

**Zoning Board of Appeals
Minutes
August 11, 2025**

These minutes are not verbatim – they are the secretary’s interpretation of what took place at the meeting – Open Meeting Law – Section III.

Members present: Michael Main, Michael Leary, Peter Conner and Kevin O’Reilly

Members absent: Ed Conroy

Alternate member present: David Peck, Tom Wallace,

Administrative Assistant: Denise DeCoste

Inspectional Services present: Jason Silva, Director of Inspectional Services, Spencer Dancause, Zoning Inspector

Special Town Counsel: Carolyn Murray and Hayley Reifeiss, KP Law

Public Hearing - 6:00 P.M.

**Case 4168 – AvalonBay-Kanso Plymouth - Continued from June 9, 2025 and July 21, 2025
600 Colony Place, Map 104, Map 26-40**

An application for a comprehensive permit filed by **AvalonBay Communities, Inc.** pursuant to **Chapter 40B Section 20-23 of Massachusetts General Law**. The proposed project to be known as Avalon Kanso is to construct 300 rental units under the Local Initiative Program in two buildings with associated parking, garages and amenities on an approximately 9 acres located at **600 Colony Place, Plymouth, MA** (Parcel ID 104-000-026-040) and within the Mixed Commerce zoning district, as shown on plans by Bohler Engineering, Inc. 25% of the proposed rental units will be deed-restricted for low or moderate income housing at 80% AMI.

Mr. O'Reilly read the Public Hearing Notice into the record.

Seated: Mr. Main, Mr. Leary, Mr. Conner, Mr. O'Reilly, Mr. Wallace

Submitted Documentation for August 11, 2025 hearing:

- Illustrative Site Master Plan prepared by Hawk Design, Inc., dated 7-31-25
- Comprehensive Permit Application Landscape Plans, prepared by Hawk Design, Inc, dated 7-31-25
- Existing Conditions Plan prepared Bracken Engineering, Inc., dated February 19, 2025
- Grading and Drainage Plan prepared by Bohler, dated 6-13-25
- Draft Comprehensive Permit Decision prepared by KP Law
- Peer Review – Beals and Thomas Response to AvalonBay-Kanso dated 8-4-25
- Revised requested waivers to local Bylaws and Regulations, dated 8-26-25

Presenters

David Gillespie, AvalonBay Communities
Steve Martorano, Bohler Engineering
Ed Bradford, TAT Architects
Atty Steven Schwartz

Project Updates – Avalon Site Plan

- Parking Space Revisions
- Prior feedback: preference for 10 ft wide spaces instead of 9 ft.
- Revised plan:
 - - All spaces \geq 10 ft wide.
 - - Final count: 465 spaces (reduced from prior plan but meets zoning).
 - - Maintains 25 ft drive aisles.

- Fire Department review: Truck turning radius diagrams approved.
- Garage spaces: reduced from 40 to 30 to maintain parking counts.
- Parking breakdown table added to plans (charging, accessible, garage spaces).

Building Design Changes

- Parapet Walls:
 - - Two types: lower (screening/safety) & higher (decorative + screening).
 - - Concerns over height; suggestion to keep all ≤ 4 ft above roofline.
- Height Reduction:
 - - Original: 67 ft at highest point.
 - - Revised: 63 ft (4 ft reduction at tallest corner).
 - - Building section height per zoning reduced from 59 ft to 57'6" (18-inch reduction).
- Board Discussion:
 - - Mixed opinions on parapet height variation (18-inch corner variation retained).
 - - Consensus: accept minor variation but clarify limits on plans.

Plan Documentation

- Clarification on SK1 vs HSK2 plan sheets (difference is scale only).
- Draft decision reviewed—latest version dated Aug 11, 3:00 PM.
- Waivers list matches Aug 6 applicant submission.

Board Votes

- Waivers: Mr. Conner motioned to approve waivers for Case #4168, Mr. Wallace seconded the motion – Passed unanimously (5-0).
- Mr. Leary motioned to approve the Comprehensive Permit Case 4168, Mr. Conner seconded the motion – Passed unanimously (5-0).

Waivers

Kanso Plymouth Requested Waivers to Local Bylaws and Regulations

The list below identifies the required waivers necessary from applicable local bylaws and regulations, based on the Preliminary Site Plans, in order to construct the project (the "Project") as approved by the Board on August 11, 2025.

Section	Subject	Requirement	Requested Waiver / Project Applicability
I. Town of Plymouth Zoning Bylaw (the "Zoning Bylaw")			
Sec. 202.2(A) of the Zoning Bylaw	Zoning Permit Required for Building Permit	No building or Structure shall be erected, structurally altered, added to or moved, not shall any change of land use be made, and no Building Permit shall be issued, except as authorized by a Zoning Permit.	Comprehensive Permit shall provide all local permits per MGL Ch. 40B. Zoning Permit to be approved and issued by the Zoning Board of Appeals ("ZBA") to authorize issuance of a building permit for the Project.
Sec. 203-1(D)(3)	Structures on a Lot	More than one principal Building may be erected on a Lot following a determination by the Planning Board that the entire Lot and all Structures thereon are planned and designed to meet the standards set forth in Section 203-1(D)(3).	Comprehensive Permit shall provide all local permits per MGL Ch. 40B. Allow for multiple principal structures included in the Project to be constructed on one Lot.
Sec. 203-1(E)	Residential Access Standards	No Zoning or Building permit shall be issued for a dwelling on a street or way that does not meet the standards set forth in the Section 203-1(E).	Waiver sought from the Residential Access Standards of the Zoning Bylaw to the extent applicable to the Project.
Sec. 203-2(B)(1)(c)	Residential Development – Tree Requirement	On completion of construction, there shall be an average minimum of 4 trees of native species and 2 ½-3" diameter per Dwelling Unit, at least two of which shall be on each Lot (the "Residential Tree Requirement").	Waiver from the Residential Tree Requirement. Landscaping to be provided per landscape plan to be submitted as part of Site Development Plans.
Sec. 203-2	Natural Features Conservation	Section 203-2 of the Zoning Bylaw includes requirements and standards related to (i) Vegetation Preservation, (ii) Topography and Soil Preservation, (iii) Earth Removal, and (iv) Zoning Permit Minimum Conditions and Safeguards (collectively, the "Natural Features Conservation Requirements")	Waiver from the Natural Features Conservation Requirements to the extent application to the Project.

Section	Subject	Requirement	Requested Waiver / Project Applicability
Section 203-3	Signs	Section 203-3 of the Zoning Bylaw regulates the size, location, type and illumination of signs.	Allow for signs as shown on the Site Development Plans with up lit or externally illuminated signs.
Section 203-6	Street Classification and Related Standards – Design Guidelines and Standards	Section 203-6 establishes guidelines that apply to review of a development plan by the ZBA (the “Street Classification and Related Standards”).	Comprehensive Permit shall provide all local permits per MGL Ch. 40B. Waiver from the Street Classification and Related Standards to the extent applicable to the Project.
Section 203-7	Off-Street Parking - Design	Section 203-7 establishes certain accessory parking facility design requirements, including approval of the Building Commissioner to authorize a curb cut, limited number of driveways and entry/exit points, setback and screening requirements, paving standards, and design and lighting standards.	Comprehensive Permit shall provide all local permits per MGL Ch. 40B. Allow for accessory parking as shown on the Site Development Plans.
Section 203-7	Off-Street Parking – Number of Parking Spaces	For multi-family dwellings, Table 3 of Section 203-7 requires (i) 1.3 parking spaces for a 1-bedroom unit, (ii) 2.0 parking spaces for a 2-bedroom unit, (iii) 2.6 parking spaces for a 3-bedroom unit, and (iv) 3.0 parking spaces for a 4-bedroom unit. Applying these standards, the development would require a total of 496 parking spaces.	Allow for the Project to provide less than the required amount of parking spaces per dwelling unit as shown on the Site Development Plans. The Project provides 465 total parking spaces comprised of 385 10'x 18' surface parking spaces, 26 EV parking spaces, 11 handicap accessible parking spaces, 30 detached garage parking spaces and 3 move-in parking spaces (13.5' x18')
Section 203-7.D	Off-Street Parking –Street Setback and Screening	Section 203-7 requires that all Off-Street parking areas shall be set back a minimum of 20 feet from any Street layout line and landscaped.	Allow for the Project to provide less than the required screening from a street layout line. The Project will provide a minimum parking setback of 6.9' in the side yard and 12.2' in the front yard along Colony Place.
Section 203-7.F.5	Off-Street Parking –Design and Lighting Standards	Section 203-7 requires that parking areas shall be designed and constructed to maintain grades between 1% and 5%, throughout the Lot, including entrance and exit drives. Parking shall not be allowed on grades over 5%. Pedestrian ways required for handicapped accessibility shall not exceed 8%. Access road maximum grades may be 10%, provided grades level off to 5% or less adjacent to intersection platforms. The grade of an intersection platform shall not exceed 2% within 50 feet of the center line of the intersecting Street.	Allow for the Project to provide parking areas graded as site design requires as shown on the Site Development Plans. (Can you provide some detail as to the grade provided?)

Section	Subject	Requirement	Requested Waiver / Project Applicability
Section 203-7.G.2	Off-Street Parking –Visual Relief	Section 203-7 requires that parking areas shall incorporate visual relief to avoid a vast expanse of unbroken pavement and vehicles. A parking area of between 1/4 and 1 acre shall include landscaped islands containing 6 trees greater than 6 feet in Height for each 80 parking spaces, with at least 50% of a species characterized by mature Height of at least 30 feet. Island Landscaping shall be protected from damage from vehicles and snow removal operations.	Allow for the Project to provide landscaping as shown on the Landscape Plans included in the Site Development Plans. The Project will comply as to the number of trees to be provided based on the number of parking spaces; however, per the American Standard for Nursery Stock, shade trees are graded according to caliper, not height. Of the trees selected, <u>Specifications for Type 1 Shade Trees, a 3-3.5” caliper tree will have a height range of 14-16’ which is well over the 6’ height requirement, but actual height of trees will depend on pruning and growing conditions.</u>
Section 203-7.G.3	Off-Street Parking –Visual Relief	Section 203-7 requires that when the parking area on a Development Site or Building site exceeds 40,000 square feet, it shall be divided into smaller areas or segments of not more than 20,000 square feet each with 10-foot wide vegetated dividers, and if cut into a Slope or rolling topography with vertical relief greater than 15 feet, the segments shall be terraced with the Slope and the divider strips stabilized against erosion.	Allow for the Project to provide landscaping as shown on the Landscape Plans included in the Site Development Plans.
Section 203-15	Site Plan Review	Site Plan Review	Comprehensive Permit shall provide all local permits per MGL Ch. 40B. Site plan to be approved by the ZBA.
Section 206-1	Aquifer Protection Overlay District	Section 206-1 of the Zoning Bylaw requires a special permit for certain uses and improvements in the Aquifer Protection Overlay District, including but not limited to all uses that retain less than 30% of the site’s area in its natural state, and any use subject to such special permit must comply with certain conditions set forth in Section 206-1.	Comprehensive Permit shall provide all local permits per MGL Ch. 40B and special permit provisions are not applicable to a Comprehensive Permit.
Section 206-6	Multifamily Overlay District (“MOD”)	Section 206-6 of the Zoning Bylaw requires a multifamily development to provide a certain percentage of affordable units in a multifamily development and requires that a development comply with the Planning Board MOD Plan Approval Regulations, the MOD Development Plan Approval Process and other requirements set forth in Section 206-6.	Comprehensive Permit shall provide all local permits per MGL Ch. 40B. Waiver from the MOD Development Plan Approvals and other requirements, including bulk and dimensional requirements, to the extent application to the Project. The percentage of affordable units provided by the Project is consistent with MGL Ch. 40B.
Section 207-7	Inclusionary Housing Development	Any residential use that requires a special permit and results in six or more dwelling units must provide affordable units as set forth in Section 207-7.	Waive any affordable unit requirement under Section 207-7 as affordable units are included in the Project pursuant to Sec. 40.B. Special permit requirements not applicable to Comprehensive Permit.

Section	Subject	Requirement	Requested Waiver / Project Applicability
Use Table, Use A.3.	Multi-family Dwelling	Multifamily dwellings are prohibited in the Mixed Commercial Zoning District.	Allow for Multifamily dwelling in the Mixed Commercial Zoning District.
Dimensional Table	Setbacks	Minimum side yard setback of 40 feet.	With respect to the principal structures, the Project provides a front yard setback of 82.1 ft, side yard setback 92.8 ft, and rear setback 93.6 ft. A waiver from the side yard setback requirement is requested to the extent applicable to the accessory structures (garages and trash enclosures) shown on the Site Development Plans, which are set back as close as 10 feet from the side lot lines.
	Density	20 units/acre	Allow for 33.3 units/acre
	Floor Area Ratio	Maximum Floor Area Ratio of 0.75	Allow for Floor Area Ratio of 0.85 as shown on the Site Development Plans for the Project.
	Height	Maximum height of 45'	Allow for maximum building height of >57.5 ft. as shown on the Site Development Plans for the Project plus the parapet at a maximum height of 63 ft.
II. Town of Plymouth General Bylaws (the "Bylaws")			
A. Chapter 74 of the Bylaws – Fire Lanes			

Section	Subject	Requirement	Requested Waiver / Project Applicability
Sec. 74-1 of the Bylaws	Fire Lanes	<p>The Fire Chief or his designated representative is authorized to establish fire lanes to be located on property where the establishment of fire lanes shall be determined by the Fire Chief to be necessary to allow access of fire apparatus or emergency equipment for the protection of public safety. The Fire Chief or his designated representative shall establish the specific locations and dimensions of all fire lanes after consideration of the following factors:</p> <ul style="list-style-type: none"> A. The nature of the use of the premises B. The volume of motor vehicle traffic on or about or near the designated premises. C. The size and type of fire apparatus and emergency equipment available and necessary D. for the protection of the premises. E. The area of the land and the size of the building or buildings to be protected 	Comprehensive Permit shall provide all local permits per MGL Ch. 40B. Fire lanes for the Project to be located as shown on the plans that will be presented as the Project design is finalized.
B. Chapter 149 of the Bylaws - Sewer			
Sec. 149-2 of the Bylaws	Sewer Connection and Sewer Connection Privilege Permit Fee	<p>The owner of any property upon which any new construction of a residential or mixed-use building is constructed is required to connect to common sewer if such common sewer is now located or in the future may be located within 100-feet of the street front property line.</p> <p>The Sewer Connection Privilege Permit Fee is \$10.00 per gallon with flows calculated based on Title 5 wastewater flows.</p>	Comprehensive Permit shall provide all local permits per MGL Ch. 40B. Pursuant to the terms of the Memorandum of Agreement between the Town of Plymouth, acting through its Select Board, and the current owner of the property, the developer of the Project has agreed to construct a water pump station or provide a financial contribution to the Town to complete construction of a water pump station in connection with the Project. Waiver requested to extent necessary for
C. Chapter 159 of Bylaws – Stormwater Pollution Abatement			
Sec. 159-2 of the Bylaws	Stormwater and Non-Stormwater Discharge	<p>No person shall (i) directly or indirectly discharge or allowed to be discharged any pollutant or non-stormwater discharge into municipal separate stormwater system (MS4), (ii) connect illicitly or maintain an illicit connection to the MS4, (iii) obstruct or interfere with now flow into MS4.</p> <p>Non-Stormwater discharge permitted under a NPDES Permit (including Dewatering General Permit and Construction General Permit) is exempt from the Bylaw.</p>	Comprehensive Permit shall provide all local permits per MGL Ch. 40B. The Project will meet Massachusetts Department of Environmental Protection Stormwater requirements.

Section	Subject	Requirement	Requested Waiver / Project Applicability
D. Chapter 191 of the Bylaws – Water Supply			
Chapter 191 of the Bylaws	Water Supply	The taking of water from the public water supply, whether by the opening of a hydrant or by use of any equipment attached to or connecting with the public water supply or water delivery equipment of the Town of Plymouth or by any other means, for use other than by the Town of Plymouth is strictly prohibited, except pursuant to a valid hydrant permit issued by the Town of Plymouth Water Division.	Comprehensive Permit shall provide all local permits per MGL Ch. 40B.
III. A Guide for the Design of Storm Drainage Facilities in the Town of Plymouth, Massachusetts (the “Guide”)			
Sec. 2.0 of the Guide	Submittal Requirements	Requirements for submitting drainage design and Low Impact Development techniques in site design Plymouth.	Waiver from all submittal requirements included in the Guide. Comprehensive Permit shall provide all local permits per MGL Ch. 40B.

Conditions

ADMINISTRATIVE

1. This Comprehensive Permit is granted to the Applicant and its limited dividend successors and assigns for the purpose of constructing the Project as conditioned herein and may not be transferred or assigned to any party prior to substantial completion of the Project or a phase thereof 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. Transfer of a permit shall not, by itself, constitute a substantial change pursuant to 760 CMR 56.07(4). After substantial completion, the Comprehensive Permit approved by this Decision shall be deemed to run with the land.
2. The Board shall have the power, at a public meeting with notice to the Applicant 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, as insubstantial changes pursuant to 760 CMR. 56.05(11).
3. 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 M.G.L. c. 40B, Section 21 and 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 reasonable expense retain consultants to review and advise the Board regarding any proposed changes.

4. 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.
5. Following the passage of the appeal period or thirty (30) days following the final adjudication or resolution of an appeal, if any, the Applicant shall record this Decision at the Plymouth County Registry of Deeds and provide proof of said recording to the Board staff. No building permits will be issued until this condition is satisfied.
6. 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.
7. 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.
8. Copies of all required legal documents necessary to comply with terms of this Decision shall be submitted to the Board and the Plymouth Town Counsel for review for consistency with this Decision, prior to issuance of any certificate of occupancy.

HOUSING

9. The Project shall not be age restricted.
10. This Comprehensive Permit is issued pursuant to the project eligibility letter issued by the Subsidizing Agency dated as of May 6, 2025.
11. The Project shall be limited to 300 multifamily rental units, in two five-story buildings, consisting of 20 studios, 155 one-bedroom units, 95 two-bedroom units, and 30 three-bedroom units, for a total of 455 bedrooms. Of these dwelling

units, at least 25% (or 75) of the dwelling units shall be affordable as defined and amended from time to time by the Subsidizing Agency (the “Affordable Units”) and shall be marketed to eligible households subject to approval by the Subsidizing Agency. Per the Subsidizing Agency’s rules and guidelines, the Affordable Units shall be evenly dispersed throughout the Project and shall be integrated into the Project and the exterior of the units shall not be readily distinguishable from the market rate units in the Project. Before building permits are sought, the Applicant shall submit a plan or narrative identifying the affordable units as designated for initial occupancy to the Building Department. The Affordable Units shall remain affordable units in perpetuity or for as long as the Project does not conform to the Town’s Zoning Bylaw, or the longest period allowed by law, whichever is longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under M.G.L. c. 40B, §§ 20-23. The Affordable Units shall be, and shall remain eligible to be, included in the Town’s SHI as maintained by EOHLC.

12. The Applicant shall notify the Board and EOHLC when building permits are issued for the Project and cooperate with the preparation of request forms to add the Project to the Town’s SHI. The Applicant shall also notify the Board and EOHLC when occupancy permits are issued for the Project and cooperate with the preparation of request forms to add the units to the Town’s SHI permanently.
13. The Applicant shall provide to the Board for its records a copy of the final executed documents with the Subsidizing Agency, including a regulatory agreement in accordance with 760 CMR 56 (the “Regulatory Agreement”) prior to issuance of any certificate of occupancy for the Project.
14. Pursuant to the LIP, the Town will be a party to the Regulatory Agreement along with the Applicant and EOHLC. The affordable units shall remain affordable in perpetuity or for as long as the Project does not conform to the Town’s Zoning Bylaw, or the longest period allowed by law, whichever is longer.
15. 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.

PLANS

16. The Applicant shall construct and improve the Property as substantially described on the Site Development Plans. Prior to issuance of any building permit for the Project, the final plans for the Project, stamped by a registered architect or registered professional engineer, as may be applicable, (the “Final Plans”) shall be reviewed by the Director of Inspectional Services to confirm that the Final Plans are consistent with this Comprehensive Permit. Any material differences identified by the Director of Inspectional Services shall be reviewed and approved by the Board in accordance with 760 CMR 56.05(11).
17. Such Final Plans and As-Built Plans shall conform to paragraphs 17 and 18 unless expressly requested otherwise by the Director of Inspectional Services:
 - a) Be submitted in the following format: one set of full sized and one set of reduced plans (11” by 17”), in addition to a digital copy of the final endorsed plan set and any recordable plan sheets,
 - b) Reflect: (i) the additional plan details and revisions called for under the Conditions of Approval set forth herein; (ii) 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 (iii) any requirements of the Subsidizing Agency upon final approval of the Project.
 - c) Conform to all pertinent requirements of the Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB), to the extent applicable.
18. The Applicant shall provide the Final Plans and As-Built 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.
19. As-built Plans. Prior to the issuance of the final certificate of occupancy for the Project, the Applicant shall provide “as-built” plans of the roads, buildings, water, and electrical distribution systems to the Board, Fire Department, Building Department and Department of Public Works (“DPW”); such plans shall be reviewed by the Board or its agent for consistency with this Decision. The As-built plans must show the Property’s drainage system locations, rims/inverts, pipe types, pipe slopes, etc. The plans must be stamped by a Registered Professional Engineer and include a stamped letter certifying the drainage system has been installed per the proposed plans.

CONSTRUCTION

20. The Project infrastructure necessary for the operation of any Project building shall be substantially completed, as determined by the Director of Inspectional Services, prior to the issuance of a certificate of occupancy for that building.
21. Except where specifically waived by this Comprehensive Permit or as reflected on the Final Plans, construction shall be in accordance with all applicable zoning and other bylaws, rules and regulations of the Town.
22. Prior to receiving a building permit, the Applicant shall provide evidence of final approval from the Subsidizing Agency pursuant to 760 CMR 56.04(7) to the Board and Building Department.

23. No construction upon the Property ("Site Activities") shall begin prior to a preconstruction conference. The Applicant shall convene a preconstruction conference with invitations to Town departments including, but not limited to, the Inspectional Services Department, Fire Department, DPW, and Planning & Development Department at least 14 days prior to the planned commencement of construction of the Project. 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 Decision with Conditions of Approval 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. No utility work, earthwork or other site preparation activities shall occur until the Applicant has obtained a notice to proceed from the Director of Inspectional Services.
24. No Site Activities shall occur on the Property, 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 Director of Inspectional Services;
 - b) submitted to the Board and the Director of Inspectional Services a Construction Management Plan (the "CMP"), as well as a Construction Management Schedule (the "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 Board, Board of Health and Fire Chief;
 - c) provided to the DPW and Director of Inspectional Services a final Stormwater Pollution Prevention Plan (the "SWPPP") 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; and
 - d) provided procedures to the Director of Inspectional Services that outline the specific operation and maintenance measures for all stormwater/drainage facilities.
25. Prior to Site Activities, the Applicant shall provide, and update as necessary, to the Board and Inspectional Services 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 Project have been paid;
 - c) written confirmation from the Applicant that all required federal, state and local licenses and permits relating to the Project on the Property 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.
26. 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 businesses in the general area. Excavation, trucking and equipment start-up and operation, and any related activity in connection with the development of the Project shall only be undertaken Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. All other activities, including but not limited to commercial construction, demolition, repair, paving or alteration activities in the construction of the Project shall only be performed Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m. pursuant to §120-3. of the General Bylaws of the Town. Except for emergency work, there shall be no excavation or exterior construction activities performed on any Sunday or state or federal legal holiday. Deliveries shall not commence before 7:00 a.m.
27. During construction, at the end of each workday, the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured. Upon completion of all work on site, 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.
28. The Board or its agent(s) may enter onto and view and inspect the Property during regular business hours, with prior written notice, with consent not to be unreasonably denied or delayed, 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.

29. 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 issuance of the final certificate of occupancy for the Project, construction staging areas shall be cleared and completed in accordance with the Final Plans.
30. Pursuant to 780 CMR 33, the Director of Inspectional Services 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.
31. To the extent that landscaping for the Project is not completed prior to the issuance of the final 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 officials and other consultants, based upon the Applicant's reasonable estimate of the costs to complete such landscaping work. Project surety shall be held by the Town Treasurer as cash, letter of credit, bond, 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.
32. The SWPPP 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 Applicant's SWPPP.
33. Subject to the terms and conditions set forth in the Memorandum of Agreement entered into among the Town of Plymouth, acting through the Select Board, and Claremont, as the Applicant's predecessor in interest (the

“Memorandum of Agreement”), the Applicant shall pay all reasonable fees imposed for the purpose of post-permit reviews of plans or documents described herein, 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.

34. 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. Unstable slopes steeper than 3:1 shall be stabilized by netting and pinning during suspension of construction.

INFRASTRUCTURE

35. Unless otherwise provided for herein, the following portions of the Project shall be and shall remain forever private and the Town shall not have, now or ever, any legal responsibility for the operation, maintenance, repair, or replacement of:
- a) the entire on-site stormwater management system and all stormwater, lines and equipment required to serve the Property;
 - b) the sidewalks, driveways, roads, utilities, drainage systems, 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, site maintenance and landscape maintenance; and
 - c) property lighting, landscaping and screening.
36. The Applicant shall also be responsible for conducting annual inspection, maintenance and cleaning of all elements of the drainage system located on the Property.

37. Fire Department Conditions:

- a) Alarm and Sprinkler Systems. 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 the National Fire Prevention Association 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.
- b) Fire Apparatus Access:
 - i. Roadways must be at least 25 feet in width;
 - ii. Turning radius shall be no less than 60 feet for all turns;
 - iii. Fire lanes are always to be no less than 20 feet in width and remain open;
 - iv. An overlay diagram will be required to demonstrate the ability of the Town's largest piece 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;
 - v. Overhead clearance of no less than 13 feet 6 inches is to be maintained;
 - vi. Hydrant spacing to be no more than 500 feet in residential sections located on the same side of the drive aisle as the building; and
 - vii. Adequate and uninterrupted fire protection water supply to development.
- c) 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) The Fire Chief or his designee shall approve the final location of all fire hydrants on the Property.

STORMWATER MANAGEMENT

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

- The specifications shown on the Final Plans; and
- Drainage Report, prepared by Bohler Engineering, dated April 15, 2025.

39. Snow shall not be placed within or above the stormwater management systems.
40. Stormwater Management Conditions:
- a) Prior to starting any Site Activities, 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 and in perpetuity.
 - c) 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 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.
41. Stormwater Management Maintenance. The SWPPP and the Stormwater O&M Plan shall be consistent with the Drainage Report, prepared by Bohler Engineering, dated April 15, 2025. In the event Applicant engages a property management company, such guidelines shall be incorporated by reference in the management contract. In the event that the Applicant or its successor fails to maintain the stormwater management system located on the Property 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.
42. The Applicant shall coordinate with the current owner of the Property to clear accumulated sediment from the existing stormwater forebay so that it is restored to its design capacity prior to the issuance of a building permit.

43. The Applicant shall revise the Operation and Maintenance Plan (“O&M”) so that it includes the name of the stormwater management system owners, schedule of maintenance for off-site forebay and infiltration basin, a plan showing location of all stormwater best management practices, description and delineation of public safety features, or an estimated operations and maintenance budget, prior to issuance of a building permit.
44. The Applicant shall revise the O&M to clarify the design intent and reflect operation, maintenance and access to the off-site forebay consistent with the existing Easement with Covenants and Restrictions and Maintenance Agreement Affecting Land and Operating Agreement for Colony Place at Plymouth in Plymouth Massachusetts made as of August 12, 2004, and recorded with the Registry in Book 28884, Page 48 (as amended, the “ECR”), prior to issuance of a building permit.
45. The Applicant shall provide provisions for onsite shut down and containment of the drainage systems as required by the Town of Plymouth’s Drainage Guide, prior to issuance of a building permit.

GENERAL CONDITIONS

46. The use of fertilizers, road salt, and other potential contaminants shall be restricted within that portion of the Property within Zone II, as shown on the Town of Plymouth Aquifer Protection Map dated as of October 2020, to protect against contamination of the North Plymouth Well.
47. The Applicant shall cooperate with the DPW and the Department of Marine & Environmental Affairs with respect to monitoring/reporting of monitoring wells on the Property for the Zone II of the Aquifer Protection.
48. The Applicant shall revise the plans to show the location of three groundwater monitoring wells and a monitoring plan, prior to issuance of any building permit. The Applicant shall meet with the DPW Water Division for final review and

approval of monitoring well locations and the proposed Groundwater Monitoring Plan, which approval shall not be unreasonably withheld.

49. The Applicant shall test the groundwater from the monitoring wells on a quarterly basis and shall include tests for Extractable Petroleum Hydrocarbons (EPH), Volatile Organic Compounds (VOC), sodium chloride, calcium chloride, magnesium chloride, and potassium chloride, prior to issuance of a building permit.
50. 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.
51. The Applicant shall provide landscaping in accordance with the Final Plans.
52. All utilities and water construction and materials shall be constructed consistent with the Final Plans and otherwise in accordance with Town requirements except as otherwise shown on the Final Plans.
53. All utilities (with the exception of meters, boxes and other appurtenances) within the Project shall be installed underground.
54. Subject to the terms and conditions of the Memorandum of Agreement, the Project shall be served by municipal water, at the Applicant's sole expense, in accordance with the currently applicable DPW requirements.
55. Rental agreements signed by residents shall specify that parking for over-sized vehicles, recreational vehicles, trailers, boats and other similar non-standard vehicles shall be prohibited.
56. All outdoor lighting, including surface mounted building lighting and porch lighting, shall be installed and maintained as provided for in the Final Plans, in compliance with Section 207-4 of the Town's Zoning Bylaw.
57. The Applicant shall undertake the design, purchase, construction, installation and third-party inspections of a water booster pump station and the infrastructure to connect the pump to existing municipal infrastructure at a location identified and permitted by the Town pursuant to the terms of the Memorandum of Agreement. The Applicant shall continue working with the Town and Apex on the construction of the water booster pump station as a means to resolve

the previously identified firm capacity deficit in the West Plymouth Pressure Zone, prior to issuance of any certificate of occupancy. Compliance with the MOA shall be demonstrated prior to the issuance of any certificate of occupancy.

58. The Applicant shall install water saving, low flow fixtures.
59. Prior to issuance of any certificate of occupancy, the Applicant shall provide a waste management plan for the dog park.
60. The Applicant shall provide backflow protection to the water services to the dog park and trash enclosure, prior to issuance of the final certificate of occupancy.
61. Except where specifically waived by this Comprehensive Permit as listed in the attached Exhibit C, construction shall be in accordance with all applicable zoning and other bylaws, rules and regulations of the Town in effect on the date of this Decision. This Comprehensive Permit serves as the permit necessary to construct the Project under all local zoning and general bylaws, rules and regulations, unless otherwise provided herein, including the requirement for a zoning permit under Section 202.2.A of the Town's Zoning Bylaw. In the submission for building permits to construct the Project, the Applicant shall include an application, along with all necessary supporting materials, that would ordinarily be required for a zoning permit and building permit, which shall be reviewed by the Director of Inspectional Services for consistency with this Decision. The zoning permit shall not be denied or unreasonably withheld unless the materials submitted are inconsistent with this Decision. If all conditions of this Decision are satisfied, the Director of Inspectional Services shall issue a consolidated zoning and building permit.
62. The free-standing garage structures shall be restricted to residential vehicles only.
63. The Electric Vehicle charging stations shall be restricted to residential use only.
64. Applicant shall not use Town water for irrigation purposes.

MOA & Occupancy

- Deadlines for Certificate of Occupancy to align with MOA provisions.

- Option for escrow of funds to allow partial occupancy if certain items are incomplete.

Project Timeline

- Groundbreaking anticipated: Spring (pending final design and pump station coordination with town).

Adjournment

- Motion to adjourn was made by Mr. Conner, seconded by Mr. Wallace, unanimously approved (5-0).
- Adjourn: 7:15 P.M.

Respectfully submitted,

Approved: December 1, 2025

Denise DeCoste