1/23 (stamped 7/13/23 by TC office).
- Memo to ZBA and other parties dated 8/11/23.
- Email from Thomas Heaney Fire Dept. Deputy Chief dated 7/26/23.
- Letter from Chuck Heshion, Sewer Department Chair dated 7/28/23.
- Email from Jim Hanson, 114 Pond Street dated 7/27/23.
- Email from Mary Parsons dated 7/31/23.
- Email from Chuck Heshion dated 8/15/23.
- Letter from ARJWW Superintendent dated 8/8/23.

September 5, 2023 Deliberation hearing documents:

- Meeting Notice Posting & Agenda Cover sheet for TC office (stamped 8/21/23 by TC office).
- Meeting Posting dated August 21, 2023 (stamped 8/21/23 by TC office).
- Agenda for Remote Participation Meeting (stamped 8/21/23 by TC office).

September 12, 2023 – Deliberation hearing

- Meeting Posting – dated September 7, 2023
- Agenda

September 19, 2023 – Deliberation hearing

- Meeting Posting dated September 14, 2023
- Agenda

October 10, 2023 – Deliberation hearing/Draft decision review

- Meeting Posting (stamped by TC on 10/5/23)
- Agenda

EXHIBIT B

SHINGLEMILL - LIST OF REQUESTED EXCEPTIONS, WAIVERS, AND PERMITS

#	Section	Description	Waiver Request	Vote of the Board (ZBA)
1.	407-5	Chapter 407 Wetlands Protection By-Law, § 407-5 Permit and Conditions C.	The Bylaw requires a 25-foot vegetated no disturbance zone from the upland limits of wetland resource areas. The proposed project involves work within the 25-foot zone no disturbance zone associated Vernal Pool, Vegetated Wetland, Land Under Water and Inland Bank. Work within the 25-foot no disturbance zone includes constructing the site access drive, part of the buildings, retaining walls, stone emergency access drives, the installation of loam and seeding, landscaping, the installation of a potential section of sewer line, the installation of temporary sedimentation controls, trimming vegetation, and equipment access to complete construction. The existing 25-foot no disturbance zone on site is significantly disturbed. In the past, vegetation was cleared from the majority of the site's existing upland and the site remains partly cleared with some regrowth of vegetation. Access to the site from South [sic] Street must pass through the 25-foot no disturbance zone. Access will be along an existing unvegetated, dirt path that already passes through the 25-foot no disturbance zone. No other access alternatives from South [sic] Street directly to the site are available. The sewer extension also passes within 25-feet of the wetland. The sewer extension will be constructed within a concrete encasement in this area. Other impacts to the 25-foot no disturbance zone have been avoided and minimized by using walls rather than 2:1 slopes and	GRANTED in part and DENIED in part. Board shall allow the waivers to allow the access roadway and the intrusion at the NW corner of the L Building and easterly portion of parking lot. The Applicant shall mitigate the impacts to the local and state wetland resource areas on a 1-1 basis in a plan to be approved by the Town's peer review engineer. Vote of the Board 3-0

			designing the site to avoid and minimize impacts as much as possible. Temporary impacts to the 25-foot buffer during construction will be revegetated after construction is complete.	
2.	415-19	Chapter 415 Zoning By-law, § 415-19 H-1 Industrial Park-Hotel District A. Permitted principal uses	The proposed project use is residential apartment buildings which is not included in permitted principal uses for the Industrial Park-Hotel District.	GRANTED as per Approved Plans Only Vote of the Board 3-0
3.	415-19	Chapter 415 Zoning By-law, § 415-19 H-1 Industrial Park-Hotel District C. Uses requiring special permit	The proposed project use is residential apartment buildings which is not included in uses requiring special permits for the Industrial Park-Hotel District.	GRANTED as per Approved Plans Only Vote of the Board 3-0
4.	415-22	Chapter 415 Zoning By-law, § 415-22 Table: Maximum Height (Stories/Feet)	The proposed apartment buildings will be 5 stories tall and approximately 69 feet about finished grade. This is 2 stories and 33 feet taller than the maximum building height for this district. (3 stories to 5 stories = 2 stories greater) (36.0' to 69.0' = 33.0' greater)	GRANTED as per Approved Plans Only Vote of the Board 3-0
5.	415-22	Chapter 415 Zoning By-law, law, § 415-22 Building and lot Regulations A. Parking/access and egress requirements (1)	All proposed non-accessible designated parking spaces are 9'x18' spaces. Parking spaces as required by this bylaw shall be a minimum of 10 feet in width by 20 feet in length for full size vehicles; and 9 feet in width by 18 feet in length for compact vehicles. (10.0'x 20.0' to 9.0'x 18.0')	GRANTED in part and DENIED in part 70% of the parking spaces may be 9' x. 18' foot and the remaining 30% shall be full sized parking spaces Vote of the Board 3-0
6.	415-22	Chapter 415 Zoning By-law, § 415-22 Building and lot	The emergency access/parking lot is 15.4 feet from Wilson Street. This is 14.6 feet	GRANTED Vote of the Board

		Regulations A. Parking/access and egress requirements (2)(e).	less than the minimum set back of 30 feet from any property line. (30.0' to 15.4' = 14.6' reduction)	3-0
7.	415-22	Chapter 415 Zoning By-law, § 415-22 C. Height regulations	The proposed apartment buildings will be 5 stories tall and approximately 69 feet about finished grade. This is 2 stories and 33 feet taller than the maximum building height for this district. (3 stories to 5 stories = 2 stories greater) (36.0' to 69.0' = 33.0' greater)	GRANTED Vote of the Board 3-0
8.	415-22	Chapter 415 Zoning By-law, § 415-22 Building and lot Regulations F. Multi-family developments. (4)	The proposed project does not conform to the Off-street parking requirements in § 415-35 of this bylaw.	GRANTED in part and DENIED in part 70% of the parking spaces may be 9' x. 18' foot and the remaining 30% shall be full sized parking spaces; Applicant shall maintain an average parking ratio of 2.0 spaces per unit Vote of the Board 3-0
9.	415-29	Chapter 415 Zoning By-law, § 415-29 Number of buildings on single lot.	The project site design includes two principal uses of apartment buildings. Only one principal residential building is allowed by this bylaw.	GRANTED Vote of the Board 3-0
10.	415-35	Chapter 415 Zoning By-law, § 415-35 Off street parking requirements A. Residential Uses (1)	The project site is designed with a 1.50 parking ratio. This is 1.50 spaces less than the required 3 spaces for multi-family residence. (3 spaces/unit to 1.50 spaces/unit = 1.50 space/unit reduction)	GRANTED in part and DENIED in part 70% of the parking spaces may be 9' x. 18' foot and the remaining 30% shall be full sized parking spaces; Applicant shall maintain an average parking ratio of 2.0 spaces per unit Vote of the Board 3-0

11.	415-94	Chapter 415 Zoning By-law, Article XIII Design Review board § 415-94 Types of sites and properties	This project is being submitted for approval from the ZBA, but will allow review from the Design review Board, given that it will not hold up the approval process.	GRANTED Vote of the Board 3-0
12.		Rules and Regulations of the Planning Board, § I.I.2. Location Map	All buildings and zoning district boundaries within 200 feet of the site are not shown on the site plans per this regulation.	DENIED Vote of the Board 3-0
13.		Rules and Regulations of the Planning Board, § III.B.1.f Location and Alignment	The access roadway begins to curve off a right angle at station 48.85 feet from the centerline of Pond Street which is 51.15 feet less than the required distance of 100 feet from the intersecting street lines of Pond Street. (100.0' to 48.85 = 51.15' reduction)	GRANTED as per Board's traffic peer reviewer Vote of the Board 3-0
14.		Rules and Regulations of the Planning Board, § III.B.1.i Location and Alignment	The roadway entrance has a slope of 3%. This is greater than the maximum slope of 1% required for the first 100 feet of roadway. (1% to 3% = 2% grater)	GRANTED in part and DENIED in part Applicant shall be allowed 50' at 1% grade Vote of the Board 3-0
15.		Rules and Regulations of the Planning Board, § III.C.2.e. Drainage Structures. 1)	All drain pipes are HDPE rather than Class III reinforced concrete pipe. The minimum cover is approximately 2 feet, 0.5 feet less than the required 2.5 of cover. (Class III RCP to HDPE) (2.5' to 2.0' = 0.5' reduction)	GRANTED in part and DENIED in part Applicant may go to 2 feet with flowable fill in any areas less than 2.5' Vote of the Board 3-0

16.		Rules and Regulations of the Planning Board, § III.C.2.e. Drainage Structures. 7)	The proposed design has catch basins that collect water from a stretch of 742 feet of continuous grade. This is 442 feet greater than the maximum 300 feet. (300.0'-742' = 442' greater)	GRANTED Vote of the Board 3-0
17.		Rules and Regulations of the Planning Board, § III.C.2.f. Drainage Basins 1)	Subsurface infiltration chambers are proposed but are not permitted unless approved by the board.	GRANTED Vote of the Board 3-0
18.		Rules and Regulations of the Planning Board, § III.C.2.f. Drainage Basins 6)	Test Pits were performed throughout different locations in the site and infiltration rates were taken based on texture and Rawls Rates per the MassDEP Stormwater Standards.	GRANTED Vote of the Board 3-0

#	Section	Description	Request	Vote of the Board (ZBA)
19.		Rules and Regulations of the Planning Board, § IV.H. Shade trees.	The proposed site trees will be places per the landscaping plans. This varies from the requirements stated within this section of the Rules & Regulations.	GRANTED Vote of the Board 3-0
20.		Rules and Regulations of the Planning Board, § IV.I. Side slopes.	In fill sections, the side slope shall not exceed four (4) horizontal to one (1) vertical. There are proposed fill side slopes graded at a 2:1 horizontal to vertical grades. This is steeper than the requirement.	GRANTED Vote of the Board 3-0

The extra language at the bottom of the enumerated conditions requests a blanket waiver and is denied. Vote of Board 3-0.

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. Waivers from any and all Town of Rockland rules, regulations, and/or By-laws not specifically listed above are hereby denied.

EXHIBIT C

PROVISIONS TO BE INCLUDED IN THE LOCAL REGULATORY AGREEMENT

1. The parties agree that the Local Regulatory Agreement (the "Local Agreement") shall become effective as a permanent affordable housing restriction on the Project as of the date the Local Agreement is executed by the Rockland Selectmen and the Applicant. However, all other rights and obligations, including, the Town of Rockland's (the "Town's") right to enforce the provisions hereof (including without limitation, the Town's right to collect monitoring fees) shall be effective only if and when the EOHLC Regulatory Agreement is terminated, expires or is otherwise void or no longer in effect for any reason and there is then not on record any other regulatory agreement that the Applicant has entered into with another subsidizing agency or any other federal or state agency that performs duties similar to the duties of EOHLC. It is the intent of the parties that the Town shall have the right to enforce the terms of the Local Agreement from the date on which there is no record primary Local Agreement and/or substitute regulatory agreement encumbering the Project.

2. During the term of the Local Agreement, the Applicant agrees to use good faith efforts to provide the Town, upon the Town's prior written request, with such reports and other documents that the Applicant provides to EOHLC under the EOHLC Regulatory Agreement; nothing shall require the Applicant to create any documents or reports that are not provided to EOHLC.

3. The parties hereby also expressly acknowledge that nothing in the Local Agreement shall interfere with or in any way limit or impair the Town's right to enforce the Comprehensive Permit at any time in accordance with the legal exercise of its zoning enforcement powers, which right is independent of the Town's right to enforce this Local Agreement.

4. Applicant will rent the units to Moderate Income Households as that term is defined in G.L. Chapter 40B, Sections 20-23. The annual rental expense for each dwelling unit ("Unit") (equal to the gross rent plus allowances for all tenant-paid utilities, including but not limited to, tenant-paid heat, hot water and electricity) shall not exceed thirty percent (30%) of eighty percent (80%) of average median income ("AMI"), adjusted for the household size, assuming that household size shall be equal to 1.5 individuals for each separate bedroom in the Unit. If rentals of the Units are subsidized under any housing subsidy program, then the rent applicable to the Units may be limited to that permitted by such housing subsidy program, provided that the tenant's share of rent does not exceed the maximum annual rental expense as shall be provided in the Local Agreement.

5. If, after initial occupancy, the income of a tenant of a Unit increases, and as a result of such increase, exceeds the maximum income permitted hereunder for such a tenant, the Applicant shall not be in default hereunder so long as either the tenant income does not exceed one hundred forty percent (140%) of the maximum income permitted.

6. If, after the initial occupancy, the income of a tenant of a Unit increases, and as a result of such increase, exceeds one hundred forty percent (140%) of the maximum income permitted for such a tenant, at the expiration of the applicable lease term, the rent restrictions shall no longer apply to such tenant.

7. Rentals for the Units shall be initially consistent with the rental schedule under the EOHLC Regulatory Agreement upon its expiration, subject to change from time to time (if necessary to reflect any changes in the AMI) in accordance with the terms and provisions of the Local Agreement and any applicable housing subsidy program. Thereafter, the Applicant shall annually submit to the Town a proposed schedule of monthly rents and utility allowances for all Units in the Project based on that year's HUD AMI. It is understood that such review rights shall be with respect to the maximum rents for all the Units, and not with respect to the rents that may be paid by the individual tenants in any given Unit. Rents for the Units shall not be increased above such maximum monthly rents

without the Town's prior approval of either (i) a specific request by the Applicant for a rent increase; or (ii) the next annual schedule of rents and allowances as set forth in the preceding sentence. Notwithstanding the foregoing, rent increases shall be subject to the provisions of outstanding leases and shall not be implemented without at least thirty (30) days prior to written notice by the Applicant to all affected tenants. If the Town fails to respond to a submission of the proposed schedule of rents for the Units as set forth above within sixty (60) days of the Town's receipt thereof, the Town shall be deemed to have approved the submission.

8. Applicant shall obtain income certifications for tenants satisfactory in form and manner to the Town at least annually. Said income certifications shall be kept by the management agent for the Project and made available to the Town upon the request.

9. The restrictions contained in the Local Agreement are intended to be construed as an affordable housing restriction as defined in Section 31 of Chapter 184 of the Massachusetts General Laws which has the benefit of Section 32 of Chapter 184, such that the restrictions contained herein shall not be limited in duration by any rule or operation of law but rather shall run for the term of the Local Agreement.

10. The Applicant shall use its good faith and commercially diligent efforts to maintain all the Units within the Project at full occupancy. In renting Units, the Applicant shall comply with the Resident Selection Plan and Affirmative Fair Housing Marketing Plan as defined in the Regulatory Agreement, which shall be incorporated in the Local Agreement by reference with the same force and effect as if set out in the Local Agreement.

11. Occupancy agreements for Units shall meet the requirements of the Comprehensive Permit and the Local Agreement. The Applicant shall enter into a lease with each tenant for a minimum term of one year. The lease shall contain clauses, among others, wherein each resident:

(a) certifies the accuracy of the statements made in the application and income

(b) agrees that the family income, family composition and other eligibility requirements, shall be deemed substantial and material obligations of his or her occupancy; that he or she will comply promptly with all requests for information with respect thereto from Applicant and the Town; and that his or her failure or refusal to comply with a request for information with request thereto shall be deemed a violation of substantial obligation of his or her occupancy; and

(c) agrees that at such time as Applicant and the Town may direct, but at least annually, the resident will furnish to Applicant certification of then current family income, with such documentation as the Town shall reasonably require; and agrees to such charges as the Town has previously approved for any facilities and/or services which may be furnished by Applicant or others to such resident upon his or her request, in addition to the facilities included in the rentals, as amended from time to time.

12. The Applicant shall provide the Town with thirty (30) days' prior written notice of:

(a) the conveyance, assignment, transfer, ground lease or exchange of all or a portion of the Project or the Site: or

(b) any change, substitution or withdrawal of any general partner, manager, or agent of Applicant; or

(c) the conveyance, assignment, transfer, or relinquishment of a majority of all beneficial interests (herein defined) in Applicant (except for such conveyance, assignment, transfer or relinquishment among current holders of the beneficial interests or a conveyance of beneficial interests to an Applicant party.

13. Prior to any transfer of ownership of the Project, the Site or any portion thereof or a beneficial interest herein, the Applicant agrees to secure from the transferee a written agreement stating the transferee will assume in full the Applicant's obligations and duties under the Local Agreement.

For purposes hereof, the term "beneficial interest" shall mean: (i) with respect to a partnership, any limited partnership interests or other rights to receive income, losses, or a return on equity contributions made to such partnership; (ii) with respect to a limited liability company, any interests as a member of such company or other rights to receive income, losses, or a return on equity contributions made to such company; or (iii) with respect to a company or corporation, any interests as an official, board member or stockholder of such company or corporation to receive income, losses, or a return on equity contributions made to such company or corporation.

The Applicant agrees that it shall provide the Town copies of any and all written notices received by the Applicant from a mortgagee exercising or threatening to exercise its foreclosure rights under its mortgage.

14. 1All records, accounts, books, tenant lists, applications, waiting lists, documents, and contracts relating to the Applicant's compliance with the requirements of the Local Agreement shall at all times be kept separate and identifiable from any other business of Applicant which is unrelated to the Project, and shall be maintained, as required by applicable regulations and/or guidelines issued by the Town from time to time, in a reasonable condition for proper audit and subject to examination during business hours by representatives of the Town. Failure to keep such books and accounts and/or make them available to the Town will be an event of default under the Local Agreement, if such failure is not cured to the satisfaction of the Town within thirty (30) days after the giving of notice to the Applicant.

15. 1At the request of the Town, Applicant shall furnish occupancy reports and shall give specific answers to questions upon which information is reasonably desired from time to time relative to the ownership and operation of the Project as it pertains to the Applicant's compliance with the requirements of the Local Agreement.

16. There shall be no discrimination upon the basis of race, color, creed, religious creed, national origin, sex, sexual orientation, age, ancestry, handicap, or marital status or any other basis prohibited by Applicable Law in the lease, use, or occupancy of the Project or in connection with the

employment or application for employment of persons for the operation and management of the Project.

17. There shall be full compliance with the provisions of all state or local laws prohibiting discrimination in housing on the basis of race, creed, color, religion, disability, sex, sexual orientation, national origin, age, familial status, or any other basis prohibited by law and providing for nondiscrimination and equal opportunity in housing. Failure or refusal to comply with any such provisions shall be a proper basis for the Town to take any corrective action it may deem necessary.

18. If any default, violation, or breach of any provision of the Local Agreement by the Applicant is not cured to the satisfaction of the Town within thirty (30) days after the giving notice to the Applicant as provided herein, then at the Town's option, and without further notice, the Town may either terminate the Local Agreement, or the Town may apply to any state or federal court for specific performance of the Local Agreement, or the Town may exercise any other remedy at law or in equity or take any other action as may be necessary or desirable to correct noncompliance with the Local Agreement. The thirty (30) day cure period set forth in this paragraph shall be extended for such period of time as may be necessary to cure such a default so long as the Applicant is diligently prosecuting such a cure.

If the Town elects to terminate the Local Agreement as a result of an uncured breach, violation or default hereof, then whether the Units continue to be included in the Subsidized Housing Inventory (as defined in the Act) maintained by EOHLC for purposes of the Act shall from the date of such termination be determined solely by EOHLC according to the rules and regulations then in effect. In the event the Town brings an action to enforce the Local Agreement and prevails in any such action, the Town shall be entitled to recover from the Applicant all of the Town's out of pocket reasonable costs of an action for such enforcement of the Local Agreement, including reasonable attorneys' fees. Applicant shall grant to the Town a lien on the Project, junior to the lien securing a loan from any lender to secure payment of such fees and expenses. The Town may perfect a lien on the Project by recording/ filing one or more certificates setting

forth the amount of the costs and expenses due and owing in the Registry. A purchaser of the Project or any portion thereof shall be liable for the payment of any unpaid costs and expenses which were subject of a recorded/filed certificate prior to the purchaser's acquisition of the Project or any portion thereof. The Applicant shall grant to the Town or its designee the right to enter upon the Project for the purpose of enforcing the terms of the Local Agreement or to prevent, remedy or abate any violation of the Local Agreement.

19. The Town intends to monitor the Applicant's compliance with the requirements of the Local Agreement. The Applicant hereby agrees to pay reasonable fees for monitoring services provided by the Town under the Local Agreement.

20. The Town shall have the right to engage a third party (the "Monitoring Agent") to monitor compliance with all or a portion of the ongoing requirements of the Local Agreement on behalf of the Town. In carrying out its obligations as the Monitoring Agent, the third party shall apply and adhere to the standards and policies of EOHLC related to the administrative responsibilities of subsidizing agencies. The Town shall notify the Applicant in the event of the Town engages a Monitoring Agent. In the event that the Town engages a Monitoring Agent: (i) as compensation for providing these services, the Applicant hereby agrees to pay the Monitoring Agent an annual monitoring fee in an amount reasonably determined by the Town, payable within thirty (30) days of the end of each fiscal year of the Applicant during the term of the Local Agreement and any fees payable to the Town shall be net of such fees payable to a Monitoring Agent; and (ii) the Applicant hereby agrees that the Monitoring Agent shall have the same rights, and be owed the same duties, as the Town under the Local Agreement, and shall act on behalf of the Town, to the extent that the Town delegates its rights and duties by written agreement with the Monitoring Agent. Notwithstanding anything in the Local Agreement to the contrary, in no event shall Applicant be responsible for the payment of aggregate servicing and monitoring fees to the Town to the extent such servicing or fees are unreasonable.

21. The Local Agreement shall commence when signed by the Town and the Applicant, and shall bind, and the benefits shall inure to, respectively, Applicant and its successors and assigns, and the Town and its successors and assigns, in perpetuity. For purposes herein, the term "perpetuity" shall mean for so long as the improvements at the Site are being used for multi-family housing pursuant to the terms of the Comprehensive Permit. The Local Agreement and the covenants, agreements and restrictions contained therein: (i) shall be and are covenants running with the land, encumbering the Project for the Term, and shall be binding upon the Applicant's successors in title; and (ii) shall not merely be personal covenants of the Applicant.

22. The Applicant, for itself and its successors and assigns, agrees to release, indemnify and hold harmless from and defend the Town against all damages, costs and liabilities inclusive of reasonable attorneys' fees, asserted against the Town by reason of its relationship to the Project . under the Local Agreement to the extent the same is attributable to the acts or on behalf of the Applicant or its parties and does not involve the grossly negligent acts or omissions of the Town.

23. The Town shall not be held liable for any action taken or omitted under the Local Agreement so long as it shall have acted in good faith and without gross negligence. Subject to the rights of Applicant's lender(s), if the Project, or any part thereof, shall be damaged or destroyed or shall be condemned or acquired for public use, the Applicant shall have the right, but not the obligation, to repair and restore the Project to substantially the same condition as existed prior to the event causing such damage or destruction, or to relieve the condemnation, and thereafter to operate the Project in accordance with the terms of the Local Agreement.

24. Upon execution, the Applicant shall cause the Local Agreement and any amendments thereto to be recorded or filed with the Registry at its expense. Upon recording or filing, as applicable, the Applicant shall transmit to the Town evidence of such recording or filing including the date and instrument, book and page or registration number of the Local Agreement.

Capitalized terms used in this Exhibit C and not otherwise defined shall have the meanings ascribed to them in the Comprehensive Permit to which this exhibit is attached.