

Please note: This draft decision is very much a work in progress and only recommended language for the Board's consideration. Town staff and the Petitioner continue to work on the final recommended conditions and off-site mitigation package.

TOWN OF PLYMOUTH ZONING BOARD OF APPEALS

COMPREHENSIVE PERMIT UNDER CHAPTER 40B

DECISION

CASE NO. 3941 THE OASIS AT PLYMOUTH

PETITIONER: RRSP Acquisitions, LLC
LAND OWNER: Harald, LLC c/o Vikings Acquisitions, LLC CASE: 3941
LOCATION: Home Depot Drive, Plymouth, Plymouth County, Massachusetts
ZONE: Highway Commercial (HC) PLAT: 89 LOTS: 13-5 through 13-10
PID: 089-000-013-005, 089-000-013-006, 089-000-013-007,
089-000-013-008, 089-000-013-009 & 089-000-013-010
STREET CLASS: Minor
TITLE: Plymouth County Registry of Deeds Book 19305, Page 277-278
Book 36126, Page 170-172 and Book 40684, Page 206
PURPOSE: Comprehensive Permit Per M.G.L. Chapter 40B- to construct
a 320 residential apartment complex
DATES OF PUBLIC HEARINGS: February 20, 2019,
DISPOSITION: Comprehensive Permit Approved with Conditions

In exercise of its discretionary powers, the **Plymouth Zoning Board of Appeals** (The "Board") **voted (X-X)** to **GRANT** the petition of RRSP Acquisitions, LLC with conditions.

SUBMITTALS:

- **Zoning Board of Appeals Petition Application** prepared for RRSP Acquisitions, LLC dated January 24, 2019.
- **The Oasis at Plymouth Project Narrative** dated 1/24/19
- **Project Eligibility/Site Approval-** Issued for RRSP Acquisitions, LLC, Issued by Mass Housing – MassHousing ID 1003, dated December 3, 2018

- **Stormwater Report-** Issued for Comprehensive Permit- The Oasis at Plymouth, Home Depot Drive, Plymouth, MA, dated January 11, 2019, Prepared by Allen & Major Associates, INC, Lakeville, MA
- **Traffic Safety Audit-** Issued for MassDOT Highway Division, on behalf of Picerne Real Estate Group, Prepared by TraffInfo Communications, INC, Woburn, MA, December 2018
- **MOU** Memorandum of Understanding between the Town of Plymouth and Harold, LLC, dated August 2009
- **MOU Amendment** Modification of the Memorandum of Understanding between the Town of Plymouth and Harold, LLC in August 2009, dated December 20, 2011
- **EPI Water and Sewer Systems Impact Analysis-** Issued for the Town of the Plymouth Engineering Department, in regard to the Home Depot Drive 40B Development, Issued by the Environmental Partners Group Inc, dated January 15, 2015

LOT TYPE: Regular

Dimensional Table- HC District	Required	Proposed
Lot Area	40,000 SF min	24.6 AC
Lot Width	200'	623'
Lot Depth	150'	1745'
Front Yard	40'	160.7'
Side Yard	40'	26.7'
Rear Yard	30'/50'	62.1'
Building Height	3-sty / 35'	4-sty
Lot Coverage (max)	50%	44.8%

FINDINGS:

1. The proposed development consists of an apartment complex containing 320 rental units surrounding a central clubhouse and community amenities. The property contains 24.6 acres located at the northwest end of Home Depot Drive and is zoned Highway Commercial (HC). Surrounding lands include Rural Residential (RR) Zoned land abutting the western and northern boundaries, Route 3 along the eastern boundary and the Home Depot Drive development to the south.
2. The 320 residential apartments are planned within six (6) four-story buildings. Two (2) of the buildings contain 48 units while the other four (4) buildings contain 56 units; with a mix of 144 one-bedroom units, 144 two-bedroom units and 32 three-bedroom units. The central community facilities include various amenities. The 9,300 SF clubhouse contains a fitness center, business and conference rooms, lounge, coffee bar and kitchen area and

game room. The leasing offices to serve the residents are within the community building along with a mail and parcel pickup area. Outdoor amenities include a swimming pool with cabana, an outdoor firepit with grilling stations and a playground. A fenced-in dog park and a trash and recycle center are located at the southern end of the development on either side of the entrance.

Describe what is included in the playground.

3. Pedestrian walkways meander through landscaped green spaces connecting the residential buildings to the central amenities, parking areas and to Home Depot Drive for access to nearby commercial development. Parking and vehicular circulation occur around the perimeter of the site at the rear of the buildings. There are 13 free-standing garage structures, providing a total of 100 garage spaces. Two (2) of the garage structures contain six (6) bays and eleven structures contain eight (8) bays. Total parking spaces provided exceed the minimal parking requirements per the Zoning Bylaw.

PARKING Use	# Units	Parking per Zoning Bylaw	Parking Required	Parking Proposed
1 bedroom unit	144	1.3 spaces	187	1.3 spaces
2 bedroom unit	144	2 spaces	288	1.3 spaces
3 bedroom unit	32	2.6 spaces	83	2 spaces
Clubhouse				14
Total	320		558	646*

*Total parking provided includes 100 garage spaces, 530 standard spaces and 16 accessible spaces.

4. The boulevard entrance drive has two ___' wide travel ways divided by a 6' wide grassed median. A 5' wide sidewalk runs along the east side of the drive with street trees and plantings framing the entrance. Internal driveways are 24' wide looping around the perimeter of the site to connect parking areas and provide emergency vehicle circulation. An 18' wide emergency fire access road is located on the southwest end connecting to Honda Drive.

Emergency access breakaway barriers need to be detailed and shown on the plan.

Width of boulevard travel ways?

5. Building setbacks to the property boundaries exceed the minimum requirements with the exception of the eastern boundary side setback of 40'. Garages A-1, A-2, B-1, B-2 and C-1 are 26.7' off the boundary which abuts State Highway- Route 3 layout. A waiver has been requested to allow for this reduced side setback. A 50' wide (minimum) residential buffer is shown along the western property boundary as is required under the Memorandum of Understanding (MOU) dated August 2009 and amended in 2011 that runs with the land.

6. The Landscape Plans indicate an extensive planting plan with minimal information on the types of plants.

Provide a Planting Schedule that includes plant type, size and quantity of each species.

7. The Photometrics Plan shows a combination of lighting fixtures including single and double pole street lights with varying heights, 3' high bollard lights installed along the walkways, and wall mounted lights on the garages and maintenance building. The double pole street lights along the main entrance boulevard are 20'-6" high, the parking lot single pole lights are 16'-6" high and the single pole lights along the sidewalks in front of the residential and clubhouse buildings are 14'-6" in height.

8. The Architectural Plans include plans for the residential buildings, the clubhouse and cabana. The residential structures are four-story with varying elevations and materials that break up the massing of the structures. The roof design includes a combination of hip, gable and shed roofs. The clubhouse is a single-story structure with varying gable and hip roofs to complement the residential structures.

Height of the buildings?

Provide description the exterior building materials.

Provide elevations or description of the garages, Recycle and Trash Center and Maintenance building.

Are there rooftop mechanicals that are visible?

What are the Procedures for getting trash to the trash & Recycling building?

9. The site is currently undeveloped and was previously cleared with some grading completed and stockpiles of gravel in various locations around the site. There are no wetlands or resource areas on the developable portions of the site and a Negative Determination of Applicability was issued by the Plymouth Conservation Commission. The development area will be fairly level with 2:1 slope around portions of the perimeter area behind garages and parking areas, with the most significant grade drop on the northwest side. Test pits were conducted to determine the soils are suitable for subsurface infiltration.

10. According to the Stormwater Report provided, the proposed stormwater management plan uses shallow landscape depressions, deep sump catch basins and separators, and several underground infiltration basins to infiltrate all storm events including 100-year events. All discharges from impervious surfaces will be treated, directed into the infiltration system and recharged on-site.

Provide information of further site work - Are the "existing" grades shown current? How much additional site work (earth moving is required)?

11. Utilities: The site will be serviced by Town water and sewer. Natural gas and electricity are available through Eversource. All utilities proposed will be underground.

Water and sewer to be addressed under conditions.

12. Traffic:

The traffic impacts are more fully outlined in the "Traffic Impact and Access Study", prepared by Ron Muller & Associates and dated December 7, 2018 and the Town's peer review letter **XXXXXXXX**.

Access to the site will be provided through an extension of the existing Home Depot Drive. As currently proposed, the site will be developed with six residential apartment buildings containing a total of 320 units. The plan also includes the future construction of up to 70,000 square feet of medical office space. Overall, the projected volumes are projected to decreased from the previous 100% retail use to the current proposal. Table 4 from the Traffic Impact and Access Study (shown below) identifies those reductions.

**Table 4
Trip Generation Comparison – Approved vs. Proposed**

Time Period	MEPA Approved ^a	Existing Site Trips ^b	Proposed Site Trips ^c	Total Site Trips ^d	Difference In Trips ^e
Weekday Daily	20,070	9,840	4,000	13,840	-6,230
Weekday PM Peak Hour	1,238	939	351	1,290	+52
Saturday Daily	25,370	10,300	1,800	12,100	-13,270
Saturday Peak Hour	2,256	1,255	410	1,664	-592

^a MEPA Certificate on Single EIR, September 12, 2014.

^b Daily volumes from September 2018 counts on Home Depot Drive by doubling exiting volume. Peak hour volumes from traffic flow networks by doubling exiting volumes on Home Depot Drive. The Shell station and the automobile dealership have separate access points, but all site traffic has to exit via Home Depot Drive. Volumes adjusted to account for full occupancy using ITE *Trip Generation Manual* for LUC 820 (Shopping Center).

^c From Table 3.

^d Existing Site trips plus proposed site trips.

^e Proposed Site trips minus MEPA Approved trips.

As shown in Table 4 from the study, the combination of existing site traffic plus the proposed expansion traffic shows that the total daily traffic generation will be 6,230 trips less than approved on a weekday daily basis and 13,270 trips less than approved on a Saturday daily basis. During the critical peak hours, the future medical office expansion will generate an additional 52 vehicle trips more during the weekday PM peak hour, but 592 vehicle trips less than approved during the Saturday peak hour.

A comparison of the currently expected trip generation to the traffic thresholds identified in the MOU is shown in Table 5.

**Table 5
Trip Generation vs. MOU Thresholds**

Time Period	MOU Thresholds ^a	Proposed Site Trips ^b	Difference In Trips	Percent Difference
Weekday PM Peak Hour	850	351	-499	-59%
Saturday Peak Hour	730	410	-320	-44%

^a August 2009 Memorandum of Understanding between the Town of Plymouth and Harald LLC.

^b From Table 3.

The 2009 Memorandum of Understanding (MOU) between the Town of Plymouth and the land owner for rezoning of the subject site stipulated certain development limitations on the basis of traffic generation and required the implementation of specific traffic improvements associated with development of the site.

On January 22, 2015, MassDOT issued a Section 61 Finding for the factory outlet center project stipulating the traffic improvements (consistent with the MOU) are required to be implemented for the previous retail project. These included:

- Widening the Route 3 southbound off-ramp to provide a double right-turn lane onto Long Pond Road under traffic signal control;
- Widening Home Depot Drive to provide a double left-turn lane onto Long Pond Road and associated signal improvements;
- Installing directional signage on Long Pond Road and on Home Depot Drive to better direct motorists to Route 3; and
- Implementing a coordinated traffic signal system along Long Pond Road from the Route 3 northbound ramps south to Camelot Drive.

The Mitigation proposed outlined above are the same measures proposed to be implemented by the current project.

WAIVERS:

ADVISORY REPORTS:

Town Fire Department review letter dated February 1, 2019.

CONDITIONS OF APPROVAL:

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board grants to the Applicant a Comprehensive Permit to construct 320 dwelling units in six (6), four-story buildings and a clubhouse facility on the Property consisting of approximately 24.6 acres, in accordance with G.L. c. 40B and its implementing regulations 760 CMR. § 56.00, subject to the conditions and limitations set forth herein.

The Comprehensive Permit described herein incorporates the requested relief from local zoning, subdivision control bylaws and regulations identified herein. In granting or denying this relief, the Board recognizes that the legal requirements for issuing a comprehensive permit have been met and finds that the Comprehensive Permit is consistent with local needs as defined in G.L. c. 40B, §20.

A. ADMINISTRATIVE

1. This Comprehensive Permit is granted to the Applicant and its limited dividend successors and assigns for the purpose of constructing a multi-family rental housing development off Home Depot Drive in Plymouth as conditioned herein and may not be transferred or assigned to any party without the approval of the Subsidizing Agency and notice to the Board, as required by 760 CMR 56.05(12)(b) or any successor regulation. Said construction is to be carried out consistent with the Final Plans as defined herein, including all notes on the Final Plans, and subject to the conditions set forth in this Decision. The Final Plans shall consist of the following plans, which shall be modified as necessary to comply with this Decision, and submitted to the Board as provided herein:

Site Plans

Issued for Comprehensive Permit- The Oasis at Plymouth, Home Depot Drive, Plymouth, MA

- Existing Conditions, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheets V-101 & V-102)
- Notes & Abbreviations, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheets C-001 & C-002)
- Proposed Property Modification Plan, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheet C-100)
- Overview Plan, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheet C-101)
- Erosion Control Plan, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheets C-102 & C-103)
- Layout & Materials Plan, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheets C-104 & C-105)
- Grading & Drainage Plan, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheets C-106 & C-107)
- Drain Schedule Plan, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheet C-108)
- Utilities Plan, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheets C-109 & C-110)
- Photometrics Plan, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheets C-111 & C-112)
- Details, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheets C-501 through C-507)
- Circulation Plan, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheet C-601)
- Landscape Plan, Home Depot Drive, Plymouth, MA, dated January 11, 2019, prepared by Allen & Major Associates, Inc. (Sheets L-101 through L-103)

Building Plans

Picerne Real Estate Group, Plymouth, MA – 40B Application

- Rendering, prepared for Picerne Real Estate Group, dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH (Sheet A0)
- Picerne Real Estate Group 56 Unit Building, Plymouth, MA – 40B Application dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH
- Floor Plans Picerne Real Estate Group 56 Unit Building, Plymouth, MA, dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH (Sheets AA1.00 & AA1.01)
- Unit Plans Picerne Real Estate Group 56 Unit Building, Plymouth, MA, dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH (Sheets AA1.10, AA1.11 & AA1.12)
- Building Elevations Picerne Real Estate Group 56 Unit Building, Plymouth, MA, dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH (Sheet AA2.00)
- Picerne Real Estate Group 48 Unit Building, Plymouth, MA – 40B Application dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH
- Floor Plans Picerne Real Estate Group 48 Unit Building, Plymouth, MA, dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH (Sheets AA1.00 & AA1.01)
- Unit Plans Picerne Real Estate Group 48 Unit Building, Plymouth, MA, dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH (Sheets AA1.10, AA1.11 & AA1.12)
- Building Elevations Picerne Real Estate Group 48 Unit Building, Plymouth, MA, dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH (Sheet AA2.00)
- Picerne Real Estate Group Clubhouse – 40B Application dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH
- Floor Plans Picerne Real Estate Group Clubhouse, dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH (Sheet A1.00)
- Building Elevations Picerne Real Estate Group Clubhouse, dated December 20, 2018, prepared by Market Square Architects, Portsmouth, NH (Sheet A2.00)
- Pool Cabana Slab Control Plan, Floor Plan & Details, dated August 1, 2017, revised September 19, 2017 and December 5, 2017, prepared by Forum Architecture & Interior Design, Inc., Altamonte Springs, FL (Sheet A19.21)
- Pool Cabana Roof Plan & Reflected Ceiling Plan, dated August 1, 2017, revised September 19, 2017 and December 5, 2017, prepared by Forum Architecture & Interior Design, Inc., Altamonte Springs, FL (Sheet A19.22)
- Pool Cabana Elevations, Enlarged Plan & Int. Elevations, dated August 1, 2017, revised September 19, 2017, prepared by Forum Architecture & Interior Design, Inc., Altamonte Springs, FL (Sheet A19.23)
- Floor Plan Robbins Road Development Garages, dated January 30, 2017, prepared by Market Square Architects, Portsmouth, NH (Sheet G1.01)

2. This comprehensive permit is issued pursuant to the Applicant's MassHousing project eligibility letter dated as of December 3, 2018, which approved up to 320 rental units, of which eighty (80) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Guidelines. In accordance with MassHousing's final approval process, the Applicant shall submit to MassHousing for review and final acknowledgement of consistency with this Decision, the Final Plans.

3. The Project shall be limited to 528 bedrooms, and no more than 10% of the residential units shall contain more than two bedrooms as defined by Title 5 of the state Environmental Code and the state Building Code. Each bedroom shall be presumed to generate 110 gallons of wastewater per day, per Title 5. Of these dwelling units, not less than twenty-five percent (25%), shall be reserved for rental by qualifying households earning at or below 80% of the area median income, as defined and amended from time to time by the subsidizing agency for this project. Per the subsidizing agency's rules and guidelines, the affordable units shall be evenly dispersed throughout the Project and shall be indistinguishable from the market rate units in the Project. The affordable units shall remain affordable in perpetuity by deed riders in form and substance acceptable to the subsidizing agency and the Board for the project.

4. Prior to further construction at the site ("Site Activities"), the Applicant shall obtain the Board's approval of the Applicant's Final Plans, which shall reflect: (a) the additional plan details and revisions called for under the Conditions set forth herein; (b) any additional changes required by other local boards and agencies to comply with state and federal law and any local regulations not waived by this Comprehensive Permit; and (c) any requirements of MassHousing upon final approval of the Project. Upon completion of Applicant's Final Plans, the Applicant shall submit its Final Plans to the Board for review to determine consistency with this Comprehensive Permit. The Final Plans shall be reviewed as provided in the conditions herein.

5. The Applicant's Final Plans shall incorporate and include the following design changes and additions:

- Any modifications or details required by this Decision.

6. The Applicant shall comply with the stormwater management plans evidenced by the following:

- The specifications shown on the Final Plans
- The Stormwater Report Home Depot Drive, dated January 11, 2019, prepared by Allen & Major Associates, Inc.

7. The Board shall have the power, at a public meeting and without further public hearing to modify or amend the terms and conditions of this Comprehensive Permit on the application of the Applicant, or upon its own motion, to correct technical errors in this Comprehensive Permit, or to address the Applicant's noncompliance with any terms or conditions of this Comprehensive Permit. (CITE REG RE substantial v insubstantial modification)

8. In the event the Applicant seeks any change in the Comprehensive Permit after this decision is final, any such change must be presented to the Board for approval and for modification of this decision. Within 20 days the Board shall determine and notify the Applicant whether it deems the change substantial or insubstantial, with reference to the factors set forth at 760 CMR

56.07(4).) If the change is determined to be insubstantial or if the Board fails to notify the Applicant by the end of such 20-day period, the Comprehensive Permit shall be deemed modified to incorporate the change. If, during a public meeting, the Board deems a change to be substantial, then the Board shall hold a subsequent public hearing within 30 days of its determination and issue a decision within 40 days of termination of the hearing, at which the Board may approve or disapprove the requested modifications or amendments to this decision, in accordance with the provisions of Mass. Gen. Laws c. 40B, section 21, the provisions of 760 CMR 56.05 (11). The Board will determine whether additional information and advice is necessary from other boards and officials in the event of such substantial change and will then determine whether the change or requested relief is to be approved and the decision amended accordingly. "Substantial Change" for the purposes of this paragraph shall include, but not be limited to, all matters defined as substantial changes in 760 CMR 56.07(4). If it deems necessary, the Board may at the Applicant's expense retain consultants to review and advise the Board regarding any proposed changes.

9. All easements and covenants affecting the use of the Site have been identified, and such covenants and easements are identified on the Plan of Record. The Applicant shall submit any written or recorded instruments granting or agreeing to such easements and covenants.

10. Unless substantial construction of the Project has commenced as further defined by the issuance of a building permit, the Comprehensive Permit shall expire three years from the date the decision is filed with the Town Clerk, excluding any time required to adjudicate or resolve any appeal. Any requests for an extension of time shall be made in writing no less than thirty days prior to the expiration of the Comprehensive Permit.

11. Following the passage of the appeal period, the Applicant shall record this Decision at the Plymouth County Registry of Deeds with the plans itemized herein and provide proof of said recording to the Board of Appeals staff. **No building permits will be issued until this condition is satisfied.**

12. Any transfer of the Project shall be in accordance with 760 CMR 56.05(12)(b). Prior to substantial completion of a Project or a phase thereof, a Comprehensive Permit may be transferred to a person or entity other than the Applicant, upon written confirmation from the Subsidizing Agency that the transferee meets the requirements of 760 CMR 56.04(1)(a) and (b), and upon written notice to the Board. Transfer of a permit shall not, by itself, constitute a substantial change pursuant to 760 CMR 56.07(4). After substantial completion, a Comprehensive Permit shall be deemed to run with the land and a transfer must be approved by the Board of Appeals after public hearing.

13. **Plans. Within 30 days after the expiration of the appeal period or if an appeal is filed, within 30 days of the adjudication or resolution of said appeal,** the Applicant shall provide the Town with four sets (3 to ZBA and 1 to Inspectional Services) of full sized and two sets of reduced copies of the Final Plans, in addition to any recordable plan sheets, as well as a digital copy of the final endorsed plan set prior to the issuance of a building permit.

14. **Construction Plans. Not less than thirty days prior to the anticipated start of construction,** and to the degree that the following plans are not part of the plan set described

herein, the Applicant shall submit final construction plans to the Board and Building Department, for purposes of confirming that the construction plans are consistent with the requirements of this Decision. The approval of the Building Department shall not be unreasonably withheld. All construction plans shall be stamped by a registered architect or registered professional engineer, as may be applicable. The Board may engage, at the Applicant's expense and upon prior agreement to scope and cost of services, one or more agents to review the plan(s) and make recommendations for approval or disapproval to the degree that a plan or plans are inconsistent with this decision.

15. As-built Plans. Within sixty days of issuance of the final certificate of occupancy, the Applicant shall provide "as-built" plans of the roads, buildings, water, and electrical distribution systems to the Board of Appeals, Fire Department, Building Department and Highway Department; such plans shall be approved by the Board or its agent for consistency with this decision. Approval shall not be unreasonably withheld and shall be deemed granted if not reviewed by the Board or its Agent within thirty days of submission by the Applicant. The Applicant shall provide these plans in digital format acceptable to the Town including but not limited to a format compatible with the Town's Geographic Information System (GIS).

The digital copy of the final set of approved as-built plans must follow the five requirements listed below unless waived by the Building Department:

- a) All plans and specifications must be submitted on electronic media (via cloud, flash drive, CD or DVD ROM) using an IBM-PC or compatible file format). Acceptable file formats include: AutoCAD *.dwg, AutoCAD *.dxf, Arc View *.shp, or ArcGIS Geodatabase *.mdb. The files must be identical to the printed plan and contain all information included on the written plan. Upon project completion a digital submission of the "as-built" plan is required prior to receiving a Certificate of Completion from the Building Department.
- b) All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD88.
- c) Each feature type must be organized in the CAD or GIS data structure as a separate layer using logical layer names. For example, there must be separate CAD layers for buildings, roads, parcel lines, and wetlands. Having all these features in a single CAD layer or GIS file will not be accepted.
- d) Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.
- e) The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses and labeled as to their contents.

16. The Applicant shall promptly pay the reasonable fees of the Board's consultants for post-permit reviews of the plans or documents described herein and for inspections during the construction phase, as may be deemed necessary or appropriate.

17. Copies of all required legal documents including, but not limited to the Regulatory Agreement, shall be submitted to the Board and, if necessary, the Plymouth Town Counsel for review and comment, **prior to issuance of any certificate of occupancy**. It shall be the responsibility of the Applicant to pay all legal costs associated with the review of this decision, if applicable, as well as documents associated with any condition of approval by Town Counsel.

18. The Applicant shall provide the Board with copies of any and all documents and statements provided by the Applicant to the Subsidizing Agency or its designated auditor of the Applicant's costs and revenues for informational purposes.

19. As a "limited dividend organization," the Applicant's profit shall not exceed what is statutorily allowed for the Project. Any profit in excess of what is statutorily allowed shall be paid in accordance with 760 CMR 56.04(8)(c). Review of the Applicant's limited dividend obligations shall be done in accordance with the Regulatory Agreement. The Applicant shall comply with the requirements of the Project's subsidizing agency and applicable laws, regulations and guidelines.

20. The Board or its agent(s) may enter onto and view and inspect the subject Property during regular business hours, with prior written notice, with consent not to be unreasonably denied or delayed and until as-built plans are approved, to ensure compliance with the terms of this Decision, subject to applicable safety requirements. After completion of construction, the Town's inspection officials shall have authority subject to prior written notice, with consent not to be unreasonably denied or delayed to enter the common areas of the property for purposes of ensuring compliance with the conditions of this Decision and any other applicable permits, regulations, bylaws and statutes.

B. HOUSING

21. The Project shall not be age restricted and shall be subject to a general lease provision, subject to the review and approval of the Town Attorney, limiting the ability to convert any room designated as a bedroom on the Final Plans as a bedroom. The total number of bedrooms by unit shall be as follows:

Buildings	Unit Type	# of Units	# of Bedrooms
A- 48 units	A- 1 bedroom	16	16
	B- 2 bedroom	24	48
	C- 3 bedroom	8	24
B- 56 units	A- 1 bedroom	28	28
	B- 2 bedroom	24	48
	C- 3 bedroom	4	12
C- 48 units	A- 1 bedroom	16	16
	B- 2 bedroom	24	48
	C- 3 bedroom	8	24
D- 56 units	A- 1 bedroom	28	28
	B- 2 bedroom	24	48
	C- 3 bedroom	4	12
E- 56 units	A- 1 bedroom	28	28

	B- 2 bedroom	24	48
	C- 3 bedroom	4	12
F- 56 units	A- 1 bedroom	28	28
	B- 2 bedroom	24	48
	C- 3 bedroom	4	12
Total		320	528

22. As a condition of any approval hereunder, at least 25% of the dwelling units shall be and shall remain affordable and shall be marketed to eligible households subject to approval by the subsidizing agency. The Affordable Units shall be and shall remain eligible to be included in the Town's Subsidized Housing Inventory, as maintained by DHCD.

23. The Applicant shall notify the Board and the Office of Community Development when building permits are issued for Affordable Units and cooperate with the preparation of request forms to add the Affordable Units to the Town's SHI. The Applicant shall notify the Board and the Office of Community Development when occupancy permits are issued for the Affordable Units and cooperate with the preparation of request forms to add the units to the Town's SHI permanently. The Affordable Units shall permanently remain affordable units, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23.

24. The Applicant shall execute a Regulatory Agreement that shall be countersigned by the Subsidizing Agency as required under G.L. c.40B and submit annual reports to the Subsidizing Agency in accordance with the Regulatory Agreement. The Affordable Units shall be identified before building permits are sought and the Affordable Units shall not be segregated from the market rate units.

25. A Regulatory Agreement with MassHousing (or its successor or assign or its designee) is hereby required which will include detailed restrictions in accordance with 760 CMR 56. The Applicant shall provide to the Board a copy of the final executed documents with MassHousing. The Agreement shall contain, at a minimum, the following terms or substantially similar provisions as may be required by the subsidizing agency:

- a) An acknowledgment that the Affordable Units shall remain in perpetuity to the extent allowed by applicable laws. It is assumed MassHousing shall comply with the requirements of 760 CMR 56.05(13).
- b) The Affordable Units shall not be segregated from the market rate units. The Affordable Units shall not be substantially different in exterior appearance from the standard market rate units in accordance with MassHousing guidelines.
- c) Any excess profit, as defined in the Regulatory Agreement, shall be paid to the Town of Plymouth pursuant to the Regulatory Agreement.

26. The Applicant shall cooperate with the preparation of request forms to add the Affordable Units to the Town's SHI. The Affordable Units shall permanently remain affordable units, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period

allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23.

27. The Applicant shall enter into a Permanent Restriction/Regulatory Agreement with the Town, in a form and substance reasonably acceptable to the Board and its counsel (the "Town Regulatory Agreement"), which shall be recorded with the Plymouth Registry of Deeds prior to issuance of any building permit and signed by all necessary parties, including all mortgagees and lien holders of record.

28. The Town Regulatory Agreement: (i) shall only become effective if and when the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency; (ii) shall require that the Project shall remain 25% affordable so long as the Project does not conform to local zoning; (iii) shall require that at least 25% of the units in the Project shall be affordable and rented by low and moderate income households as that term is defined in M.G.L. Chapter 40B, Sections 20-23; and (iv) shall restrict or limit the dividend or profit of the Applicant only if and as required under G.L. c.40B and 760 CMR 56.00, et seq., and no independent limitation on dividends or profits is imposed hereunder..

29. The Town Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the Town and shall require that the Affordable units shall remain affordable in perpetuity, meaning, specifically, for so long as the Project does not conform to the Town Zoning Bylaws or for the longest period allowed by law, whichever period is longer.

30. While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency and may take any steps allowed under G.L. c.40B and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.

31. If and when the Town Regulatory Agreement takes effect, the affordability requirements shall be enforceable by the Town or its designee, to the full extent allowed by M.G.L. Chapter 40B, Sections 20-23. However, this clause shall not be used or construed or otherwise exercised in conflict with the holdings in Board of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to G.L. Chapter 40B, §§20-23, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. At such time as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall provide the Town with a reasonable monitoring fee.

32. If at any time it appears that the Applicant is in violation of an affordable housing restriction, then the Board may pursue such enforcement rights as it may have under the affordable housing restriction and/or applicable law.

33. The Town, by and through the Board or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.

34. The Applicant shall comply with all final approval requirements, as per the Project's subsidizing agency. Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to 760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Official and the Board.

C. CONSTRUCTION

35. **No Site Activities shall begin prior to a preconstruction conference.** The Applicant shall convene a preconstruction conference with Town departments including, but not limited to, the Inspectional Services Department, Fire Department, Department of Public Works and Planning & Development Department at least 14 days prior to the planned commencement of construction. The Applicant shall convene such conference by contacting the Inspectional Services Department in writing. All relevant contractors and subcontractors involved with site preparation/site construction activities shall attend this meeting. This approval with conditions shall be reviewed by all parties involved. At the conference, a schedule of inspections shall be agreed upon by the Applicant, the Board, and other municipal officials or boards subject to the Board's or its agent's final review and assent.

36. No construction activity shall occur on the Project, and no building permit shall be issued, until the Applicant shall have:

- a) Executed and recorded the standard form Regulatory Agreement and provided evidence of same to the Board and the Building Inspector. The Regulatory Agreement shall be subject to review and approval, as to form and consistency, with this Decision by Town Counsel prior to execution, such approval not to be unreasonably withheld.
- b) Obtained a Sewer Connection Permit from the Town of Plymouth.
- c) Submitted to the Board and the Building Inspector a Construction Management Plan (CMP), as well as a Construction Management Schedule (CMS), that generally conforms to industry standard practice and addresses all construction-related conditions specifically set forth in this Decision. Additional copies of the proposed CMP shall be provided to the Zoning Board of Appeals, Board of Health and Fire Chief.
- d) Provide to the Department of Public Works and Building Commissioner a final Stormwater Pollution and Prevention Plan to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures such as hay socks, silt fence, sedimentation basins, and all other erosion controls on the plans, and provides detailed construction sequencing and methods to protect the infiltration capacity of each infiltration system.
- e) Provide procedures to the Building Commissioner that outline the specific operation and maintenance measures for all stormwater/drainage facilities.

37. **Prior to Site Activities**, the Applicant shall provide, and update as necessary, to the Board and Building Department:

- a) the company affiliation, name, address and business telephone number including 24-hour contact information of the construction manager who shall have overall responsibility for construction activities on site;
- b) a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Premises have been paid;
- c) certification from the Applicant that all required federal, state and local licenses and permits have been obtained;
- d) 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 (if determined necessary by the Fire Department and/or Police Department); and
- e) at least 48 hour written notice. If activity on site ceases for longer than thirty days, 48 hour written notice is required prior to restarting work.

38. During construction, the Applicant shall conform to all local, state and federal laws regarding noise, odor, vibration, dust, and blocking of Town Roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction, other than emergency work or finishing cement, shall not commence on any day before 7:00 a.m. and shall not continue beyond 6:00 p.m.; provided, however, that exterior construction shall not commence on Saturdays before 8:00 a.m. and shall not continue beyond 6:00 p.m. Except for emergency work, and/or exceptions approved in advance, there shall be no exterior construction on any Sunday or state or federal legal holiday. For this condition, construction activities shall include, but not be limited to: start-up of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; demolition of existing structures; removal of stumps and debris; and erection of new structures. Deliveries shall not commence before 5:30 a.m.

39. During construction, at the end of each work day, 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 state laws and regulations and the Board shall be notified in writing of the final disposition of the materials.

40. The Applicant shall design its Final Plans with the following specifications:

- a) The Project shall conform to all pertinent requirements of the Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB), to the extent applicable.
- b) All signage, including signs to promote sale of the dwellings, shall comply with the Zoning Bylaws, except as waived herein, and shall be maintained by the Applicant.

41. No tree stumps or other demolition and construction debris shall be buried on the Property. All tree stumps shall either be ground or removed from the Property. No burning is allowed on the Property.

42. The Buildings shall contain a fire sprinkler system. The Applicant shall submit final fire alarm/sprinkler plans to the Plymouth Fire Chief for review and approval. The Applicant shall install sprinklers in compliance with M.G.L. c. 148, §26I, which requires a sprinkler system designated per NFPA code and the Massachusetts State Fire Code, as reviewed and approved by the Fire Chief. All fire protection systems shall comply with the State Building Code and any amendments thereto.

43. All staging areas, including without limitation parking areas for construction personnel, portable toilets, temporary work facilities, etc. shall be on the Property. **Thirty days following the certificate of occupancy**, construction staging areas shall be cleared and completed in accordance with Final Plans.

44. If construction activity ceases for longer than 30 days, then written notice shall be provided by the Applicant to the Building Commissioner at least 48 hours before resuming work. Pursuant to 780 CMR 33 Safeguards during Construction and applicable states, the Building Commissioner may require that any foundation, trench, structure, equipment or other hazard be secured as necessary, in his opinion, including but not limited to installation of fencing and/or filling of trenches.

45. If construction is temporarily suspended during the growing season, all exposed areas shall be stabilized by seeding and/or mulching within 14 days of suspension of construction. If construction is temporarily suspended outside the growing season, all exposed areas shall be stabilized by mulching and tack within 14 days of suspension of construction. Slopes steeper than 3:1 shall be stabilized by netting and pinning during suspension of construction.

46. To the extent that landscaping for the Project is not completed prior to the issuance of the certificate of occupancy, the Applicant shall provide the Town with a satisfactory surety instrument, that shall not expire unless and until it is satisfactorily replaced or released, and in an amount to be determined by the Board in consultation with Town boards and officials and other consultants based upon the Applicant's reasonable estimate of the costs to complete such landscaping work.

47. Project surety shall be held by the Town Treasurer as cash or a tri-party agreement until the Treasurer is notified by the Board to release the surety. Requests to reduce the surety may be submitted as the landscaping work progresses and shall include the amount of requested reduction, a list of work outstanding and a cost estimate of the same. The amount of the surety retained shall be based on the cost estimate of the remaining work, and the surety shall be fully released upon the completion of the landscaping work.

48. Prior to the commencement of any further ground disturbance or construction the Applicant's engineer shall provide to the Town's Engineer a detailed construction sequencing plan, which may be incorporated in the Applicant's Stormwater Pollution Prevention Plans ("SWPPP") as referenced in the Stormwater Report, dated January 11, 2019, and a construction traffic management plan during each phase of the work, which includes requirements relative to any and all appropriate signage and police details during the construction phase.

49. The Final Plans shall show the layout of the erosion control devices. An erosion control, construction management and construction sequencing plan(s) showing the construction methods, scheduling, phasing, winter stabilization measures, and location of necessary water pollution and erosion control methods shall be submitted as part of the Final Plans.

50. The Applicant shall pay all reasonable fees imposed for the purpose of inspecting and monitoring the compliance of the Project's construction with the terms of this permit, local bylaw requirements not waived by this permit, and other permits and approvals issued with respect to this Project for which the Town has monitoring responsibility. Any outstanding fees owed for consulting services incurred by the Board before this decision was rendered shall be paid forthwith and before any building permit issues. Thereafter, no occupancy permit shall issue if an outstanding fee bill is 30 days overdue.

51. Board members, its staff, consultants or other duly authorized agents of the Town of Plymouth shall have the right to enter upon the property to inspect the site at any time, for compliance with the Final Plans and the terms, provisions and conditions of this comprehensive permit.

52. Prior to the issuance of any building permit the Applicant shall submit plans and supporting materials and calculations for review and approval by the Plymouth Fire Department under state law. Submission materials shall demonstrate compliance with all applicable access requirements.

D. INFRASTRUCTURE - GENERAL

53. The following portions of the Project shall be and shall remain forever private and the Town of Plymouth shall not have, now or ever, any legal responsibility for their operation, maintenance, repair, or replacement:

- a) The entire on-site stormwater management system and all stormwater and water connections, lines and equipment required from the public way to the Property;
- b) The entire sewage management system and all connections, lines, leach fields and other features.
- c) The sidewalks, driveways, roads, utilities, drainage systems, water system, fire protection, gas if applicable, electric, telephone, and cable system and all other infrastructure shown on the Final Plans as serving the Project, including but not limited to plowing, sanding, snow removal, trash collection, and landscape maintenance;
- d) Property lighting, landscaping and screening.

F. STORMWATER MANAGEMENT

54. The Applicant will provide an Operations and Maintenance Plan and Long-term Pollution Prevention Plan prior to the issuance of the building permit.

55. Snow shall not be placed within or above the stormwater management systems.

56. Stormwater Management Conditions.

- a) **Prior to starting any site work**, The SWPPP shall be provided to the contractors during construction and a copy must be kept on site during construction.
- b) The Applicant shall comply with the SWPPP during construction.
- c) The Applicant shall protect the subsurface infiltration system during construction in order to prevent a reduction in the long-term infiltration capacity of the soil. Once construction is complete the system shall be cleaned of any silt and sediment. Removal and replacement of soil shall be completed to make certain that the infiltration rate of the soil is met. The use of silt sacks within the proposed catch basins shall be used during construction.
- d) The post development impervious areas shall be consistent with the impervious areas shown on the design plans which were used to analyze and size the stormwater management system.
- e) The as-built conditions shall closely match the drainage areas shown on the post-development final plans.
- f) Any imported fill shall have the same drainage characteristics as the existing site soils for which the stormwater analysis and design are based.

57. Stormwater Management Maintenance. The SWPPP and the stormwater Operations and Maintenance Plan (O&M Plan) shall be consistent with the Stormwater Plan referenced herein and dated January 11, 2019. In the event a management company is engaged; such guidelines shall be incorporated by reference in the management contract.

- a) The final Stormwater O&M Plan shall be recorded at the registry of deeds **prior to substantial completion of construction**. Evidence of recording shall be presented to the Board and the Building Department **prior to issuance of the final certificate of occupancy**.
- b) In the event that the Applicant or its successor fails to maintain the stormwater management system in accordance with such guidelines for operation and maintenance, after notice to the Applicant or successor and the failure to reasonably cure, the Town may perform necessary maintenance or repairs and the Applicant or successor hereby authorizes the Town to enter the Property for this purpose. In such event, the Applicant or successor shall reimburse the Town for any and all expense associated therewith; in the event of nonpayment, the Town may place a lien on the Property and any improvement thereupon. All costs incurred by the Town in connection with its performance of such required maintenance on the Property shall be reimbursed by the Applicant or its successor to the Town within thirty (30) days of receipt of the Town's invoice for such costs, which shall constitute a municipal charge or fee, pursuant to M.G.L. c. 40, §§57 and 58.
Ask Town Counsel about this language.
- c) The Stormwater O&M Plan and Long-Term Pollution Prevention Plan shall be combined into a letter sized, bound document and provided to the property Owner and Operator **prior to the final certificate of occupancy**. The condition shall also require compliance with this document in perpetuity. This document shall include a simplified site plan that would highlight the location of the various Best Management Practices

(BMPs). This document shall be separate from the required SWPPP and facilities related O&M plan.

H. GENERAL CONDITIONS

58. The Applicant or Rental/Property Management Company shall be responsible for all snow plowing and proper maintenance of all access ways and sidewalks so that same are kept accessible year-round for pedestrian and emergency access and egress satisfactory to the Town's public safety departments.

59. Restrict the use of fertilizers, road salt, and other potential contaminants to protect against contamination of the Lout Pond Well.

60. Except where specifically waived by this Comprehensive Permit, construction shall be in accordance with all applicable zoning and other bylaws, rules and regulations of the Town. In the event that the Applicant or the Board's site/civil engineering consultant, in the final design of the Project, determines that additional waivers not granted herein are required, the Applicant shall be required to obtain such additional waivers after written request to the Board. The Board may grant or withhold such additional waivers in accordance with applicable rules and regulations.

61. Prior to the issuance of any building permit the Applicant shall submit plans and supporting materials and calculations for review and approval by the Plymouth Fire Department under state law. Submission materials shall demonstrate compliance with all applicable access requirements.

62. The Applicant and/or the Rental/Property Management Company shall be permanently responsible for the following at the Project:

- a) all plowing, sanding, and snow removal. Snow shall be piled in designated locations as shown on the Final Plans;
- b) all site maintenance and establishing a regular schedule for site maintenance;
- c) repairing and maintaining all on-site ways, including drainage structures and utilities therein;
- d) conducting annual inspection, maintenance and cleaning of all elements of the drainage system, including but not limited to catch basins, drain manholes, detention basins, swales and pipelines; and
- e) site lighting and landscaping.

63. Applicant shall provide landscaping in accordance with the Final Plans.

64. All utilities and water construction and materials shall be constructed consistent with the Final Plans and otherwise in accordance with Town of Plymouth requirements except as otherwise shown on the Final Plans.

65. All utilities within the Premises shall be installed underground.

66. No stumps or construction debris shall be buried or disposed of at the Property.

67. The Applicant shall equip each dwelling unit with low-flow toilets and high-efficiency water sense faucets and 1.5-gallon shower heads to reduce water usage.

68. The Project shall be served by municipal water and sewer, at the Applicant's sole expense, in accordance with the Plymouth Department of Public Works requirements.

69. If any part of this Decision is for any reason held invalid or unenforceable, such invalidity or unenforceability shall not affect the validity of any other portion of this Decision.

70. Rental agreements signed by residents shall prohibit non-residents from parking cars at the Property, unless the non-residents are visitors using designated 'Visitor' parking for a short term and shall specify that parking for over-sized vehicles, recreational vehicles, trailers, boats and other similar non-standard vehicles shall be prohibited.

71. Prior to the issuance of a Final Occupancy Permit, concrete bounds shall be installed along the buffer, at every turning point and every 500 feet along straight lines.

72. All outdoor lighting shall comply with the Zoning Bylaw Section 207-4 Prevention of Light Pollution and utilize LED light bulbs.

73. The applicant shall gift the Town a 10-foot-wide public walking trail easement located within the buffer area along the western and northern property boundaries. Said easement to be shown on the final plans.

74. The Petitioner shall install a monitoring well for the Zone II of the Aquifer Protection; and meet with the DPW and Department of Marine & Environmental Affairs for final review and approval of the monitoring well location and the Groundwater Monitoring Plan.

75. Fire Department requirements:

- a) Fire apparatus must have adequate access. Roadways must be 24 feet in width.
- b) Turning radius shall be no less than 60 feet for all turns.
- c) Fire lanes are always to be no less than 20 feet in width and remain open.
- d) An overlay diagram will be required to demonstrate the ability of fire apparatus to enter, maneuver, reverse direction, and negotiate at each road, intersection, turn egress/exit and dead-end feature. Dimensions and vehicle specifications will be provided by the Plymouth Fire Department upon request.
- e) Overhead clearance of no less than 13 feet 6 inches is to be maintained to provide apparatus access.
- f) Hydrant spacing to be no more than 500 feet in residential sections located on right side of the street from entrance.
- g) Adequate and uninterrupted fire protection water supply to development.
- h) Recommend no combustible mulch in contact with structures and consider landscaping design in accordance with *Firewise* design principles.

76. Water Mitigation:

Prior to Occupancy:

- a) Applicant to provide mitigation in the amount of \$25,000 to the Town for well redevelopment and maintenance on the mechanical equipment at Bradford well. This would help recover lost pumping capacity and help maintain the existing pumping equipment under the increased pumping duration seen by this development.
- b) Applicant to provide mitigation in the amount of \$5,000 for leak detection within the Bradford pressure zone and repair to eliminate water loss and improve the water system.
- c) Applicant to design a 12” water line extension to the western extent of the parcel to provide potential waterline loop to Billington Street for additional redundancy.

77. Sewer Mitigation:

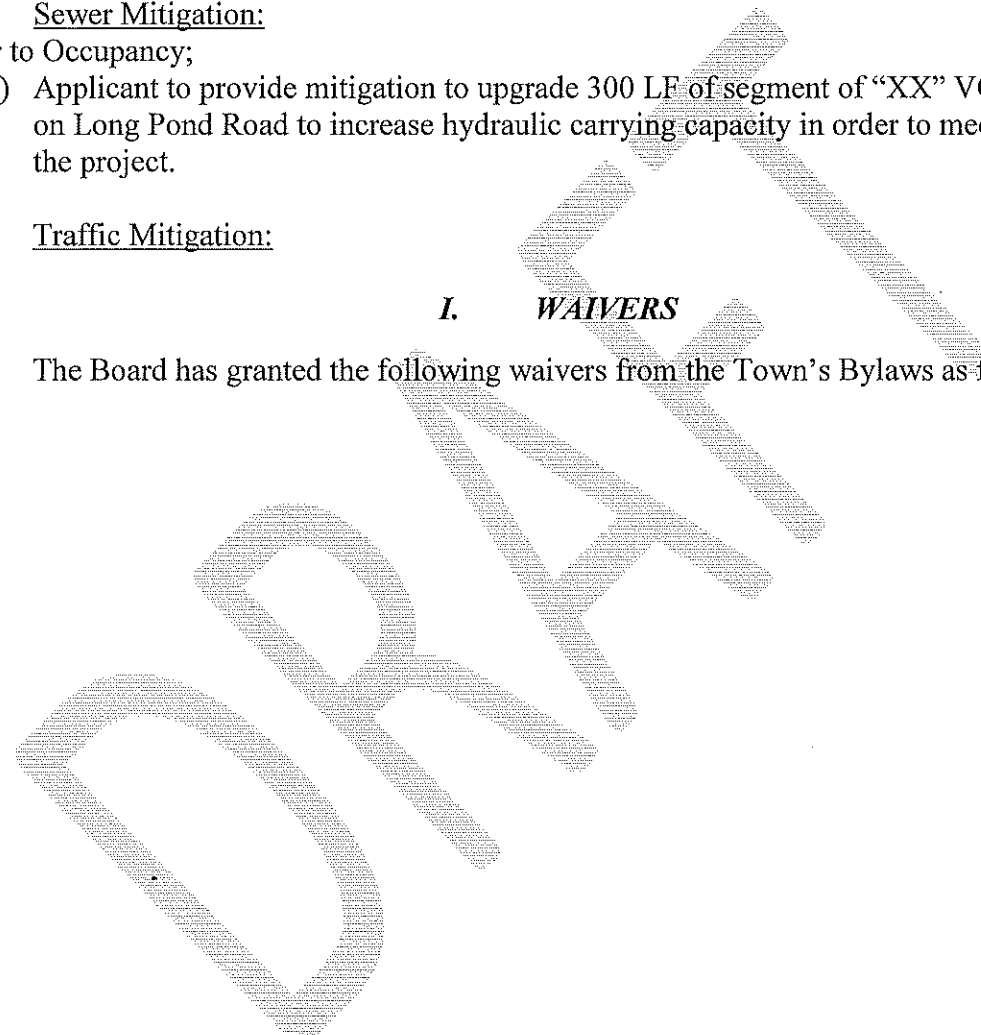
Prior to Occupancy;

- a) Applicant to provide mitigation to upgrade 300 LF of segment of “XX” VC sewer main on Long Pond Road to increase hydraulic carrying capacity in order to meet the needs of the project.

78. Traffic Mitigation:

I. WAIVERS

88. The Board has granted the following waivers from the Town’s Bylaws as follows:



IV. RECORD OF VOTE

On _____, the Board, on a motion made by _____, seconded by _____, voted X-X-X (List Members in favor/opposed) to approve/deny the **Comprehensive Permit** to allow for development as conditioned herein at 24 School Street, Plymouth, MA.

The Board has complied with all statutory requirements for the issuance of this Comprehensive Permit. A copy of this decision will be filed with the Town Clerk. Copies of this decision have been, or will be mailed, to all parties, persons or boards as required by M.G.L. c. 40B.

The grant of this comprehensive permit hereunder is dependent upon compliance with all of the conditions set forth above and upon the following additional terms and conditions.

This Comprehensive Permit Decision shall be a master permit which shall subsume all local permits and approvals normally issued by local boards, as that term is defined in 760 CMR 56.00 et seq. Upon presentation of this Comprehensive Permit and subsequent more detailed Final Plans as required pursuant to this Decision and in order to obtain other relevant approvals, together with final approval from MassHousing pursuant to 760 CMR 56.04(7), all Local Boards shall take all actions necessary, including but not limited to issuing all necessary permits, approvals, waivers, consents, and affirmative action such as plan endorsements and requests for waivers, after reviewing such plans only to ensure that they are consistent with this Comprehensive Permit (including any waivers or lack of waivers set forth herein), the final approval of the Subsidizing Agency, and in compliance with applicable state and federal laws, regulations, and codes.

On _____, 2019 the Board voted to authorize the Chairman, Peter Conner, to sign this decision on behalf of the Board.

Any person aggrieved by this decision may appeal to a court of competent jurisdiction within 20 days as provided by M.G.L. c. 40A, § 17 or M.G.L. c. 40B, §20 et seq., as applicable.

Zoning Board of Appeals of the Town of Plymouth

Peter Conner, Chair

Date

DRAFT

H. LAPSE

Any comprehensive permit granted hereunder shall lapse three years from the date that it takes final effect (i.e., the date that it is filed with the Town Clerk, subject to tolling in the event of any appeal and as provided in 760 CMR 56.05(12)(c)), unless the comprehensive permit is duly recorded before the three year period elapses and unless construction on the Project has commenced within such period. In addition, construction in accordance with this comprehensive permit shall be completed within three years of the commencement of construction. The Applicant may apply to the Board for reasonable extensions of these deadlines for good cause but shall do so before any lapse occurs.

This comprehensive permit shall not be valid until it is duly recorded with the Registry of Deeds and evidence of such recording is provided to the Building Inspector and the Board. Any modification of this comprehensive permit shall be subject to 760 CMR 56 or any successor regulation thereto.

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

I hereby certify that this is a true copy of the decision rendered by the Board of Appeals and filed in the office of the Town Clerk on _____, _____; I further certify that twenty days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Plymouth, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Town Clerk

EXHIBITS

1. List of Waivers

EXHIBIT 1

WAIVERS

(list each waiver separately, citing applicable bylaw or regulation, followed by individual votes of ZBA on each waiver)

Zoning		Required	Granted Waiver
• 198-501	Sign	Special Permit	waived
• 198-502	Sign	One Sign	Two Signs
• 198.504	Earthwork	500 cu.yds.	106 cu.yds. cut 4,571 cu.yds. fill
• 198-508	Multi-Family Use	Design Review	waived
• 198.701	Height	35' maximum 2.5 stories	37.7' and 39.2' 3 stories
• Section 198.702	Front Setback	30'	16.3/23.7'
	Side Setback	15'	10.8' (Building)
	Side Setback	15'	1.0' (retaining wall)
• Section 198.802	Multi-Family Use	Special Permit	waived
• Section 198.1801	Multi-Family Use	Special Permit	waived
• Section 198.1802	Multi-Family Use	Site Plan	waived
 Board of Health Regulations			
• Section II.C.1	Design Flow	165 gpd	110 gpd
• Section II.C.5	Distance of Trenches	10'	6'
• Section II.D.1	Offset to Wetlands	100'	62.6'
 Wetland and Water Resource Bylaw			
• Section 194-A.3	Land Subject to Flooding (to the extent in excess of FEMA designation)		
•	Stream designation (to the extent in excess of 310 CMR 58.00)		

RECEIVED
TOWN CLERK'S OFFICE
PLYMOUTH, MA

**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

RECEIVED

JAN 24 2019

BOARD OF APPEALS
PLYMOUTH, MA

19 JAN 25 11:19

3.047

The Applicant's requested exceptions are based on the Plans entitled "The Oasis At Plymouth, Issued for Comprehensive Permit" prepared by Allen & Major Associates, Inc., dated January 11, 2019. Subsequent amendments to the Site Development Plans or the applicable Ordinances, By-Laws and/or Regulations may require different or additional exemptions, thus the Applicant respectfully reserves all of its rights to supplement or amend the list.

Exceptions to the Zoning Bylaw of the Town of Plymouth as dated 2004 as amended through October 21, 2017

CHAPTER	SECTION REQUIREMENT	PROPOSED
<p>§205-9. Special Permits (C) Environmental design conditions (3) Information Required (e)</p> <p>Old Zoning, this section deleted</p>	<p>In order to evaluate the impact of the proposed development on Town services and the welfare of the community, there shall be submitted an impact statement which describes the impact of the proposed development on all applicable Town services, including but not limited to schools, sewer system, water system, parks, playgrounds, and fire and police protection; the projected generation of traffic on the roads of and in the vicinity of the proposed development; the subterranean water table, including the effect of proposed septic systems; and the ecology of the vicinity of the proposed development.</p> <p>The impact statement shall also indicate the means by which Town or private services required by the proposed development will be provided, such as by private contract, extension of municipal services by a warrant approved at Town Meeting, recorded covenant, or by contract with a homeowners' association.</p>	<p>The project shall provide an infrastructure analysis for sewer and water capacity in order to comply with the developmental aspects to the Town. The applicant shall be required to provide a statement on traffic impacts as a requirement of the Memorandum of Understanding that accompanies the land through agreement with the Board of Selectmen. A waiver is requested to strict adherence to this section of the bylaw.</p>
<p>§205-9. Special Permit (C) Environmental design conditions (4) General conditions and standards (a) Natural features conservation</p> <p>Old Zoning, this section deleted</p>	<p>Disruption of existing site features, including particularly the clearing of trees and undergrowth and the changing of natural topography, shall be kept to an absolute practical minimum. Where tree coverage does not exist or has been removed, new planning may be required. Finish site contours shall approximate the character of the natural site and surrounding properties. See §205-18</p>	<p>The development site has been denuded of vegetative cover and partial earthwork has taken place under separate permit and application by others. The final contouring of the land shall be developed to support the build program.</p>

**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

	and sections concerning specific land uses.	
<p>§205-9. Special Permit (C) Environmental design conditions (4) General conditions and standards (e) Design of structures</p> <p>Old Zoning, section deleted</p>	<p>All structures shall be of high design and construction quality and shall be compatible with the neighborhood and the Town as to design characteristics, including but not limited to scale, massing, proportions, height, roofs, colors and materials. Use of any particular historical style of architecture is not encouraged.</p>	<p>The proposed project is not listed as an allowable use under the Highway Commercial zoning and therefore development standards that would otherwise apply in the zone will not apply to this development. The applicant shall seek to provide a high quality product showcasing the Plymouth characteristics. Massing, height, and scale will be commensurate with the density required for an economical program.</p>
<p>§205-9. Special Permit (C) Environmental design conditions (5) Specific standards (a) (3)</p> <p>Old Zoning, Section deleted</p>	<p>Buffers between land uses §205-21</p>	<p>A buffer between the land uses consistent with 205-21 is not provided. The project does provide for a buffer of varying depth (minimum of 50') to the residential land use pursuant to the Memorandum of Understanding.</p>
<p>§205-17. Lot regulations (C) Accessory Buildings</p> <p>Section 203-1 (C) By Special Permit</p>	<p>Except as may be allowed by special permit subject to environmental design conditions, §205-9 and Articles V and VI, no accessory building shall be erected in any required front, side, or rear yard or within 10 feet of any principal building.</p>	<p>The applicant requests a waiver from this requirement for freestanding garages along the right of way adjacent to the MassDOT property line.</p>
<p>§205-17. Lot regulations (D) Numbers of buildings on a lot</p> <p>Section 203-1 (C) By Special Permit</p>	<p>Only one principal residential building shall be allowed on a single lot except as provided in §205-28, Planned unit development, and §205-45, Multifamily residential (R-20MF).</p> <p>In any commercial zone and airport zone more than one principal nonresidential structure may be erected on a single lot by special permit from the Board of Appeals subject to environmental design conditions, provided that the entire lot and all structures are planned and</p>	<p>The applicant requests a waiver to allow for multiple buildings on a single lot in support of this multi-family community development.</p>

**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

	maximum of 15 feet without a special permit from the Board of Appeals for wireless communication equipment provided said poles are not within 25 feet of the layout of a public or private way.	
<p>§205-17. Lot regulations (I) Height (2) Special Permit Conditions (b – 2nd paragraph)</p> <p>Not needed - applies to LI District only</p>	<p>Provided that buildings/structures exceeding a height of 35 feet or three stories, up to a height of 45 feet or four stories, shall be set back a minimum of 400 feet, including a buffer of 250 feet, from any residential district boundary. Buildings/structures exceeding 45 feet in height or four stories, to a maximum of 60 feet, shall be set back a minimum of 500 feet, including a buffer of 300 feet, from any residential district boundary.</p>	<p>The applicant requests a waiver from the setbacks to residential land for buildings above 35 feet to allow for the program densities needed.</p>
<p>§205-18. Natural features conservation requirements (D) Grading and topography (2) (a)</p> <p>See Section 203-2(B)(2)(ii)(6)</p>	<p>Where the adjacent lot is lower in elevation than the lot for which a permit is sought, no slope or terrace exceeding fifty-percent slope and five-foot difference in elevation shall be allowed within 25 feet of the lot time.</p>	<p>The applicant requests a waiver from this requirement to allow for grading within 25' feet of a property. No grading shall occur within 50' (or the increased distance) to land subject to the Memorandum of Understanding residential buffer.</p> <p>Are you exceeding 2:1?</p>
<p>§205-18. Natural features conservation requirements (D) Grading and topography (2) (b)</p> <p>See Section 203-2 above</p>	<p>Where the adjacent lot is higher than the elevation of the lot in questions, no slope or terrace exceeding fifty-percent and five-foot difference in elevation shall be allowed within 10 feet of the lot line.</p>	<p>The applicant requests a waiver from this requirement to allow for grading within 10' feet of a property. No grading shall occur within 50' (or the increased distance) to land subject to the Memorandum of Understanding residential buffer.</p> <p>Are you exceeding 2:1?</p>
<p>§205-18. Natural features conservation requirements (D) (5)</p> <p>Section 203-2</p>	<p>Upon completion of grading and replacement of topsoil, slopes shall be appropriately stabilized to prevent erosion. The following guidelines are recommended; slopes greater than 35% should be avoided in most cases; slopes between 25% and 35% ; riprap or terracing should be used; slopes between 10% and 25%; sod, or</p>	<p>The applicant requests a waiver from the slope limitations defined in this section. Portions of the program will rely on a 2:1 and 1.5:1 slope that will be fully stabilized through geotextile fabrics and rock embankments.</p>

**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

	established vegetation or seedlings in association with webbing material placed over the soil; and slopes between 4% and 10% plant seed in association with webbings placed over the soil, or heavy mulch or gravel.	
<p>§205-18. Natural features conservation requirements (E) Vegetation (3)</p> <p>See Section 203-2(B)(c)</p>	<p>In all residential areas, upon completion of construction, there shall be an average minimum of four trees per dwelling unit, at least two of which shall be on each lot or, in the case of multifamily residential, within 50 feet of each dwelling unit. Such trees shall be of a species suited to the soil and climate of the area, shall be in healthy condition, and shall be a minimum of 12 feet in height. Such trees may be planted by the developer if existing trees cannot be saved and shall be properly planted. A greater number of trees which are less in height than those required but which are a minimum of five feet in height and which furnish, or can be expected to furnish, a comparable tree coverage may be authorized at the discretion of the Board of Appeals.</p>	<p>The applicant requests a waiver from this section of the bylaw specifying the quantity of trees needed for the site plan development.</p> <p>The project will provide a fully landscaped plan consistent with, but perhaps not fully compliant with, the quantification noted herein. The plantings shall also be provided consistent with the applicant's development standards for similar projects.</p>
<p>§205-18. Natural features conservation requirements (F) Earth Removal Regulation - Intent (B) Earth Removal Operations Requiring a Zoning Permit but not a Special Permit - Zoning Permit Minimum Conditions and Safeguards (2)</p> <p>See above</p>	<p>A revegetation plan prepared by a professional Landscape Architect or an equivalent qualified professional shall be submitted to an approved by the permit granting authority (the Building Commissioner for Zoning Permits in Sections B and the Zoning Board of Appeals for Special Permits in Section C). The plan shall include Native Vegetation (trees, shrubs and grasses) planted at a density similar to the surrounding areas.</p>	<p>The applicant requests a waiver from the "density" parameter of this section. The originating land was forest land that had an increased density of vegetation. Planting of this dense nature would be discontinuous with the intent and style of this residential community.</p> <p>The project will provide a fully landscaped plan consistent with the applicant's development standards for similar projects.</p>
<p>§205-18. Natural features conservation requirements (F) Earth Removal Regulation - Intent (B) Earth Removal Operations</p>	<p>A minimum of six inches of topsoil shall be placed on areas designated to be restored to a natural state (side slopes, open space and areas that are</p>	<p>The applicant requests a waiver from this section of the bylaw to provide 6" of average topsoil depth over the project area, inclusive of slopes</p>

**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

<p>Requiring a Zoning Permit but not a Special Permit – Zoning Permit Minimum Conditions and Safeguards (4)</p> <p>See above</p>	<p>not to be otherwise improved). This minimum depth of topsoil shall be increased to 12 inches in the Aquifer Protection District zone II.</p>	<p>within the aquifer zone.</p>
<p>§205-18. Natural features conservation requirements (F) Earth Removal Regulation - Intent (B) Earth Removal Operations Requiring a Zoning Permit but not a Special Permit – Zoning Permit Minimum Conditions and Safeguards (6)</p> <p>We need to discuss. Are you removing more material?</p>	<p>Excavation or depositing of excavated material shall not be made within 100 feet of any lot line. For excavation sites in or directly abutting the RR, R40, R25, R-20SL and R-20MF, excavation shall not occur within 200 feet of the projects' property lines which requirements by Special Permit when the excavation site:</p> <ul style="list-style-type: none"> a. Is located on a uniquely sloped lot where the change in topography screens the site from abutting uses; b. Abuts a similar use; or Such a reduction will not be detrimental to an abutting use. 	<p>The applicant requests a waiver to allow for the movement of material within 100 feet to a residential rural (RR) zoning district.</p>
<p>§205-18. Natural features conservation requirements (F) Earth Removal Regulation - Intent (C) Earth Removal Operations Requiring a Zoning Permit and a Special Permit from the Zoning Board of Appeals (Paragraph 2) (3)</p> <p>See above</p>	<p>An alternative analysis and site plan describing alternatives to the location and size of the earth removal operation that would:</p> <ul style="list-style-type: none"> a. Minimize the amount of earth removed. b. Minimize the area of land disrupted; or Reduce the length of the earth removal operation. 	<p>The applicant requests a waiver from providing an alternatives analysis for the earth moving operations associated with this project. The project is intended to only move the earth necessary to shape and form contouring of the land compatible with the development. It is not a 'for-profit' venture to create saleable material.</p>
<p>§205-18. Natural features conservation requirements (F) Earth Removal Regulation - Intent (C) Earth Removal Operations Requiring a Zoning Permit and a Special Permit from the Zoning Board of Appeals (3) Special Permit Minimum Conditions and Safeguards (a) The following conditions shall apply (b)</p> <p>See above</p>	<ul style="list-style-type: none"> c. Side slopes exceeding 3 to 1 grades may be allowed by the Board of Appeals provided that the slopes do not exceed the soil's natural angle of repose and the Board of Appeals finds that the soils are suitable for steeper slopes and adequate revegetation plans are submitted. 	<p>The applicant requests a waiver from this section of the bylaw to allow slopes steeper than 3:1. The slopes shall be constructed and stabilized in a manner consistent with geotechnical engineered standards for long term slope stability and settlement.</p>
<p>§205-18. Natural features</p>	<p>For excavation of Material subject to</p>	<p>The applicant requests a waiver from</p>

**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

<p>conservation requirements (F) Earth Removal Regulation - Intent (G) Conditions for Excavation</p> <p style="color: red; font-weight: bold;">See above</p>	<p>§205-18 (F)(1)(a) the following conditions are required to adequately protect the public's health and safety:</p> <p>(1) The proposed excavation plan and necessary supporting documents shall show the proposed amount and location of all excavation and shall designate exactly where and in what manner all said material or unused or by-products material shall be deposited or stored. No excavation or depositing of excavated material shall be made within 50 feet of any lot line and no excavation greater than 15 feet deep shall be made within 100 feet of any lot line. No pile of material shall be deposited higher than 35 feet. Provision shall be made for complete control of wind or water erosion which might affect adjacent properties. All operations shall be planned to facilitate restoration of the site as required in Subsection G(2) below. Any significant departure at a later date from the proposed excavation plan shall require a separate special permit.</p> <p>(2) An additional plan at two-foot contour intervals, along with necessary supporting documents shall be submitted showing the proposed ultimate disposition of all excavations and materials at the completion of operation such that all scars created by the excavation are eliminated. All slopes of excavated areas</p>	<p>this section of the bylaw regarding specific conditions 1 through 11 for excavation.</p> <p>The project is intended to only move the earth necessary to shape and form contouring of the land compatible with the development. It is not a 'for-profit' venture to create saleable material.</p> <p>All earth activities shall be performed by qualified individuals educated in the proper and safe use of equipment to effect the design intent.</p> <p style="text-align: center;">The property is located directly adjacent to a major highway where local roadway impacts are not anticipated and can be controlled by the developer at the time of construction.</p>
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**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

	<p>and deposits of materials shall be graded to fit compatibly with the natural contours of the surrounding landscape. All such slopes shall be adequately covered with topsoil and replanted with approved ground cover.</p> <p>(3) The excavation and trucking of material and/or noise generated by the excavation, operation, engine start-up and trucking of material shall be limited to Monday through Friday. The hours of operation shall be limited to 7:00AM to 4:00 PM. No excavation activities shall be permitted on holidays.</p> <p>(4) A periodic statement from a registered professional engineer that the provisions of the special permit are being followed may be required of the applicant.</p> <p>(5) Notice of the completion of operations shall be file immediately with the Building Commissioner, who shall inspect the premises for conformity with all approved plans.</p> <p>(6) A limit of 40 heavy equipment trips per day will be the maximum allowed for all earth removal operations for the project. Every effort shall be made to phase the heavy equipment trips with the other local projects.</p> <p>(7) A heavy-equipment route shall be designated and approved by the Board of</p>	
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**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

	<p>Appeals so as to minimize the negative effects of the heavy equipment traffic.</p> <p>(8) Excavation of materials shall be allowed for a period not to exceed two (2) years from the start of excavation. The applicant shall notify the Building Commissioner prior to the commencement of work. Sixty (60) days prior to the completion of the two (2) year period the applicant may file a written request to the Board of Appeals for an extension of the excavation period. The Board of Appeals may deny the request of the extension. Reasons for denial include:</p> <ul style="list-style-type: none"> (a) Violations of the conditions of the original permit. (b) The work site having been deemed abandoned by the Building Commissioner (c) Proper stabilization methods, as required in Subsection H(2) and/or H(3), have not been maintained. <p>(9) No area of site disturbance shall be larger than five (5) acres for earth removal, storage, and/or processing at one time. Prior to the commencement of disturbance of any subsequent areas the preceding five (5) acres shall be stabilized either temporarily or permanently</p>	
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**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

	<p>as required in Subsection H(2) and/or H(3).</p> <p>(10)The Petitioner shall permanently stabilize, as defined in Subsection H(3), any portions of the site that are not under construction after earth removal activities have ceased for a period of six (6) months.</p> <p>c. (11)A performance guarantee determined by the Town must be in place prior to the commencement of work. The performance guarantee shall be directly tied to the restabilization of the work site and equal to a documented, verifiable estimate of cost to vegetatively reclaim the work site. The estimate shall include an adjustment for projected inflation or other predictable factors over the term of the permit plus one year.</p>	
<p>§205-21. Buffers between land uses</p> <p>No width is required - set by ZBA - now in dimensional table</p>	<p>A. Uses adjacent to residential</p> <p>(1) In order to protect residential land from potential noxious or disruptive effects of adjacent land uses of different character and to eliminate as practicable the impacts of visibility, noise, and lighting, the following buffer areas shall be provided, as approved by the Building Commissioner after site plan review by the Planning Board or the Board of Appeals in cases subject to special permit.</p> <p>(2) Where Neighborhood, Arterial or General Commercial or Industrial Zones adjoin residential zones, whether</p>	<p>The applicant requests a waiver for a buffer strip utilizing earthen berms or similar. The separation between the existing residential use and the proposed use will have a maintained vegetative buffer of at least 50 feet in accordance with the Memorandum of Understanding.</p>

**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

	<p>developed or underdeveloped, adequate buffering shall be provided along all lot lines adjoining the residential properties according to the particular circumstances as follows:</p> <p>(a) A buffer strip of a minimum of 50 feet, variable by special permit, and proportional to the size of the commercial or industrial use, shall be reserved, and screening adequate for the situation and characteristics of use shall be retained as or provided for in the form of a planted earthen berm. Thick plantings, walls, or any combination of these or other buffers, at least four feet high, or higher is prescribed, are required. The use of thick planted earthen berms together with evergreen plantings is encouraged.</p>	
<p>§205-23. Off-street parking (G) Design standards and lighting (2)</p> <p style="color: red;">Section 203.7</p>	<p>Required parking spaces shall not be less than 10 feet wide nor less than 18 feet long, exclusive of maneuvering and driving lanes, except that one foot may be allowed for bumper overhang beyond the curb. Lots of garages operated by attendants may provide spaces eight feet wide by special permit. Driving lanes shall be a minimum of 20 feet wide for angle parking and 25 feet wide for perpendicular parking. Turnaround spaces shall be provided in all dead-end parking lanes.</p>	<p>The applicant requests a waiver to this requirement in order to provide spaces measuring 9x18 consistent with similar projects. Additionally, the reduced width allows the applicant to meet the bylaw requirements without increasing pavement surface.</p>
<p>§205-23. Off-street parking (H) Visual relief for lots (3)</p>	<p>(b) When the total amount of parking on a lot or building site exceeds 40,000 square</p>	<p>The applicant requests a waiver from this section of the bylaw.</p>

**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

	<p>feet, the parking shall be separated into smaller lots or segments of not more than 20,000 square feet each with dividers at least 10 feet wide and containing vegetation. In lots of this size cut into a hillside or rolling topography with relief greater than 15 feet, these segments shall be terraced with the slope and the divider strips stabilized against erosion.</p>	<p>The parking areas have been designed to service directly adjacent buildings but are all interconnected to allow for maximum flexibility to meet parking demands. The parking areas are separated by landscaped end islands and internal breaks that allow the project to meet the intent of this section though not with strict adherence.</p>
<p>§205-32. Site Plan Review (B)</p> <p>No needed. Only required if there is no other review by the Planning Board (or consider the Planning Board's recommendation Their review)</p>	<p>The following building permit applications and plans are exempt from the site plan review.</p> <ul style="list-style-type: none"> a. Those subject to Board of Appeals action b. Single and two family dwelling (new construction, alteration, or addition) Signs 	<p>It is the applicant's opinion that a comprehensive permit issued duly by the Board of Appeals will meet criteria a. and therefore not require Planning Board site plan review, otherwise, a waiver is requested.</p>
<p>§205-68. Residential development phasing</p> <p>This section was deleted</p>	<ul style="list-style-type: none"> A. Purpose and intent B. Applicability C. Procedure Property tax relief 	<p>The applicant requests a waiver from providing a phased development of the residential use. The project is intended to be constructed and occupied as a single project.</p>
<p>§205-68. Residential development phasing (Table 5)(HC)(Max Height) Dimensional Table 7(e)</p>	<ul style="list-style-type: none"> c. 3 Stories 	<p>The applicant requests a waiver from the height requirement of Table 5 of 35'.</p>
<p>Is something missing</p>	<ul style="list-style-type: none"> D. 	
<p>Same</p>		

Exceptions to the Zoning Bylaw of the Town of Plymouth as dated 2004 as amended through October 21, 2017

**Preliminary List of Exceptions
The Oasis At Plymouth
Home Depot Drive in Plymouth
As of January 24, 2019**

CHAPTER	SECTION REQUIREMENT	PROPOSED
<p>4.0 Closed Drainage Systems (5) Closed System Outlets</p> <p>What are you referencing? Stormwater guidelines?</p>	<p>In order to verify that sufficient capacity will be provided in detention facilities downstream of closed system outlets collecting and conveying stormwater runoff from roadways, the Closed System Detention Worksheet in Appendix B shall be completed and submitted.</p> <p>The worksheet is not intended in any way to replace or supercede other sizing criteria contained in these guidelines. The intention of this worksheet is to provide supplemental verification that adequate capacity exists to avoid roadway flooding during the design storm event.</p> <p>Where it can be demonstrated that there is no risk of roadway flooding, the worksheet will not be required.</p>	<p>The applicant requests a waiver to provide documentation on the Closed Drainage system on a form different than that specified in the manual. The form will provide all pertinent information to confirm the design and function meets the requirement, but can be more easily assembled using software designed for this specific purpose including HydroCAD and Storm and Sanitary Analysis.</p>

Exceptions to Chapter 196 – Wetlands Protection of the Town of Plymouth Zoning

None noted. The project does not contain any wetland resource areas protected under Chapter 196 or the State Wetlands Protection Act.

Notwithstanding anything to the contrary contained herein the Applicant hereby requests relief from any other local rule, regulation, or ordinance that would prohibit the development of the project or make such project uneconomic.

The Oasis at Plymouth

2. Project Narrative

Project Description:

The development is anticipated to contain 320 residential rental units on approximately 24.6 acres of land off Honda Drive in Plymouth, Massachusetts. There will be two (2) 48-unit and four (4) 56-unit 4-story residential buildings with a mix of 144 one-bedroom, 144 two-bedroom, and 32 three-bedroom apartments.

A separate 9,300 SF building will be centralized within the development and serve as the community center for all the residents. The clubhouse will house various amenities such as a fitness center, in-ground swimming pool, game area, theater room, outside fire pit with separate grilling stations, and leasing offices to serve the residents. The leasing office will have a designated letter and parcel area for residents to retrieve their mail. This area will 24-hour access, and house parcel pending lockers.

There will be 13 free standing garages, providing a total of 100 garage spaces in two - 6 bay buildings and eleven - 8 bay buildings. Additionally, there will be 549 surface parking spaces.

Current Use:

The site is currently raw undeveloped land. No other use on the site has been known or identified. Some grading has been completed and gravel has been stockpiled. This work was preformed by an unrelated party in connection with an abandoned project.

Zoning Classification:

Highway Commercial (HC). Principal allowed uses include manufacturing, office, eating and drinking establishments, personal service, professional, hotel, and private clubs.

Existing Utilities and Infrastructure:

Public sewer is available via an existing private lift station to municipal sewer system within Long Pond Road. Natural gas and Electricity are available via Eversource. Project will be connected by municipal water supply via a 12" service line.

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PLYMOUTH, MA



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000
FAX: 617.854.1091 | www.masshousing.com
Videophone: 857.366.4157 or Relay: 711

December 3, 2018

RRSP Acquisitions, LLC
c/o Picerne Real Estate Group
75 Lambert Lind Highway
Warwick, RI 02886
Attention: Nic Reuter

**Re: The Oasis at Plymouth
Project Eligibility/Site Approval
MassHousing ID No. 1003**

Dear Mr. Reuter:

This letter is in response to your application as “Applicant” for a determination of Project Eligibility (“Site Approval”) pursuant to Massachusetts General Laws Chapter 40B (“Chapter 40B”), 760 CMR 56.00 (the “Regulations”) and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development (“DHCD”) (the “Guidelines” and, collectively with Chapter 40B and the Regulations, the “Comprehensive Permit Rules”), under the New England Fund (“NEF”) Program (the “Program”) of the Federal Home Loan Bank of Boston (“FHLBB”).

RRSP Acquisitions, LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build 320 units of rental housing (the “Project”) on approximately 24.6 acres of land located on Home Depot Drive (the “Site”) in Plymouth (the “Municipality”).

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, “Housing Programs In Which Funding Is Provided By Other Than A State Agency.”

MassHousing has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Comments

The Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing.

The Town of Plymouth submitted a letter dated September 17, 2018 to MassHousing identifying the following local concerns:

- The Municipality noted that the intersection at Home Depot Drive and Long Pond Road is severely congested, regularly operating at a "F" Level of Service, and made note of the 2009 Memorandum of Understanding (MOU) between the Municipality and the current property owner, which requires critical off-site infrastructure improvements prior to development on the Site. The Municipality fully intends to enforce the mitigation strategies set forth in the MOU.
- The Municipality noted that a portion of the Site is located within Zone II of the Town's Lout Pond Well and that grading and stormwater systems on the Site must be carefully designed to protect drinking and surface water resources.
- The Municipality expressed concerns about the Municipality's water infrastructure, and encouraged the implementation of water-saving facilities at the Project.
- The Municipality noted that the Site is served by a private wastewater system, which will tie in to public sewer at Long Pond Road, and expressed the need for additional analysis to determine any necessary upgrades to both private infrastructure for increased flow and public infrastructure at the point of connection.

MassHousing Determination

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval. As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Developer may apply to the ZBA of the Municipality for a Comprehensive Permit. At that time, local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

Based on MassHousing's consideration of comments received from the Municipality, and its site and design review, the following issues should be addressed in your application to the local ZBA for a Comprehensive Permit and fully explored in the public hearing process prior to submission of your application for Final Approval under the Program:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.

- The Applicant should be prepared to provide detailed information relative to proposed water and sewer use, potential impacts on existing capacity, and appropriate mitigation.
- The Applicant should be prepared to respond to Municipal concerns relative to potential off-site traffic impacts on area roadways and intersections and to respond to reasonable requests for mitigation.
- The Applicant should be prepared to explore opportunities to enhance multi-modal connectivity and safety in the area, including the creation of safe pedestrian and bike routes to nearby commercial uses and transit facilities. Consideration should also be given to a bus stop for children and pick-up/drop-off areas with seating for residents.
- The Applicant should provide information relative to trash storage and trash removal.

This Site Approval is expressly limited to the development of no more than 320 rental units under the terms of the Program, of which not less than eighty (80) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a Comprehensive Permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new Site Approval application for review by MassHousing.

For guidance on the Comprehensive Permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a Comprehensive Permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing at the following times throughout this two-year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a Comprehensive Permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Katherine Miller at (617) 854-1116.

Sincerely,



Chrystal Kornegay,
Executive Director

cc: Janelle Chan, Undersecretary, DHCD
The Honorable Viriato M. deMacedo
The Honorable Mathew J. Muratore
Kenneth A Tavares, Chair, Board of Selectmen
Peter Conner, Chair, Zoning Board of Appeals
Lee Hartman, Planning Director

Attachment 1.

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency Section (4) Findings and Determinations

The Oasis at Plymouth, Plymouth, MA, MH #1003

After the close of a 30-day review period, MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Plymouth is \$81,100.

Proposed gross rent levels of \$1,521 for a one-bedroom affordable unit, \$1,824 for a two-bedroom affordable unit and \$2,108 for a three-bedroom affordable unit, less utility allowances of \$195, \$285, and \$381 for the one two- and three-bedroom units, respectively, are below the 2018 maximum allowable rents for the Boston-Cambridge-Quincy HMFA under the NEF Program.

A letter of interest for project financing was provided by Rockland Trust, a member bank of the Federal Home Loan Bank of Boston.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on MassHousing staff's site inspection, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses.

Plymouth does not have a DHCD Certified Housing Production Plan. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through September 2017, Plymouth has 721 Subsidized Housing Inventory (SHI) units (3.2 % of its housing inventory), which is 1,508 SHI units below the 10% SHI threshold.

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan

and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);

- **Relationship to Adjacent Building Typology (Including building massing, site arrangement, and architectural details):**

The Site is located between low-density residential neighborhoods to the north and west, and large-footprint commercial development to the south and east. The surrounding residential development consists primarily of single family homes, medium to large in size. These residential areas are buffered by tracts of woodland that line the perimeter of the site, providing vegetative screening. The surrounding commercial development, largely occupied by big box retailers, consists of large cement and masonry structures that are 1-2 stories in height and nondescript in architectural style.

The proposed development consists of six multi-family structures, four-stories each, comprising a total of 320 one- two- and three-bedroom rental apartments. The massings of the four-story buildings are relatively large compared to adjacent residential structures. In addition to the vegetative screening, buffering is created by single-story garages at the site perimeter, which helps to mitigate the building massing. Building elevations consist of a variety of materials such as stone and horizontal cementitious siding and paneling. Features such as projecting bays, recessed balconies, and residential scale windows articulate the façade and help to break up the massing.

- **Relationship to adjacent streets/Integration into existing development patterns**

The proposed Project's entrance is located off Long Pond Road, just south of the Route 3 on-ramp. Access to the Site is proposed via an extension of Home Depot Drive, a two-lane private roadway that services the Home Depot shopping plaza. The roadway extends northwest through the Site and connects with a loop road that circulates through the development and around the proposed residential structures. The access roadway crosses over an undeveloped parcel of land, intended for future commercial development. Schematic site plans suggest that office, hotel, and self-storage developments are potential uses for this adjacent parcel. Given the Site's location near Long Pond Road's commercial corridor, which includes a mix of hotels, box store development, office, and industrial parks, the proposed Project offers residential density that otherwise would not be located there, and is able to appropriately integrate into the existing mixed-use development pattern.

- **Density**

The Developer intends to build 320 units of rental housing on 24.6 acres, all of which are buildable. The resulting density is roughly 13 units per buildable acre. Given the housing type and its location to nearby similarly sized mixed-use development, the proposed density is acceptable.

- **Conceptual Site Plan**

The site plan consists of six, four-story buildings organized around a central common open space area anchored by a clubhouse building and pool. A stand of established

existing vegetation along the perimeter of the Site will remain, providing an attractive vegetative border. Surface parking is arranged around the perimeter of the apartment cluster. Single-story garage structures are integrated along the perimeter of the parking areas, further defining the borders of the Site. Access to the development will be provided by a two lane roadway extension of Home Depot Drive.

- **Environmental Resources**

The property does not contain any area of critical concern or areas of estimated or priority habitat of rare species, wildlife or vernal pools. The site has no wetlands or any other identified natural resource areas.

- **Topography**

The Site has been cleared and partially graded. The topography of the Site ranges from an elevation of approximately 125' where Home Depot Drive is proposed to enter the Site, sloping upward to elevation 145' where the center of the Site is cleared for development. The portion of the Site proposed for development is generally level. The location of the residential structures sits at a high point of the Site, before steeply sloping down at the rear of the Site's southwest corner.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Applicant proposes 320 rental apartments to be financed under the NEF Program. There will be 80 market-rate units with proposed average rent levels of \$2,100 for the one-bedroom units; \$2,400 for the two-bedroom units; and \$2,800 for the three-bedroom units. MassHousing's Appraisal and Marketing team performed a Competitive Market Analysis and found that proposed market rents for each unit type fall within the range of adjusted comparable market rents.

In-house data for larger market and mixed-income complexes (approximately 764 units) in the area revealed a strong market, with increasing rental and occupancy rates over the past three years. Current occupancy rates of the comparable properties reviewed averaged approximately 97.6%. REIS, Inc. data for the South/SE Suburban 128 submarket has a vacancy rate at 4.4% (YTD). This rate is projected to increase to 5.1% over the next five years.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

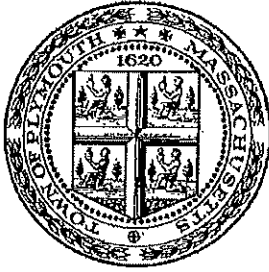
MassHousing has commissioned an as "As-Is" appraisal, which indicates a land valuation of \$4,970,000. Based on a proposed investment of \$24,581,762 in private equity, the application pro-forma appears to be financially feasible and within the limitations on profits and distributions.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

MassHousing finds that the Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Applicant controls the Site through a Purchase and Sale Agreement (P&S) between Harald, LLC (Seller) and RRSP Acquisitions, LLC (Buyer), with an expiration date of November 27, 2018, and three 6-month option periods. The Applicant has extended their option into the first 6-month period.



Town of Plymouth
Fire Department
Fire Prevention & Code Compliance Division

114 Sandwich Street
Plymouth, Massachusetts 02360
508-830-4213 x2
Fax 508-830-4174



Plymouth Fire Department
Response to
Planning and Development

RECEIVED

FEB 06 2019

BOARD OF APPEALS
PLYMOUTH, MA

Project Name: The Oasis
Project Location/Address: Home Depot Drive
Petitioner, Owner or Developer: RRSP Acquisitions, LLC
Proposed use: Residential- 320 units total – 6 apartment buildings- clubhouse,
maintenance building, 13 garages

**Minimum Requirements to be Considered for Fire Department Access and
Operations in Residential Sub-Division Planning, Development and Construction**

Existing Fire Protection: None, undeveloped land

Required Fire Protection:

Current 527 CMR 1 and 780 CMR 9th edition for smoke and carbon monoxide protection
with fire sprinkler and fire alarm systems in accordance with NFPA 13 and NFPS 72
(both 2013 edition).

Fire hydrants

Fire Dept. Access:

Access roads shall be designed to permit fire apparatus to drive within 50 feet of an
exterior door to allow access to the building interior. turning radius of not less than 60
feet, on a road width surface of not less than 24 feet, is the absolute minimum dimensions
permissible to provide for emergency access and operations. Apparatus access appears
sufficient.

Road Grade

Road grades should not be too steep and shall allow for fire apparatus travel during all
weather conditions. The angle of approach and departure for an access road shall not
exceed 1 foot in a 20-foot distance.

Water Supply:

Provide adequate water supply, including water storage and sufficient system pressure
with a minimum residual pressure of 20 pounds per square inch (psi) *when flowing the
required fire flow*, from fire hydrants properly positioned to facilitate fireground
operations. Required flow shall be a minimum of 3000 gallons per minute (GPM). *A
reduction in the required fire-flow of 50% is allowed when the building is provided*

with an approved automatic fire sprinkler system. Engineered fire sprinklers will determine required water needs in addition to outside hose allowance.

Hydrant spacing to be no more than 500 feet apart. Hydrants shall be positioned such that they are not susceptible to impaired access due to snowplowing operations. Hydrants depicted in the vicinity of building 3 should try to be positioned on building side of driveway Position of. Distance from grade to the center of the steamer cap shall be no less than 24".

Setbacks from street, limited access around building, steep grades and other topographic features which limit access for firefighting operations may necessitate the installation of an automatic fire sprinkler system.

Distance between structures, lot line setbacks:

Buildings 10 feet or less from lot lines or spaced 20 feet or less from adjacent structures in a complex shall feature a fire resistant or non-combustible exterior siding, to reduce the effects of radiant heat and extension of fire from a fire in an adjacent structure.

Bridges, Overhead Wires, or Obstructions:

Bridges shall be designed and constructed to State standards and shall support the weight of the largest fire apparatus. Overhead clearance height shall be a minimum of 13 feet 6 inches for any underpass, overhead sign, wires and tree limbs.

Street Names, Signage and Address Numbers:

Address numbers shall be posted on the front and rear of all buildings

Proposed street names shall be submitted for review and approval to eliminate duplication or possible confusion with other existing roads. Names may be rejected if they would be difficult to discern from other roads having similar pronunciation over the phone or radio.

MGL Chapter 148: Section 59. Display of street address number on buildings; use in enhanced 911 service

Section 59. Every building in the commonwealth, including, but not limited to, dwellings, apartment buildings, condominiums, and business establishments shall have affixed thereto a number representing the address of such building. Said number shall be of a nature and size and shall be situated on the building so that, to the extent practicable, it is visible from the nearest street or road providing vehicular access to such building.

The statewide emergency telecommunications board shall cause such number and the address of such building to be entered into the electronic data base for use in enhanced 911 service as defined in section eighteen A of chapter six A.

Fire Dept. Summary Requirements and Recommendations:

1. Fire apparatus must have adequate access. Roadways must be 24ft in width.
2. Turning radius shall be no less than 60 feet for all turns.
3. Fire lanes are always to be no less than 20 feet in width and remain open.
4. An overlay diagram will be required to demonstrate the ability of fire apparatus to enter, maneuver, reverse direction. and negotiate at each road, intersection, turn egress/exit and dead-end feature. Dimensions and vehicle specifications will be provided by the Plymouth Fire Department upon request.
5. Overhead clearance of no less than 13 feet 6 inches is to be maintained to provide apparatus access.
6. Hydrant spacing to be no more than 500 feet in residential sections located on right side of street from entrance.
7. Adequate and uninterrupted fire protection water supply to development.
8. Recommend no combustible mulch in contact with structures and consider landscaping design in accordance with *Firewise* design principles.

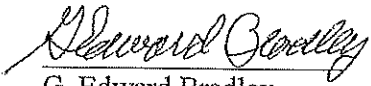
The Owner/Contractor shall be aware of code requirements for project safety in accordance with 527 CMR 1, chapter 16 and they shall designate a person responsible for the fire prevention program with reference to NFPA 241 (Safeguarding Construction and Demolition). This plan shall include plans on fire reporting, site access for firefighting, housekeeping and any security provisions. These plans shall be required as part of the submittals for building permit applications. Chapter 18 governs site access.

Permitting for dumpsters over 6 cubic yards, temporary heating, fire protection systems and any other project specific permit requirements within 527 CMR 1 shall be obtained through the Plymouth Fire Department. A dumpster permit (if applicable), will be required at the time of building permit application sign-off from the Fire Department.

Require contractor/s fill out and submit fire alarm and fire sprinkler Submittal and Inspection forms with the Plymouth Fire Department.

Owner/ Contractor to review contractor guidelines as set forth with by the Fire Prevention Office.

February 5, 2019



G. Edward Bradley
Chief of Department

2/6/2019
Date

January 15, 2019

Ms. Sheila Sgarzi, P.E.
Water & Sewer Engineer
Engineering Division, Town Hall
26 Court Street
Plymouth, MA 02360

RE: **Home Depot Drive 40B Development, Plymouth, Massachusetts
Water and Sewer System Impact Analysis**

Dear Ms. Sgarzi:

In response to your request, we have completed a review of the proposed 40B Development on Home Depot Drive in regards to its proposed water use and potential impact to the Town's water system and sewer system. Our analysis was based on a physical copy of project documents from Allen & Major Associates, Inc., including proposed utility plans dated August 27, 2018 and a written request for allocation of sewer and water availability to the Town of Plymouth dated November 12, 2018.

The documents detail 6 four-story residential buildings including 144 one-bedroom units, 144 two-bedroom units, and 32 three-bedroom units. The development also includes a 7,300 sf clubhouse (including a fitness center), common recreation space, leasing and management offices, a medical office building, commercial and retail space, a warehouse, and a hotel. A summary of our water impact analysis and sewer impact analysis as a result of this development project is outlined below.

Water Impact Analysis

We utilized the recently updated and calibrated hydraulic model of the Town of Plymouth's water distribution system to review pressures and fire flows in the proposed development area. Updates include new information provided by the Town, including water main upgrades on Stafford Street and Towns Street, and revised pipe configurations on Plympton Road, Charlotte Drive, and Willow Bend Boulevard. This analysis includes the effects of previously proposed developments, including the 800 Colony Place, Newfield Estates, Tonya Stump Pre-K School, and 150 Water Street developments. All results in this analysis are anticipated effects in addition to those referenced above.

This analysis also assumes the successful completion of the Forges Field Well Station and Bradford Zone Expansion Project. The Forges Field Well is assumed to remain off during average day demand conditions, but be running under maximum day demand conditions. The following assumptions were made for the inclusion of the Forges Field Well Station:

1. Discharge of 800 gpm (for a maximum of 21 hours; total 1.05 MGD)
2. Forges Field pump turns on when the Stafford Street Tank level is 101.5 feet
3. Forges Field pump turns off when the Stafford Street Tank level is 106.2 feet

We conducted a 3-day extended period simulation to review any effects on tank levels and pump run times. The hydraulic computer model assumptions included average-day demands from April 2017 and maximum-day demands from calendar year 2016, with well conservation restrictions in effect (4 hours per day at Darby Pond).

Demands for the proposed development were initially provided by Allen & Major utilizing Title V demand projections. The demand projections provided by A&M included 81,383 gallons per day, or approximately 56.5 gallons per minute under average-day demand conditions.

However, consistent with previous peer reviews for similar developments, we have adjusted the residential demands to the 65 residential gallons per capita per day (RGPCD) standard, we assumed one person per bedroom, and we adjusted the hotel demands to 71 gallons per day per room. These values result in the following demands:

Table 1 - Anticipated Demands for Proposed Home Depot Drive Development

	Average Day Demand (gallons per day)	Maximum Day Demand (gallons per day)
Residential	35,728 (24.8 gpm)	67,882 (47.1 gpm)
Commercial	21,457 (14.9 gpm)	40,768 (28.3 gpm)
Total	57,185 (39.7 gpm)	108,651 (75.5 gpm)

Lastly, the addition of the Forges Field well and associated valve control station merit the implementation of revised operational controls throughout the North Plymouth pressure zones. Currently, we have altered the model to incorporate a revised control set that appears stable across the zones. However, a full analysis of water balance and the necessary system controls is beyond the scope of this analysis. Please note that all average-day demand and maximum-day demand impacts reported below are subject to change, pending a finalized operational control strategy.

System Capacity

Environmental Partners prepared a memo for the Town of Plymouth titled “Tonya Stump Pre-K School – Draft Water System Impact Analysis” and dated September 24, 2018. As of the date of that memo, water system demands in the North Plymouth pressure zones, following the completion of the Forges Field Well Station and Bradford Zone Expansion Project and the Summer Reach, 800 Colony Place, Tonya Stump Pre-K School, Newfield Estates, and 150 Water Street Developments, were projected to be as follows:

Table 2 - North Plymouth Demands *before* Proposed Home Depot Drive Development

Average Day Demand (MGD)	Maximum Day Demand (MGD)
3.180	5.906



The Home Depot Drive Development is projected to add 57,185 GPD to average day demands (35,728 gallons for residential demands, and 21,457 gallons for commercial demands). The projected system demands in the North Plymouth pressure zones are therefore as follows:

Table 3 - North Plymouth Demands after Proposed Home Depot Drive Development

Average Day Demand (MGD)	Maximum Day Demand (MGD)
3.237	6.015

As outlined in the latest Water Management Act Permit, the Town of Plymouth must adhere to a withdrawal schedule dated through the year 2030. The relevant limit for this development, given its date for full buildout, is an average day demand of 4.71 MGD in the year 2025, as outlined below.

Table 4 – Town of Plymouth Water Management Act Remaining Capacity

Total Average Day Demand (MGD)	Permitted Withdrawal, 2021 through 2025 (MGD)	Remaining ADD Capacity (MGD)
4.584	4.710	0.126

Following the completion of the Forges Field Well Station and Bradford Zone Expansion Project, maximum daily supply in the North Plymouth pressure zones is projected to be 7.28 MGD, resulting in the following maximum remaining capacity:

Table 5 – Maximum Supply vs. Demand in the North Plymouth Pressure Zones

Maximum Day Demand (MGD)	Maximum Available Supply (MGD)	Maximum Remaining Capacity (MGD)
6.015	7.280	1.265

However, water systems must provide adequate supply at all times. As such, it is customary to assess supply in the context of “firm capacity”, or the total water supply capacity when the largest source is offline in a given pressure zone. This ensures a water supplier will be able to meet demands in the event of a mechanical failure. Any maximum demands in excess of firm capacity are considered water deficit. In the case of the Northern Plymouth pressure zones, the largest source is the South Pond Well No. 2. Including all demands stated above, the current water deficit without South Pond Well No. 2 is as follows:

Table 6 - Water Deficit in the North Plymouth Pressure Zones

Maximum Day Demand (MGD)	Firm Capacity (MGD)	Water Deficit (MGD)
6.015	5.835	0.180

Therefore, with an anticipated maximum day demand of 108,651 gallons per day, the completion of the Home Depot Drive Development is projected to increase the water deficit in the Northern



Plymouth Zones to 0.180 MGD. *This implies the water system lacks the necessary redundancy to meet maximum day demands in the North Plymouth pressure zones.*

It should be noted that the above firm capacity is calculated with the pumping restrictions on Darby Pond in effect. If that restriction were lifted, the firm capacity could be increased to approximately 6.43 MGD, based on a reported safe yield of 0.804 MGD for that supply.

To offset the amount to which the proposed development exacerbates the existing water system deficit, the Town may consider requiring the developer to offer adequate mitigation of water system impacts, such as by providing funds for well rehabilitation and maintenance and leak detection surveys or assisting in the purchase of low-flow fixtures.

Up until this proposed development, a deficit is projected to occur only if the largest source, South Pond Well No. 2, is offline during a maximum-day demand scenario. With the addition of the Home Depot Drive Development, projected demands in the Northern Zones are now high enough that losing any of the following supply facilities during a maximum day demand scenario would result in a deficit: South Pond Well No. 2, the Bradford Water Treatment Plant, or the North Plymouth Well.

With this potential requirement for so many water supply facilities to be fully functional during peak demand periods, the Plymouth Water System is becoming more vulnerable to mechanical failures or other disruptions that could cause storage tank levels to drop and customers to lose water service. It should be noted that it is common for water sources to be offline in the Plymouth water system or any public water system, whether for routine maintenance or mechanical repairs. As such, the additional demands from the proposed Home Depot Drive Development significantly increase the risk that the loss of a water source results in an experienced water shortage in the North Plymouth pressure zones.

Based on the residential occupancy provided for this development at the 65 RGPCD, it appears the residential demands can be met with only South Pond No. 2 designated as a critical source; current demand projects indicate that the Bradford Water Treatment Plant and the North Plymouth Well become critical sources only when *both* the residential and commercial portions of the proposed development are completed.

Consequently, it is recommended that the Town re-assess remaining capacity in light of proposed developments, the proposed Forges Field Well project, and corresponding changes to system operations, such as interzonal connections between the Northern and Eastern pressure zones through the Pine Hills pressure zone.

Until such time, the analysis below has been conducted against maximum safe yield, rather than firm capacity. Although the system will not provide adequate redundancy, demands can be met when critical components are functional, with the following impacts to operations:

Average-Day Demand

For average day conditions, it is assumed that the Forges Field Well is off, and the Forges Control Valve is closed. Under these conditions, the Bradford Pressure Zone is isolated from the



surrounding North Plymouth pressure zones; the only water inlets are the Bradford Wells, and the only water outlets are the demand within the Bradford Pressure Zone and 350 gpm to the Plymouth Center Zone via the Nook Road Actuated Valve.

As a result of the increased demands, the Stafford Tank will be suppressed by up to two feet at peak demand hours, though it recovers shortly after. It should be noted that the minimum tank level experienced does not change, indicating that there is sufficient capacity to meet these demands under the current operation strategy.

To meet the increased demands, the Bradford Wells must each run an additional 52 minutes per day.

Maximum-Day Demand

On maximum-demand days, water supply is already very limited across the system, particularly when Darby Pond Well conservation restrictions are in effect. To help maintain tank levels, water must be pumped between the various pressure zones. In this maximum-day demand scenario, we assumed all sources are available and each of the Deep Water Booster Pumps provides 800 gpm to the West Plymouth Zone based on the tank levels in the Harrington and Samoset Tanks.

As currently modeled, the Forges Field Well is called to run based on the levels in the Stafford Street Tank. However, with the current anticipated control strategy, the increased demands on Home Depot Drive are not anticipated to trigger additional run time at the Forges Field Well. While the Stafford Tank will cycle slightly more frequently, these demands are met by running each of the Bradford Wells an additional 98 minutes per day. Based on discussions with operators, increased Bradford pump runtimes increase the frequency of well clogging and associated pump and motor failure, likely due to high levels of iron and manganese in the source water. Consequently, if the proposed Home Depot Drive demands are added to the system, we anticipate increased maintenance costs for the Bradford Wells and/or a potential need to operate the future Forges Field Well as the lead source in the pressure zone.

As discussed above, following the completion of this proposed development, the Bradford Water Treatment Plant would become essential to continued water system operations. Therefore, until a revised control strategy can be finalized which allows for additional demands be met by the Forges Field Well, the completion of a development which adds significant demands to the Bradford Pressure Zone would be ill-advised.

Fire Flow Availability

Anticipated fire flows at 20 psi of residual pressure in the Home Depot Drive development, as designed, are approximately 1,250 to 2,100 gpm at the proposed hydrant locations. It is recommended the Town and Developer review these results against fire flow protection requirements based on the construction type, occupancy, and spacing of the proposed buildings.



Future Operations/Expansion

The existing Home Depot Drive complex is a hydraulic dead end that extends approximately 1,100 feet off of Long Pond Road. The proposed development would extend that dead end to a total of approximately 2,700 feet. Dead ends are known to result in decreased water quality and available fire flow. With such a long extension, the Town may wish to consider alternatives for establishing a loop to eliminate the dead end.

According to a preliminary investigation using the Town of Plymouth's TopGIS online GIS tool, it appears that both parcels to the west of the proposed development are owned by the Town of Plymouth. This presents an opportunity for a future interconnection near the Lout Pond Well.

A more detailed analysis of this potential expansion can be completed in the future. However, within the scope of the Home Depot Drive Development, the Town may consider requesting the proposed developer extend the 12" ductile-iron water main to the western extent of the property to provide for potential future expansion.

Lout Pond Well Zone II

The proposed development is located within the Zone II of Lout Pond Well. We have provided detailed peer reviews of previously proposed developments for this site. In general, the latest proposed development should meet the Town's zoning requirements for construction in an aquifer protection district. However, the Town should consider imposing restrictions on the use of fertilizers, road salt, and other potential contaminants to reduce the potential for water source contamination.

Sewer Impact Analysis

The proposed development includes the phased expansion of six (6) 4-story residential buildings with a total of 320 bedroom units, a 7,300 SF amenity based/common area clubhouse, a 70,000 SF medical office space, a 16,000 SF hotel development, a 70,000 SF general retail space, and a 75,000 SF warehouse/self-storage facility space. The plans also show a proposed 8" PVC SDR-35 gravity sewer connection from the development into the privately operated sewer collection system at a sewer manhole located off Home Depot Drive. The developer is proposing to add approximately 85,000 gpd of wastewater flow to the existing private wastewater pump station located at the end of Home Depot Drive, which is operated and maintained by Hayes Pump. The following documents were used as a basis for this analysis:

1. Cover Letter titled *A&M Project #2141-03 Plymouth Residential 40B Development Home Depot Drive* prepared by Allen & Major Associates, Inc., November 12, 2018
2. Stamped Drawings titled *Issued for Massachusetts Housing Application Home Depot Drive Plymouth, MA* prepared by Allen & Major Associates, Inc., August 27, 2018
3. Letter titled *Home Depot Pumping Station Plymouth, MA* prepared by Hayes Pump, Inc., September 8, 2017
4. Report titled *Nook Road Sewer Capacity Analysis* prepared by Stearns & Wheler, June 2, 2006



5. Sewer Collection System Information from Plymouth CMOM Database

As part of this evaluation, EP reviewed these project documents provided by the Town in accordance with 310 CMR 15.000 Title 5 requirements and TR-16 standards. No pump station records or information on the private wastewater pump station located at the end of Home Depot Drive were available as part of this evaluation; therefore a capacity analysis of the existing pump station was not completed. Based on the submitted drawings, the development is proposing to connect into the privately operated sewer collection system at the end of Home Depot Drive via a new 8-inch PVC SDR-35 gravity sewer line. Collected wastewater would flow by gravity via an existing 8-inch gravity sewer line into the private pump station operated by Hayes Pump. This privately operated pump station pumps directly into a privately operated 6-inch PVC SDR-21 force main, which conveys wastewater into the Town's sewer collection system on Long Pond Road. Figure 1 provides an overview of the sewer system focus area evaluated as part of this review.

For the purposes of this evaluation, EP focused on reviewing the submitted project documents for conformance with local, state and industry standards. EP also completed an assessment of the sewer system hydraulics associated with this proposed development project to advise the Town on a recommended plan to maintain and preserve the Town's sewer infrastructure affected by the post-development flows.

Proposed Development Flow Assessment

It is EP's understanding that the proposed development project will consist of six (6) 4-story residential buildings with a total bedroom unit count of 320 bedroom units and one (1) 7,300 SF amenity based/common area clubhouse. It is our understanding that this is the first phase of expansion for this project. An estimate of average daily flows (ADF) for the proposed development project based on Title 5 unit flow allocation is as follows:

<i>Residential Family Dwellings</i>		
320 bedrooms x 110 gpd/bedroom =	58,080	gallons per day (gpd)
<i>Clubhouse</i>		
2,100 sf office x 75 gpd/1,000 sf (200 gpd min.) =	200	gpd
3,000 sf function room		
50 people at function room x 15 gpd/person =	750	gpd
2,100 sf gym/fitness space		
20 people at gym x 25 gpd/person =	500	gpd
Proposed Average Daily Flow =	59,530	gpd

In addition, commercial space allocated between the residential units and the existing tenants on Home Depot Drive is projected to be included as part of this anticipated phased expansion. The future commercial expansion is projected to include a 70,000 SF medical office space, a 16,000 SF hotel development, a 70,000 SF general retail space, and a 75,000 SF warehouse/self-storage facility space. It is our understanding that this future commercial expansion will be the second phase of expansion for this project. An estimate of ADF for the projected commercial space development based on Title 5 unit flow allocation is as follows:



<i>Medical Office</i>		
70,000 sf office x 75 gpd/1000 sf (200 gpd min.) =	5,250	gallons per day (gpd)
<i>Hotel</i>		
16,000 sf hotel		
115 bedrooms x 110 gpd/bedroom =	12,760	gpd
<i>Retail</i>		
70,000 sf retail space x 50 gpd/1000 sf =	3,500	gpd
<i>Warehouse/Self-Storage</i>		
75,000 sf warehouse/self-storage space		
15 gpd/person	500	gpd (estimated)
Future Average Daily Flow =	22,010	gpd
Build Out ADF (Proposed + Future) =	81,540	

The developer has requested a wastewater allocation of 85,000 gpd as part of their proposal, which is consistent with the Title 5 based calculations above. An estimate of peak hourly flows (PHF) based on TR-16 peaking factor guidelines is as follows:

A&M Requested Wastewater Allocation =	85,000	gpd
Peak Hourly Flow (PHF) = 85,000 gpd x 5.6 PF =	331	gallons per minute (gpm)

Therefore, the Town's sewer collection system would need to accommodate an additional 331 gpm of wastewater flow from the proposed and future expansion of the Home Depot Drive development.

Hydraulic Capacity Analysis

As part of this desktop analysis, EP reviewed the existing sewer infrastructure in the immediate vicinity of the private pump station at the end of Home Depot Drive (see Figure 1). The purpose of this desktop analysis is to assess the impact of this additional wastewater flow on the Town's sewer collection system. EP did not include the gravity sewer piping upstream of the existing sewer pump station off Home Depot Drive as part of this analysis, as this piping is privately maintained by Hayes Pump outside of the limits of the Town's sewer collection system. EP's focus was on any sewer impacts to the Town's sewer infrastructure as a result of this proposed phased expansion.

The project drawings show a proposed 8-inch PVC SDR-35 gravity sewer connection from the new development into an existing sewer manhole at the end of Home Depot Drive. Wastewater flows by gravity approximately 700 linear feet to the privately operated pump station at the end of Home Depot Drive, where it is pumped via a 6-inch PVC SDR-21 force main for approximately 1,200 linear feet to its terminus manhole at the intersection of Home Depot Drive and Long Pond Road (SMH-200). From this terminus manhole, wastewater is conveyed by gravity via a 10-inch vitrified clay (VC) gravity sewer interceptor to a diversion sewer manhole (SMH-3109) upstream of the Long Pond Pump Station. The sewer then transitions to a 12" PVC SDR-35 gravity sewer



line entering the Long Pond Pump Station. The limits of this desktop analysis are from the existing private pump station off Home Depot Drive to the upstream sewer manhole (SMH 3109) outside the Long Pond Pump Station as shown on Figure 1.

Private Pump Station off Home Depot Drive

Based on the information provided in the A&M cover letter and in the Hayes Pump letter, the privately operated pump station off Home Depot Drive has a maximum daily flow rate of approximately 33,000 gpd, an ADF of 65,000 gpd and a peaking factor of 5.0. No pump station information is available to verify the pumping capacity, wet well capacity or peaking factor for this pump station; however, the pre-development and post-development flow to the pump station can be estimated using the following approach:

- Assumptions:*
- Maximum Daily Flow Rate = 33,000 gpd (A&M Cover Letter)
 - Average Daily Flow (ADF) = 65,000 gpd (Hayes Pump Letter)
 - Peak Hourly Flow (PHF) = 225 gpm (Hayes Pump Letter)
 - PF = 5.0 (Hayes Pump Letter)
 - Home Depot Drive Development PHF = 331 gpm

Calculations:

Pre Development ADF = 33,000 gpd / 2.5 = 13,200 gpd
Post Development ADF = 13,200 gpd + 85,000 gpd = 98,200 gpd
Pre Development PHF = 13,200 gpd x 5.0 = 66,000 gpd (46 gpm)
Post Development PHF = 46 gpm + 331 gpm = 377 gpm

The proposed development expansion will greatly exceed the reported design capacity of the station. In accordance with TR-16 guidelines, the pump station capacity should be increased so that the pump station can sufficiently handle peak flows. It is recommended that a peaking factor of 5.6 be used in the absence of any recorded water usage data per TR-16 guidelines.

6-Inch PVC Force Main

The 6-inch PVC SDR-21 force main that exits the private pump station at the end of Home Depot Drive conveys a combination of residential and commercial wastewater approximately 1,200 linear feet to its terminus sewer manhole at the intersection of Long Pond Road and Home Depot Drive. It is our understanding that this force main is privately operated and maintained by the developer. The condition and age of this pipe is unknown; however, it is assumed that this force main was constructed at the same time as the private pump station. The pre-development and post-development flows in the force main are calculated as noted in Table 7 below:

Table 7: 6-Inch PVC Force Main Capacity

From	To	Diameter (in)	Length (ft)	Pre-Development Velocity (ft/s)	Post-Development Velocity (ft/s)	Pre-Development Head Loss (ft)	Post-Development Head Loss (ft)
Pump Station	Terminus SMH	6	1,200	2.6	4.3	4.3	11.3

Notes: 1. Velocity calculated using Hazen-Williams Equation (C=150 for PVC)



The force main appears to be properly sized to accommodate this increase in station flow. The post-development flow will provide sufficient cleansing velocity in the force main to re-suspend solids during pumping cycles. The additional head loss in the force main should be incorporated into any future pump station upgrade design.

10" Vitrified Clay Gravity Sewer Interceptor

Wastewater flow is conveyed from the terminus sewer manhole (SMH-200 on Plymouth CMOM database) along Long Pond Road via a 10-inch vitrified clay (VC) gravity sewer interceptor to the diversion sewer manhole (SMH-3109) upstream of the Long Pond Pump Station. The age and condition of this sewer interceptor is unknown; however, the length and invert information for the gravity sewer interceptor is provided on the Plymouth CMOM database. Based on the June 2006 Stearns & Wheler report, the maximum wastewater flow recorded along Long Pond Road is 822,793 gpd, or approximately 571 gpm. In the absence of any other recent flow data, this wastewater flow, which is assumed to include I/I, was used as the pre-development peak hourly flow. The proposed peak hourly flow from the development is approximately 331 gpm; therefore, a total post-development peak hourly flow of 902 gpm is used for the basis of this interceptor capacity analysis. A capacity analysis of the existing 10-inch VC gravity sewer interceptor under pre-development flows and post-development flows is presented in Table 8 below.

Table 8: 10-Inch VC Gravity Sewer Interceptor Capacity

From	To	Size (in)	L (ft)	Design Capacity (gpm)	Pre Development Flow (gpm)	Post Development Flow (gpm)	% Flowing Full (Pre-Develop)	% Flowing Full (Post-Develop)
SMH 200	SMH-8	10	297	522	571	902	109	173
SMH-8	SMH-196	10	301	1,142	571	902	50	79
SMH-196	SMH-3109	10	49	1,334	571	902	43	68

Notes: 1. Full pipe velocity and capacity calculated using Manning's Equation (n=0.0016 for vitrified clay)

Table 8 shows that approximately 300-ft of 10-inch VC sewer between SMH-200 and SMH-8 is already significantly undersized (109% of hydraulic carrying capacity) and does not have the additional capacity to handle the proposed build-out peak flows. With the addition of the proposed and future development flows, this 10-inch VC gravity sewer will flow at 173% of full capacity. This pre-existing condition will only be exacerbated by this additional flow; therefore, it is recommended that this sewer segment must be upsized to 12-inch PVC sewer piping to accommodate additional flows. The other two 10-inch VC gravity sewer sections appear to be just below the 80% recommended carrying capacity of a typical gravity sewer pipe and are adequately capable of handling this additional flow. However, due to the age of the existing VC interceptor, it may be advantageous to replace the entire VC interceptor down to the Long Pond Pump Station (approximately 650 linear feet) with PVC piping or another suitable pipe material to prolong the useful life of this interceptor along Long Pond Road.



Conclusions and Recommendations

Water System Summary of Findings

A review of the model results suggests that the addition of the proposed Home Depot Drive Development will have a significant impact on the Plymouth Water System. During average day demand scenarios, Stafford Street Tank levels will be depressed approximately 2 feet at peak demand hours due to slower fill times, though the levels will recover in roughly 8 hours (assuming Forges Field is off). Correspondingly, the Bradford Wells will each need to run approximately 52 minutes more per day.

During maximum day demand scenarios, the impact is more severe. If all sources are available, hydraulic impacts are minimal; the Stafford Street Tank experiences slightly shorter cycle periods. However, this corresponds to approximately 98 extra minutes per day for each of the Bradford Wells (with Forges Field Well running approximately 19 hours per day) under the current operational control strategy. Given the Bradford Wells already experience occasional failures, likely due to high levels of iron and manganese in the source water, this could increase the failure rate at these wells.

This project would significantly increase the deficit in the Northern Plymouth Zones to approximately 180,000 gallons per day. Whereas previously only South Pond Well No. 2 was a large enough source to trigger a deficit in firm capacity scenarios, the addition of the Home Depot Drive Development assigns that status to two additional sources. With the installation of this new development, if any of the following sources are offline, the Northern Plymouth Zones will experience a deficit:

1. South Pond Well No. 2
2. North Plymouth Well
3. Bradford Treatment Plant

If either of these wells is taken offline during the summer months, or an issue at the Bradford Treatment Plant renders both Bradford Wells unusable, the Town can anticipate a steady decline in tank levels in the North Plymouth pressure zones until the source can be reinstated. Particularly with the increased run times anticipated at the Bradford Wells, this represents a significant increase in the risk of an experienced water shortage.

However, based on the residential occupancy provided for this development at the 65 RGPCD standard, it appears the residential demands can be met with only South Pond No. 2 designated as a critical source; current demand projects indicate that the Bradford Water Treatment Plant and the North Plymouth Well become critical sources only when *both* the residential and commercial portions of the proposed development are completed.

Further, the projected deficit could be eliminated entirely if the Darby Pond pumping restrictions were lifted, and the output could be increased to the reported safe yield of 0.804 MGD.

Also, the proposed development is located within the Zone II of Lout Pond Well, which could pose a risk for water source contamination. Lastly, the anticipated fire flow availability is 1,250 to 2,300 gpm at 20 psi as currently designed.



Water System Recommendations

Given the significantly increased risk of experiencing a water shortage in the North Plymouth pressure zones, it is recommended the Town not approve the full scope of the Home Depot Drive Development without significant improvements to water supply, connectivity, and/or operational controls.

To improve the water system's ability to meet these and future demands, the Town and developer have a range of available options, including:

1. Offset additional demands by eliminating water losses such as via leak detection and repair efforts, or by reducing existing and proposed demands via the installation of low-flow fixtures.
2. Rehabilitate one or both of the Bradford Wells to regain lost capacity and maintain the existing mechanical equipment.
3. Facilitate the removal of pumping restrictions on the Darby Pond Well.
4. Complete an interconnection between the Northern and Eastern pressure zones via the Pine Hills pressure zone.
5. Provisionally approve only the residential demands.
6. Devise a revised control strategy that more effectively balances water across the Northern pressure zones. This would provide additional redundancy but would not solve the firm capacity issue.
7. Provide an interconnection between the proposed development and the Plymouth Center Zone near the Lout Pond Well (extend the proposed 12" water main to the western extent of the parcel). This would provide additional redundancy but would not solve the firm capacity issue.

It is unknown how effective Option 1 might be at reducing water demands at this time. It is possible that it could allow for the completion of the full scope of the Home Depot Drive Development. However, the demand reduction would need to be nearly 70,000 gallons per day (48 gpm) in the North Plymouth pressure zones to make this happen. More analysis would be needed to examine the viability of such a project. The cost of this mitigation would be between \$5,000 and \$10,000.

Considering the developments direct impact to the Bradford supplies, Option 2 includes a mitigation in the amount of \$25,000 to the Town for well redevelopment and maintenance on the mechanical equipment at one well. This would help recover lost pumping capacity and help maintain the existing pumping equipment under the increased pumping duration seen by this development.



Options 3 and 4 represent the most comprehensive options, as they could significantly increase the firm capacity of the Plymouth water system. Note that both would likely also necessitate a revised control strategy.

While Option 5 does not create additional critical sources, it does generate significant additional stress on the Bradford Wells, likely increasing the rate of failure. Even if the Town chooses to provisionally approve only the residential demands, it is still recommended that a revised control strategy be devised that can shift this load instead to the Forges Field Well. If the residential demands are approved, we recommend mitigation in Options 1 & 2.

Options 6 and 7 represent temporary means of lessening the impact of the current deficit and proposed demands. However, these do not constitute solutions to the ongoing water system deficit, and neither allows for the completion of the full scope of the proposed development without incurring the increased risk of a water shortage brought on by the North Pond Well and Bradford Water Treatment Plant becoming critical sources. It is also important to note that Option 7 would have to be done in conjunction with Option 6, as the interconnection would necessitate a revised control strategy.

Separately, it is recommended the Town consider imposing restrictions on the use of fertilizers, road salt, and other potential contaminants to protect against contamination of the Lout Pond Well.

Lastly, the Town and developer should review the reported fire flow availability against the protection requirements based on the construction type, occupancy, and spacing of the proposed buildings.

Sewer System Summary of Findings and Recommendations

The post-development flows will require the upgrade of the private sewer pump station off Home Depot Drive. It is recommended that the pump station capacity be increased to accommodate the projected average daily build-out flow of 98,200 gpd and projected peak hourly build-out flow of 377 gpm. Since this is a privately operated pump station maintained by Hayes Pump, it is recommended that any upgrades work to this station be completed by Hayes Pump. It appears that the private force main from the sewer pump station is adequately sized to accommodate this additional wastewater flow. Additional information on the existing pump station is needed to confirm the basis of design for any proposed improvements and determine any additional station improvements required as part of this upgrade.

The Town's existing sewer infrastructure downstream of the private sewer pump station off Home Depot Drive consists of the 10-inch VC gravity sewer interceptor along Long Pond Road. The addition of the proposed post-development flows will exacerbate approximately 300 linear feet of 10-inch VC gravity sewer piping between SMH-200 and SMH-8. However, this is based on a maximum wastewater flow recorded along Long Pond Road is 822,793 gpd, or approximately 571 gpm, from the 2006 Stearns & Wheeler report. Due to the age of this flow data, it is recommended that a recent flow analysis along this existing 10-inch VC gravity sewer interceptor be completed to verify the pre-development peak hourly flow. Should this flow analysis confirm the 2006 maximum flow, it is recommended, at a minimum, that this 300-ft segment of piping be upgraded to increase its hydraulic carrying capacity prior to the completion of this proposed development.



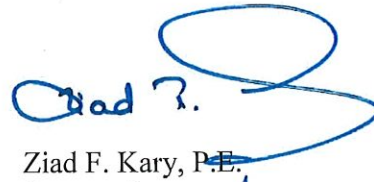
Due to the age of the existing 10-inch VC gravity sewer interceptor, consideration could also be given to replacing the entire 10-inch VC interceptor down to the Long Pond Pump Station (approximately 650 linear feet in total) with 12-inch PVC piping or another suitable pipe material to prolong the useful life of this interceptor along Long Pond Road. It is recommended that a condition assessment of this existing 10-inch VC gravity sewer interceptor be completed to verify the condition of this pipe prior to proceeding with any replacement work.

We thank you for the opportunity to assist you with this important project. Please feel free to contact us at (617) 657-0200, rjt@envpartners.com, or zfk@envpartners.com with any questions or concerns.

Very truly yours,
Environmental Partners Group, Inc.



Ryan J. Trahan, P.E.
Principal



Ziad F. Kary, P.E.
Principal

cc: Jonathan Beder
Gary Frizzell
Rich Tierney
Chad Whiting
Robin Carver
Sid Kashi
Adam Kran

Figures: Figure 1 – CMOM Map of Sewer System Focus Area



FIGURE 1

CMOM Map of Sewer System Focus Area

Figure 1 - CMOM Map of Sewer System Focus Area



MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("Memorandum") is entered into this _____ day of August, 2009, by and between the **Town of Plymouth ("TOWN")**, having an address of Plymouth Town Hall, 11 Lincoln Street, Plymouth, MA 02360, and **Harald LLC ("HARALD")**, its successors and assigns, having an address of c/o Viking Acquisitions LLC, Post Office Box 316, Sharon, MA 02067.

RECITALS

WHEREAS, HARALD is the owner of two parcels of land being Lot 13 on Plymouth Assessors' map 89 and Lot 48 on said Map 89 located off of Home Depot Drive and Braley Road, Plymouth, Massachusetts (the "SITE") and seeks to have the **TOWN** rezone said land from Rural Residential to Highway Commercial, and

WHEREAS, HARALD proposes to develop the SITE for uses permitted in the Highway Commercial Zone (hereinafter referred to collectively as the "Development"), and

WHEREAS, HARALD has prepared and caused to be filed a petition seeking Town Meeting approval of an amendment to the Zoning Bylaw of the **TOWN** of Plymouth to change said zoning to Highway Commercial, a copy of which is attached hereto as Exhibit A., and

WHEREAS, HARALD has agreed to: (i) mitigate potential adverse impacts from Development generated traffic and (ii) mitigate possible effects of the Development on abutting property, and

WHEREAS, the TOWN has reviewed a report commissioned by the **TOWN** and paid for by **HARALD** to assess traffic (the "Traffic Assessment"), entitled, "Traffic Impact Assessment, Proposed Rezoning for Mixed-use Development, Plymouth Massachusetts, dated December 2008 and prepared by Greenman – Pedersen, Inc., on file with the Planning Board and

WHEREAS, HARALD has agreed to prepare, at its expense, and file with the **TOWN** a Traffic Impact and Access Study ("TIAS"), in accordance with the Executive Office of Energy and Environmental Affairs/Executive Office of Transportation and Public Works Guidelines for the preparation of Traffic Impact Assessments, and

WHEREAS, the parties anticipate that in the future a Long Pond Road Corridor Study being prepared on behalf of the **TOWN** by Vanasse & Associates, Inc. (the "Vanasse Study") will be filed with the **TOWN** and

WHEREAS, HARALD has agreed to provide the necessary assurances and commitments for the construction of infrastructure to support its, and any future owners/developers' projects on the land, and

WHEREAS, it is the intent of the parties that this Agreement set forth the agreement of the parties hereto, prior to the enactment of the petitioned zoning change, with regard to the commitments **HARALD** has made to undertake infrastructure improvements and other obligations to the **TOWN** as defined herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

AGREEMENT

I. DEVELOPMENT CONSTRAINTS

Development on the **SITE** shall be limited to 730 trips during the Saturday peak hour and 850 trips during the weekday PM peak hour, as those terms are defined for purposes of the Traffic Assessment.

II. TRANSPORTATION REQUIREMENTS

A. **HARALD** shall undertake such traffic improvements and mitigation strategies as are set forth herein:

1. At the time of development **HARALD** shall prepare a TIAS assessing the development of the Site based on the then proposed land uses in accordance with the Executive Office of Energy and Environmental Affairs/Executive Office of Transportation and Public Works Guidelines for the preparation of Traffic Impact Assessments. The TIAS shall include an assessment of the Long Pond Road corridor between Obery Street and Camelot Drive, specifically including the intersections of Long Pond Road with Camelot Drive, Holman Road, Shops at 5 Way, Home Depot Drive/County Way, Route 3 southbound ramps and Route 3 northbound ramps (five (5) intersections), and other matters as may be specified by the **TOWN** as necessary and appropriate in light of the then proposed land uses. The TIAS shall identify improvements to the Long Pond Road corridor and the defined intersections that will be necessary to accommodate development of the Site. **HARALD** shall design and implement at its own expense such roadway and intersection improvements identified in the TIAS as necessary or appropriate to accommodate the Site development, provided, however, that such improvements shall be subject to the approval of the Massachusetts Highway Department and the **TOWN** ("Highway Commissioners"), provided, however, that **HARALD** will not be responsible for traffic mitigation identified in the TIAS not directly caused by the Development, except as listed in Section A, 2 below.

2. **HARALD** agrees further to construct at its sole expense the following improvements as set forth in the Traffic Assessment, a copy of which is attached hereto as Exhibit B, and as shown on a plan entitled, "Conceptual Improvement Plan, Long Pond Road, dated October 28, 2008 and prepared by Greenman-Pedersen, Inc., which plan is included in said Traffic Assessment, provided, however, that such improvements are subject to approval of the Massachusetts Highway Department and the **TOWN** Highway Commissioners, and further that such improvements shall be operational prior to issuance of Occupancy Permits on the Site:

a. Home Depot Drive approach to the intersection with Long Pond Road shall be widened to provide an exclusive left-turn lane, a shared left-turn/through lane, and an exclusive right-turn lane.

b. To accommodate the double left-turn movement exiting on Home Depot Drive, the stop-line on the Long Pond Road southbound approach shall be moved back approximately 20 feet and the signal heads shall be replaced to match the new lane designation.

c. The signal timing and phasing in the Long Pond Road Corridor shall be modified to allow Home Depot Drive and County Drive to operate under split phasing and a "No Turn on Red" sign shall be posted on the County Drive approach to Long Pond Road .

d. The Route 3 SB ramp at Long Pond Road shall be widened to provide an exclusive left-turn lane and two exclusive channelized right-turn lanes under signal control. The right-turn movement at Long Pond Road shall include signal controls to provide motorists with clear indication as to when it is safe to exit the ramp and the right-turn movement shall be allowed during both the Route 3 southbound ramp green phase and as an overlap with the Route 3 ramp northbound left-turn phase.

e. An optimal traffic signal timing and phasing plan shall be developed and implemented for the signalized intersections along the Long Pond Road corridor to include the intersections of Long Pond Road with Camelot Drive, Shops at 5 Way, Holman Road (if signalized) Home Depot Drive/County Way, Route 3 southbound ramps and Route 3 northbound ramps (five (5) intersections). If a signal is subsequently installed at Holman Road by others, that intersection will be included in such optimal timing and phasing plan) subject to the approval by the Massachusetts Highway Department.

B. Prior to the issuance of an occupancy permit, the **TOWN** Planning Board shall determine that the roadway, intersection and traffic control improvements are in substantial conformance with the improvements set forth in the Traffic Assessment, the

TIAS conducted in accordance with paragraph II.A.1 above; the "Peer Review" contained in a letter to the Planning Board from Vanasse and Associates, Inc. dated January 20, 2009 and response of Greenman-Pedersen, Inc., both of which documents are attached hereto as Exhibit "C." Such determination shall not be unreasonably withheld.

C. The TOWN has retained Vanasse & Associates, Inc. to prepare a Long Pond Road Corridor Study. Provided that this study is completed prior to the issuance of building permits for the Development, if **HARALD** disagrees with the study the Town may forthwith commission and submit a report prepared by an appropriate professional, the selection of whom shall be subject to approval by the **TOWN**, that identifies the consistencies and inconsistencies between **HARALD**'s TIAS and the **TOWN**'s Long Pond Road Corridor Study. **HARALD** and the **TOWN** Planning Board agree that if the Town commissions a report, the parties shall make a good faith effort to resolve any inconsistencies that may exist between these two documents, and to negotiate an appropriate resolution.

D. Traffic volumes along the Long Pond Road corridor shall be monitored, at **HARALD**'s sole expense as follows: (1) one year after the issuance of the first Certificate of Occupancy for the project; and, (2) one year after issuance of the final Certificate of Occupancy. The monitoring shall consist of the collection of weekday morning (7 to 9 AM), weekday evening (4 to 6 PM) and Saturday midday (11 AM to 2 PM) peak hour turning movement counts at the intersection of Long Pond Road at Home Depot Drive, as well as 24-hour automatic traffic recorder counts on Home Depot Drive, over a continuous 7-day period. The results of the monitoring program shall be summarized in a report provided to the **TOWN** Planning and Development Department not later than four (4) weeks after the end of the collection period and shall include traffic signal timing and phasing recommendations to improve traffic operations and safety at the intersection as may be necessary to address any identified deficiencies caused by the Development.

III. OTHER MATTERS:

A. Prior to the issuance of Occupancy Permits on the Site:

1. The **TOWN** Department of Inspectional Services shall determine that the improvements installed by **HARALD** are consistent with the improvements set forth in the Traffic Assessment; the TIAS conducted in accordance with paragraph II.A.1 above; the "Peer Review" contained in a letter to the Planning Board from Vanasse and Associates, Inc. dated January 20, 2009 and response of Greenman-Pedersen, Inc., which documents are attached hereto as Exhibit "C". Said determination shall not be unreasonably withheld.

2. **HARALD** shall prepare at its sole expense a plan showing proposed buffer areas, including 50 foot buffer areas along the Site's

perimeter, and additional buffer areas abutting the Rural Residential Zone and at the Lout Pond well Zones I and II, which buffer area locations are shown on a plan entitled Site Feasibility Plymouth, MA" by Allen & Major, dated 3/23/09, attached hereto as Exhibit D. Said plan shall be approved by the Planning Board, which board shall not unreasonably withhold such approval, and shall be recorded at the Plymouth County Registry of Deeds.

IV. WATER PROTECTION

A. Recognizing that state law and applicable regulations encourage the **TOWN** to either own or control a 400-foot radius around the Lout Pond Well in order for the **TOWN** to utilize said well, **HARALD** agrees to donate to the **TOWN** approximately 4.93 acres of land, as shown on the plan attached hereto as Exhibit D, for water protection purposes so as to allow the **TOWN** to meet such statutory and regulatory requirements. Provided, however, that **HARALD** shall not donate such land to the **TOWN** if Plymouth Town Meeting fails to amend the Zoning Bylaw to change the zoning designation of the Site from Rural Residential to Highway Commercial.

In conjunction with the donation of said land the following provisions shall apply:

1. approximately 4.93 acres (more or less) of the parcel at issue as shown on Exhibit D shall be conveyed, subject to the proviso in Section IV.A., above, to the **TOWN** of Plymouth to be held for water protection, including land that will allow the Town to meet the statutory and regulatory requirements for ownership and control within so-called Zone I, the 400-foot radius surrounding the Lout Pond Well, as well as portions of land within so-called Zone II.
2. All required land survey, plans and deed recordings applicable to this conveyance shall be the responsibility of **HARALD**.
3. All land survey work, plans and recordings shall be completed prior to any development of the parcel.
4. **HARALD** shall grant the **TOWN** a non-exclusive access easement from the nearest roadway constructed by **HARALD** to the **TOWN** conveyed hereunder.
5. All proposed work by **HARALD** within the remaining Zone II portion of the parcel as shown on Exhibit D shall meet all applicable zoning regulations for the **TOWN**. In addition, there shall be no gas stations, automobile repair facilities, industrial or commercial enterprises that store hazardous material allowed within said Zone II. Nor shall any underground injection systems or septic systems be permitted within said Zone II. All stormwater discharges within said Zone II shall conform to local and state stormwater regulations and shall

have appropriate pre-treatment. In addition to any other applicable statutory, regulatory or local requirements that may be applicable to the design of the stormwater system, the system shall also be subject to approval of the **TOWN** Director of Public Works. Such approval shall not be unreasonably withheld.

Sewer

HARALD acknowledges that currently there is no excess capacity in the sewer system on Nook Road and therefore no new sewerage can be put into the **TOWN** Municipal Sewer System until capacity is established and approved by the DEP. **HARALD** agrees to work cooperatively with the **TOWN** Department of Public Works and its designees to address this issue to mutual benefit of the **TOWN** and **HARALD**. The **TOWN** agrees to provide sewer system access to **HARALD** as soon as capacity is established and such access can reasonably be provided; provided, however, that in determining whether access can reasonably be provided and how much capacity may be allotted to **HARALD**, the **TOWN** may take into consideration whether the needs of the **TOWN** and the residents thereof can adequately be met.

GENERAL PROVISIONS

1. **TERM.** This Agreement shall become effective as of the date it is fully and finally executed by the parties and shall remain in full force and effect until all of the obligations set forth herein have been satisfied.
2. **CONSISTENCY WITH PLAN.** **HARALD** agrees that the Project shall be constructed in substantial conformity to what is depicted on the Conceptual Plan, subject to such modification as may be approved by the appropriate authority through applicable permit processes.
3. **GOVERNING LAW.** This Agreement and the rights and obligations of the parties hereunder shall in all respects be governed by and construed and enforced in accordance with the laws of the Commonwealth of Massachusetts.
4. **SUPERSEDING LAW AND SEVERABILITY.** The parties recognize that this Agreement shall be subject to amendments to Federal, State, and local laws, regulations, and bylaws. Any provisions of law that invalidate, or otherwise are inconsistent with, the terms of this Agreement, or that would cause one or both of the parties to be in violation of that law, shall be deemed to have superseded the terms of this Agreement. Notwithstanding such invalidity or illegality, the remaining terms and provisions of this Agreement shall remain in full force and effect in the same manner as if the invalid or illegal provision had not been contained herein.
5. **FURTHER ACTIONS.** Each of the parties agrees that it shall hereafter execute and deliver such further instruments and do such further acts and things as may be required or useful to carry out the intent and purpose of this Agreement and as are consistent with the terms hereof.

6. **LIABILITY INSURANCE.** Prior to HARALD's commencement of traffic improvements and traffic mitigation strategies as are required hereunder, HARALD shall provide the TOWN with certificates of insurance from insurers authorized to do business in the Commonwealth of Massachusetts naming the TOWN as an additional insured party, and setting forth the type and amounts of insurance. In addition, HARALD shall have in full force and effect any particular or special insurance required by law. HARALD shall maintain all insurance coverage addressed hereunder for the duration of the Project. HARALD shall provide 30 days advance notice by registered mail to the TOWN in the event of cancellation of any of the required insurance.

7. **INDEMNIFICATION.** HARALD shall indemnify and hold harmless the TOWN and its agents and employees from and against all claims, damages, losses and expenses including attorney's fees arising out of or resulting from the performance of the traffic improvements and mitigation strategies as are required hereunder providing that any such claim, damage, loss or expense is caused in whole or in part by any act or omission of HARALD, anyone directly or indirectly employed by HARALD or anyone for whose acts HARALD may be liable regardless of whether or not caused in part by a party indemnified hereunder. In any and all claims against the TOWN or any of its agents or employees by any employee of the HARALD, anyone directly or indirectly employed by it or anyone for whose acts it may be liable, the indemnification obligation under this Agreement shall not be limited in any way by any limitation on the amount of type of damages, compensation or benefits payable by or for HARALD under Workers' Compensation Acts, Disability Benefits Acts or other employee benefit acts. Appropriate contractual liability insurance will be maintained with respect to HARALD's obligations under this Article.

8. **CHANGES TO AGREEMENT.** This Agreement may not be modified, amended, waived, extended, changed, discharged or terminated orally, but only by an agreement in writing signed by each of the parties to the Agreement.

9. **ASSIGNMENT.** HARALD LLC or any subsequent owner of the Site shall include in any purchase and sale agreement for sale of the Site a provision binding their successors in interest to the provisions of this Agreement.

10. **MINIMUM REQUIREMENTS.** HARALD agrees that regardless of those improvements that it may be required to construct by the Planning Board during applicable permitting processes, its shall construct the improvements contemplated in this Agreement to the extent that such improvements are not inconsistent with other conditions or requirements imposed by the Planning Board

12. **RESPONSIBILITY.** HARALD shall assume all responsibility for the construction and implementation of the traffic improvements and mitigation strategies required by this Agreement, subject to approval of the same by the TOWN and appropriate state entities; shall take all proper precautions for preventing injuries to persons and property in or about the work; shall bear all losses that may be sustained

by HARALD on account of the amount or character of the work or because of the nature of the land in or which the work is done proving to be different from what HARALD estimated or expected, or because of the weather, rains, floods or other like causes.

IN WITNESS WHEREOF, the parties have hereunto set their hands and fixed their seals as of the date first above written.

Attest: [Signature]
NOTARY COMMISSION EXP. APRIL 25, 2014

Town of Plymouth
By: [Signature]
etc.
Board of Selectmen

Attest: [Signature]

HARALD LLC
By: [Signature], VSM
Manager