



TOWN OF HINGHAM

Board of Appeals

COMPREHENSIVE PERMIT

IN THE MATTER OF:

Applicant: Hingham Shipyard Avalon II, Inc.
AvalonBay Communities, Inc.
51 Sleeper Street, Suite 750
Boston, MA 02210

Owner: Building 19 Realty Trust
Gerald Elovitz, Trustee
319 Lincoln Street
Hingham, MA 02043

Property: 319 Lincoln Street (Map 36, Lot 104)

Deed Reference: Plymouth County Registry of Deeds Book 6541, Page 150



SUMMARY OF PROCEEDINGS:

This matter came before the Zoning Board of Appeals on the application of Hingham Shipyard Avalon II, LLC ("Avalon" or the "Applicant") for a Comprehensive Permit pursuant to Massachusetts General Laws Chapter 40B, Sections 20 through 23, as amended. The Applicant's application, as modified, requests the construction of a 190-unit rental housing community, including 48 units qualifying as Low or Moderate Income Housing, to be called "Avalon Hingham Shipyard II" (the "Project"), located at 319 Lincoln Street (the "Property"). The application included the letter, dated February 4, 2016, from the Massachusetts Housing Partnership (MHP), acting as Subsidizing Agency, granting the Applicant Project Eligibility for the proposed project.

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

The term "Project Plans" as used in this decision shall mean the plans, studies, reports and other submissions of the Applicant made in connection with the Comprehensive Permit Application, as more particularly defined in Attachment A. Also included in the Project Plans are certain submissions by the Town's technical consultants as detailed in Attachment A.

The term "Approved Plans" as used in Attachment B hereto shall mean the Project Plans, together with the representations made to the Board by the Applicant in connection with the Comprehensive Permit Application for the Project, all of which were relied on by the Board in its vote to grant the Comprehensive Permit.

Public hearings on the matter were held over the course of several months before the Hingham Zoning Board of Appeals (the "Board"). The proceedings commenced on March 10, 2016 and continued to March 23, 2016. By letter dated March 25, 2016, the Board notified the Applicant pursuant to 760 CMR 56.03(8)(a) that the Board considered that a denial of the permit or the imposition of conditions or requirements would be Consistent with Local Needs on the grounds that the Statutory Minima as defined at 760 CMR 56.03(1) has been satisfied. Thereafter, the Applicant filed revised plans that reduced the number of residential units to 190 from the originally proposed 250, and included a corresponding architectural redesign of the building and decrease in building size and height. The Board continued its review of the Project during subsequent public hearings held on April 6, 2016, April 13, 2016, April 28, 2016, and May 4, 2016, at which time the Board closed the public hearing. The Board continued its deliberation following the conclusion of the public hearing and voted unanimously to issue a Comprehensive Permit for the Project and to withdraw its letter of March 25, 2016 regarding the Town's position with respect to the statutory minima.

Public hearings before the Board were held at Town Hall, 210 Central Street, Hingham, MA, before a panel consisting of regular members Joseph M. Fisher, Chairman, and Robyn S. Maguire and associate member Mario Romania, Jr.

Appearing on behalf of the Applicant throughout the hearings were Michael Roberts and Lars Unhjem, AvalonBay Communities, Inc. The Applicant's development team also included: Rick Latini, P.E., and Joe SanClemente, P.E., AICP, Howard Stein Hudson; Edward Bradford, AIA, The Architectural Team; and Thom Miner, R.L.A., Hawk Design. Attorney Steven Schwartz, Goulston & Storrs, P.C., provided legal representation of the Applicant.

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

PROJECT DESCRIPTION:

The Property site consists of approximately 3.8 acres, improved by a retail warehouse and office building that formerly housed the corporate headquarters and showroom for Building #19.

The site is located at the southeasterly corner of, and directly abuts, the mixed-use development known as the Hingham Shipyard, an historic former World War II naval shipyard, but the parcel is outside the boundaries governed by the Hingham Shipyard master plan special permit. The Hingham Shipyard development is approximately 129.5 acres and is comprised of a mix of retail, restaurant, office, 494 units of condominium and rental housing, recreational and commercial marinas, and public open space and access to the waterfront. Also located within the Hingham Shipyard is the MBTA ferry terminal providing commuter service to Boston, as well as ferries to Logan Airport and the Boston Harbor Islands park system.

The site is directly bound to the north by "Avalon at the Hingham Shipyard," a multi-family residential development consisting of 235 units. USS Amesbury Drive provides access to the site from the east. The Property also fronts on Lincoln Street (Route 3A) on either side of a separately owned parcel at 315 Lincoln Street to the south. Finally, a childcare facility is located to the immediate west of the Property. The Project is in walking distance of all of the Hingham Shipyard master development amenities, the MBTA commuter ferry, the public "Bradley Woods" playground and Bouve Conservation land, and additional retail shopping on the south side of Lincoln Street.

The Project Plans depict a 190-unit rental community consisting of a five-story apartment building. The residential component is located in part above a single level of at-grade parking. Guest parking is located in a surface parking lot at the corner of Lincoln Street and USS Amesbury Drive. There are a total of 298 proposed parking spaces shown on the plan, which equates to a parking ratio of approximately 1.57 spaces per residential unit. No direct access to the site from Lincoln Street is proposed. Residents and visitors will enter and exit the site from three separate points on USS Amesbury Drive or via an access easement leading to Shipyard Drive East.

The principal structure is organized around four elevated courtyards, two facing south toward Lincoln Street and two facing north towards the residential portions of the Shipyard redevelopment and the waterfront. The courtyards and a series of balconies provide recreational amenities for residents, as well as visual relief from the building massing. The main building entry includes a lobby area and fitness center located at grade and adjacent to a ground level courtyard.

The proposed units, which include from 1 to 3 bedrooms, average approximately 1,100 SF in size. Twenty-five (25) percent, or 48 of the 190 units, will be made available to households earning less than eighty (80) percent area median income.

DISCUSSION:

During its review, the Board addressed (a) the status of the Town's compliance with the Statutory Minima criteria, (b) the design of the Project, and (c) the potential impacts of the Project on public infrastructure and the surrounding neighborhood. The Board received submissions and heard testimony from the Applicant, residents, Town officials, and its consultants. Much of the information provided concerned issues related to design and density, traffic, and the public sewer system. The following is a summary of the issues discussed by the Board throughout the extensive public hearing process.

Statutory Minima

The Project Eligibility Determination issued by the MHP on February 4, 2016 confirmed that the Applicant meets the limited dividend status requirement of 760 CMR 31.01(1)(a), the fundability requirement of 760 CMR 31.01(1)(b), and the site control requirement of 760 CMR 31.01(1)(c), thereby allowing the Applicant to file a Comprehensive Permit Application before the Board.

As directed, by the Board at the March 23, 2016 hearing, Special Counsel, Kerry T. Ryan of Morrissey, Wilson & Zafiroopoulos, LLP, notified the Applicant, by letter dated March 25, 2016 (so-called "10% Letter"), that a denial of the Comprehensive Permit or imposition of conditions would be Consistent with Local Needs on the grounds that the *Statutory Minima* as defined at 760 CMR 56.03(1) has been satisfied. The Applicant filed its opposition to the Board's 10% Letter with the Board and the Department of Housing and Community Development (DHCD), by letter of its counsel, dated April 11, 2016. Both the Board's and the Applicant's submissions reserved the right to withdraw their respective submissions if Project concerns were resolved.

While the 10% Letter submissions were pending at DHCD, the Board continued its review of the Project as the Applicant had made significant changes to the design and density in response to public concerns with the original proposal, and continued to address the various anticipated impacts of the Project. At the completion of the public hearings, the Board reviewed its proposed conditions to the Project, all of which the Applicant acknowledged would not, considered in aggregate, make the building or operation of such Project Uneconomic. Based on the modifications to, and impact mitigation for, the proposed Project, and the Applicant's acceptance of the proposed conditions, the Board voted to direct Attorney Ryan to notify DHCD of the Board's intention to withdraw the 10% Letter.

In voting to withdraw the 10% Letter, the Board affirmed that the withdrawal of the 10% Letter relates solely to the current application of Hingham Avalon Shipyard II, Inc., that the Board is not waiving its ongoing position concerning the issues raised in the 10% Letter, and that the Board reserves the right to issue a 10% letter in connection with future comprehensive permit applications.

Design and Density

The Project, as modified, is similar in design to other residential buildings in the Hingham Shipyard and surrounding area. The Board heard from the Project architect that features found in the surrounding neighborhood were incorporated into the proposed design, including traditional sloped roof forms and building materials. The proposed building form presents as a series of smaller buildings through articulation of shape and inclusion of courtyards. The height and number of stories were decreased from the original proposal and some areas of the building were brought to the ground to create a more pedestrian-friendly streetscape. The resulting design is similar in both height and number of stories to others in the immediate area. The architect explained that the building facade was setback from USS Amesbury Drive and balconies were eliminated on this elevation in response to privacy concerns raised by the abutting Bradley Woods subdivision residents.

The Board heard from abutters that the scale of the development was materially different than the existing development pattern in nearby neighborhoods. Some residents expressed concern that the building massing may negatively affect their access to sunlight. The Applicant submitted a Shadow Study into the record, illustrating the incremental impact of the proposed Project. The Board's peer review architect reviewed the report, confirming that only one house would be partially shadowed, beyond the shadowing caused by the existing Building #19 building on the site, at two points during the study primarily later in the day as the sun set to the west.

A photometric plan was also submitted by the Applicant and reviewed by the Board's peer review civil engineer. The photometric plan demonstrated that Project site lighting would provide safe lighting for vehicles and pedestrians on the site, but foot candles would decrease significantly, down to zero, to the east of USS Amesbury Drive so as not to adversely affect the Bradley Woods abutters.

Traffic Impacts

A Traffic Impact and Access Study submitted in support of the original 250-unit Project, and reviewed by the Town's peer review traffic engineer, evaluated expected impacts on transportation infrastructure on Lincoln Street and Beal Street and 9 major intersections located proximate to the Property. In order to improve traffic operations, safety, and/or pedestrian access in the study area, the Applicant committed to implement a number of recommendations made by the Applicant's traffic engineer, including significant upgrades to the two intersections directly serving the Project at Lincoln Street/USS Amesbury Drive and Shipyard Drive East/HMS Essington Drive.

As a result of the reduction in the number of residential units from 250 to 190, the Project is expected to result in fewer than 100 new vehicle trips during the weekday and Saturday peak hours. Although the impacts of the Project were reduced, the Applicant maintained its

commitment to the transportation improvement program development for the larger development proposal that had been initially proposed by the Applicant.

Public Sewer Impacts

The Hingham Sewer Commission completed an evaluation funded by the Applicant of both the condition and capacity of the Bradley Woods Pump Station and associated sewer system infrastructure to serve the Project. The report acknowledged that components of the pump station were deteriorated and in need of replacement and/or repair. The report provided specific recommendations and estimated costs for capital improvements. The Applicant committed to funding certain of these recommendations in connection with its Project. This commitment was refined through review by both the Board's review engineer and representatives of the Hingham Sewer Commission. While the additional flow generated by the Project represents an estimated 21.47% of the existing flows, the Applicant agreed to fund approximately 63% of the recommended improvements, which represents a commitment by the Applicant of \$184,000.

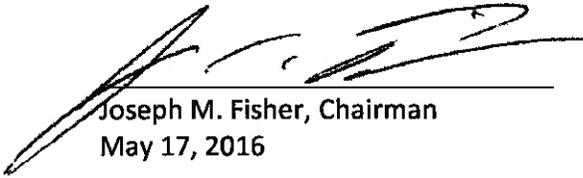
FINDINGS AND DECISION:

After extensive public hearings and evaluation of the testimony and documents submitted by the Applicant, peer review engineers, neighbors, and Town officials, the Zoning Board of Appeals found that the Application is consistent with the regional need for Low and Moderate Income Housing, subject to certain conditions which are necessary and proper under Massachusetts General Law Chapter 40B, Sections 20 through 23 ("Chapter 40B"), and the regulations promulgated thereunder at 760 CMR 56.00 et seq., which conditions:

- (a) shall protect the health and safety of the occupants of the Project and the residents of the Town, protect the natural environment, promote better site and building design in relation to the surrounding residential neighborhood, and apply the applicable Local Requirements and Regulations in a manner either equal to or more liberal than they are applied to unsubsidized housing; and
- (b) the Applicant has represented to the Board, when considered in the aggregate, do not make the building or operation of the Applicant's Project Uneconomic.

The Zoning Board of Appeals then voted unanimously to grant the Comprehensive Permit for the Project shown on the Project Plans described in Attachment A, subject to the Comprehensive Permit Conditions set forth in Attachment B, and together with the Waivers set forth in Attachment C, which Attachments are incorporated herein by reference.

For the Zoning Board of Appeals,



Joseph M. Fisher, Chairman
May 17, 2016

ATTACHMENT A

**Comprehensive Permit "Project Plans"
Avalon Hingham Shipyard II, 319 Lincoln Street**

Comprehensive Permit Application, dated February 12, 2016, as revised through Comprehensive Permit Application Supplemental Information, dated March 30, 2016, together with the following Plans and submissions:

1. Plans entitled "Avalon Hingham Shipyard II, 319 Lincoln Street, Hingham, MA," prepared by Howard Stein Hudson (civil engineer) and The Architectural Team (architect), dated February 12, 2016, revised thorough March 30, 2016 (19 Sheets)
2. Lighting Layout and Photometrics plan entitled, "Hingham Shipyard Lithonia," prepared by Visual, dated April 19, 2016 (1 Sheet)
3. Stormwater Management Report, prepared by Howard Stein Hudson, dated February 25, 2016, revised through March 30, 2016, together with Post-Development Calculation Revisions, dated April 5, 2016
4. Traffic Impact and Access Study, prepared by Howard Stein Hudson, dated February 25, 2016, as modified by a "Transportation Technical Memorandum" and "Response to Engineering Peer Review Comments," dated March 30, 2016

Other Project Plans and Submissions:

5. Shadow Study, prepared by The Architectural Team, dated April 6, 2016, revised April 27, 2016
6. Bradley Woods Pump Station Hydraulic Capacity Evaluation, prepared by Weston and Sampson, dated March 2016 (Applicant's responsibility limited to payment to Hingham Sewer Commission as described in Attachment B)

ATTACHMENT B

Avalon Hingham Shipyard II, 319 Lincoln Street Comprehensive Permit Conditions (Applicant shall include successor and assigns.)

A. General Conditions

1. This Decision permits the construction, use and occupancy of a multifamily rental housing development consisting of 190 units, including 48 affordable units, with other improvements as shown on the Approved Plans, on the Property. The construction and use of the Property shall be in substantial conformity with the Approved Plans, and there shall be no subdivision of the Property, or the creation of additional housing units or any other structures or infrastructure except that which is shown on the Approved Plans, without further approval of the Board, subject to the provisions of 760 CMR 56.00 et seq.
2. The Applicant shall record this Decision at the Plymouth County Registry of Deeds and provide evidence of said recording to the Board and the Building Commissioner prior to application for a Building Permit.
3. Each condition in this Decision shall, in accordance with its terms and applicable law, be applicable to and binding on the Applicant and the Applicant's successors and assigns for as long as the Project and the use of the land does not strictly and fully conform with the requirements of the Hingham Zoning By-Law.
4. The Applicant shall copy the Board and the Building Commissioner on all material correspondence between the Applicant and any federal, state or Town official, board or commission that concerns the conditions set forth in this Decision.
5. The Applicant shall comply with all local rules and regulations of the Town of Hingham and its boards and commissions in effect as of the date of the Application unless expressly waived herein or as otherwise addressed in these conditions.

B. Pre-Construction Conditions

1. Modifications to Project Plans: Prior to the issuance of a building permit, the Applicant shall submit final Project Plans to reflect the conditions set forth herein for review by the Board or its representative to ensure that it is consistent with the Approved Plans. Such Plans shall be reviewed solely to ensure that they are consistent with this Decision and applicable federal and state codes in effect as of the date of the Application and shall be reviewed administratively, meaning and intending that there shall not be a public hearing at which the Board reviews and discusses them, but rather, the Board may do so at a public meeting. The Board or its representative shall provide written comments to the Applicant requesting revisions, if any, that are required to make the same comply with this Decision and any applicable federal and state codes in effect as

of the date of the Application, or approve such Plans, in writing within thirty (30) days of submission of same, or else they shall be deemed approved. If revisions are required, then review, suggested revisions, and/or approval shall again take place within fifteen (15) days of submission of the revisions, or else they shall be deemed approved.

The final Project Plans shall include the following modifications:

- a. Clear indication of the limit of work to implement the proposed construction and detailed survey data, including spot elevations, due to the proximity of the proposed work to abutting properties.
- b. Utility plans:
 - (i) Utility plan including individual service locations and showing all pipe inverts, pump calculations, and profiles. The design shall provide adequate separation including consideration of the depth of utilities for repair and maintenance of all utilities, in accordance with utility provider requirements and standard engineering practice. Details of all utility components shall be shown on the plan, including but not limited to: catch basins, utility manholes, utility trench construction, water system components, sewer system components, conduit duct banks, etc. Materials used shall be consistent with utility provider requirements.
 - (ii) Flow test results to demonstrate that there is an adequate water supply for fire protection and water supply.
- c. Landscape Plan:
 - (i) Detailed landscape plan, including materials list specifying planting size and species, including a minimum of one tree per every 10 parking spaces located on the Property.
 - (ii) Landscaping, signs, and other features located within the sight triangle areas of the Project site driveways and at the Route 3A/USS Amesbury Drive intersection shall be designed and located so as not to impede lines of sight. Such features shall not exceed 2-feet in height as measured from the surface elevation of the Project site driveways or USS Amesbury Drive.
- d. Retaining wall details, prepared by a structural engineer, for each wall in excess of 4' in height.
- e. Dedicated play area for children within one of the south-facing courtyards.
- f. Floor plans consistent with the unit mix shown on the "Tabulation of Proposed Building," dated March 30, 2016.

- g. "No Parking" signs along the rear access drive.
- h. In order to promote compliance with the left-turn restriction at the Lincoln Street/USS Amesbury Drive intersection and to reduce the potential for U-turn maneuvers at adjacent roadways and driveways along Lincoln Street, the Applicant shall include on the final plans directional and wayfinding signs along Shipyard Drive East, USS Amesbury Drive and HMS Essington Drive to direct visitors and prospective tenants to the visitor parking area and leasing/management office at the front of the building along Lincoln Street. Notwithstanding the foregoing, Applicant will not be required to install such signage unless all necessary government and private approvals and third party consents are obtained. Applicant shall comply with Section B.4.c below in connection with seeking such approvals.
- i. All sidewalks and pedestrian routes shown on the Approved Plans shall conform to the requirements of the state Architectural Access Board (AAB) and federal Americans with Disabilities Act (ADA) regulations.
- j. Storm Water:
 - (i) The Applicant shall perform a minimum of two test holes/soil evaluations witnessed by an appropriate agent of the Town or their designee at the proposed infiltration system prior to submission of construction plans.
 - (ii) A final storm water management plan and supporting calculations that document compliance with the DEP Storm Water Management Regulations. The plan shall include, but not be limited to, spot grades, limits of various soil components and infrastructure specifications.
 - (iii) Storm Water Pollution Prevention Plan (SWPPP) consistent with National Pollution Discharge Elimination System (NPDES) for review at least one month prior to submission of a Building Permit application.

2. General Pre-Construction Conditions

- a. Prior to the start of construction, the Applicant shall engage the services of a qualified professional engineer and/or registered architect to provide certification at the completion of work that the Project has been built in accordance with the Approved Plans and prior to the start of construction shall inform the Zoning Administrator of the name, business address, and telephone number of the engineer and/or architect retained. The engineer and/or architect shall perform site inspections at his/her own discretion through the construction process to enable accurate final certification to the Board of Appeals of the Project's compliance with this decision.

- b. Prior to the start of construction the Applicant shall schedule a pre-construction meeting, including a site walk, with the Zoning Administrator, Building Commissioner, DPW Director, Town Engineer, Health Agent, Hingham Police Department representative, the Board's Consulting Engineer, and the Applicant's Project engineer and/or architect, and contractor.
- c. The Applicant shall provide the Board with up to \$5,000 to replenish the peer review account. Such funds will support consultant review of the final plans, including as-built plans. Such funds are not to be spent for any other use, and any excess funds will be returned to the Applicant upon Project completion.

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

Public sewer system improvement upgrades to the Bradley Woods Pump Station and associated sewer system are required to support the Project. Recommended improvements are set forth in that certain report entitled "Bradley Woods Pump Station Hydraulic Capacity Evaluation", dated March 2016, prepared by Weston and Sampson. Prior to application for a Building Permit, the Applicant shall contribute \$184,000 to the Hingham Sewer Commission toward the cost of such improvements, which funds shall be earmarked and tracked for the costs of such improvements. Subject to payment of the foregoing contribution, payment of applicable sewer fees in effect as of the date of the Application and compliance with the "Sewer Rules and Regulations in Hingham Massachusetts adopted by the Hingham Board of Sewer Commissioners" (as amended and restated on April 5, 2016), the Project shall be entitled to connection to the public sewer system regardless of the status of the upgrades to the Bradley Woods Pump Station and associated sewer system, and delays in the completion of such upgrades shall not be a basis for delay in connection of the Project to the sewer system when necessary for occupancy of the Project.

4. Traffic Improvements (Rights, permits and approvals)

- a. In order to provide safe and efficient access to the Project and to promote public health, safety and welfare as these findings relate to the Project and its potential impacts on the transportation infrastructure, the Applicant shall obtain all necessary rights, permits and approvals to complete the "Route 3A/USS Amesbury Drive Sight Distance and Intersection Improvements" and the "Shipyard Drive East/HMS Essington Drive Pedestrian Access Improvements" as such improvements are more particularly described in Section D.2 below, prior to the issuance of a building permit for the Project.
- b. Simultaneously with seeking the approvals set forth in subsection (a) above, the Applicant shall use diligent efforts to obtain all necessary rights, permits and approvals in order to complete the roadway, intersection and traffic control improvements described in Section D.3 below prior to the issuance of the first

certificate of occupancy for the Project, provided that approval for such improvements shall not be a pre-condition to issuance of a building permit.

- c. Applicant shall file written reports with the Building Commissioner and the Board every three (3) months from the date of issuance of the decision, detailing Applicant's efforts to obtain the rights, permits and approvals set forth in subsections (a) and (b) above, including the information related to the agencies contacted, the departments and staff within such agencies, and dates of contact. Without limiting the foregoing, the Applicant shall copy the Board on all material written correspondence to such agencies, and promptly provide the Board with copies of all material written correspondence received therefrom.

C. Conditions in Effect During Construction

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

6. During construction, the Applicant shall be able to locate up to three construction trailers, unless additional trailers are otherwise permitted by the Building Commissioner, on the Property or on land adjacent to the Property that is controlled by the Applicant or its affiliates. All construction trailers, except one, shall be located within the fenced construction area of the Project. Placement, operation, and maintenance of the construction trailers shall not adversely impact parking, safety, or surrounding residential neighborhoods. The trailer permitted outside of the fenced construction area may only be placed on the southeast portion of the site. Other conditions of this Decision required to be satisfied prior to issuance of a building permit or certificate of occupancy shall not apply to building permits or certificates of occupancy required for the construction trailers.
7. Portable bathroom facilities shall be located within the fenced construction area for the Project.
8. During the period of construction, no vehicles of construction workers, and no construction equipment (unless in connection with off-site mitigation), shall be parked on any public or private way nor east of USS Amesbury Drive.

D. Occupancy-Related Conditions

1. **As-Built Plans.** Prior to the issuance of certificates of occupancy for more than 85% of the dwelling units within the Project, the Applicant shall submit as-built site and building plans stamped by the appropriate qualified professional. Within 60 days of issuance of the final certificate of occupancy, the Applicant shall submit a certification that all site work improvements have been completed in accordance with the Approved Plans.
2. **Traffic Improvements (Necessary approvals required prior to building permit):** In order to provide safe and efficient access to the Project and to promote public health, safety and welfare as these findings relate to the Project and its potential impacts on the transportation infrastructure, the Applicant shall complete the following improvements prior to the issuance of any certificate of occupancy for the Project:
 - a. **Route 3A/USS Amesbury Drive Sight Distance and Intersection Improvements –** (i) trim trees and vegetation located along the north side of Route 3A east of USS Amesbury Drive and within the public right-of-way; (ii) expand the island at the center of USS Amesbury Drive to improve channelization of exiting vehicles to right turns only through a combination of increasing the width (area) of the curbed island where not precluded by truck maneuvering and serrated concrete where truck off-tracking will occur, to the extent that the combination of these features and the associated edgeline pavement markings reduce the width of the entering and exiting travel lane to no more than 16-feet; (iii) replace pavement markings around the expanded island; (iv) install “No Left Turn” signs (graphic symbol) on Route 3A to reinforce the left-turn restriction and a “Right Turn Only” sign on USS Amesbury Drive approaching Route 3A; and (v) replace the stop-line and crosswalk markings on

USS Amesbury Drive.

- b. **Shipyards Drive East/HMS Essington Drive Pedestrian Access Improvements** – (i) reduce the width of the channelized right-turn lane on the HMS Essington Drive eastbound approach to one (1) travel lane; (ii) increase the area of the raised triangular island to reduce pedestrian crossing distances and to provide the pedestrian refuge area; (iii) remove the above-grade concrete sign supports from the raised island and replace the existing signs to be installed on break-way sign posts; iv) realign and replace the crosswalk pavement markings to include the installation of pedestrian crossing warning signs and the use of colorized, stamped asphalt for the crosswalks consistent with the crosswalk treatment used along Shipyards Drive; and (v) reconstruct wheelchair ramps in compliance with ADA requirements to include the installation of detectible warning panels.
3. **Traffic Improvements (Approvals to be sought in accordance with Section B.4(b) above):** Subject to receipt of all necessary rights, permits and approvals, the Applicant shall design and construct the following roadway, intersection and traffic control improvements prior to the issuance of a Certificate of Occupancy for the Project (provided that if despite the Applicant's diligent efforts any such necessary rights, permits and approvals cannot be obtained for any of the following improvements, the same shall not be a condition to the issuance of a Certificate of Occupancy):
 - a. **Route 3A/Fottler Road/Bradley Woods Drive Intersection Improvements** – In order to improve traffic operations and safety at the Route 3A/Fottler Road/Bradley Woods Drive intersection, the Applicant shall complete the following improvements: (i) restripe the Fottler Road approach to provide a left-turn lane and a through/right-turn lane; replace all crosswalk and stop-line pavement markings; (ii) replace/upgrade pedestrian traffic signal equipment and reconstruct wheelchair ramps to meet current Americans with Disabilities Act (ADA) standards; and (iii) design and implement an optimal traffic signal timing, phasing and coordination plan to include updated pedestrian crossing times and vehicle clearance intervals. These improvements shall include the installation of all necessary traffic signal equipment and appurtenances required to implement the stated measures, including the replacement of the traffic signal controller if necessary.

b. Route 3A/Downer Avenue/Thaxter Street/Lincoln Street Safety Improvements

- (i) In order to improve safety at the Route 3A/Downer Avenue/Thaxter Street/Lincoln Street intersection, the Applicant shall contribute up to \$30,000 toward, and facilitate, the completion of a Roadway Safety Audit (RSA) through the Massachusetts Department of Transportation (MassDOT) and to include representatives from the Town of Hingham Police, Fire, Public Works and Planning Departments.
- (ii) Pending the outcome of the RSA, the Applicant will implement the recommended improvement strategies to the extent that the improvements include any combination of the following or that entail an alternative improvement strategy with a similar overall cost for design and construction: prohibit left-turn movements from the Route 3A westbound approach, including the installation of all necessary signs and traffic signal equipment; replace the Route 3A westbound signal indications with optically programmed indications so as to limit their visibility to motorists on the Lincoln Street approach; and design and implement an optimal traffic signal timing and phasing plan to include updated pedestrian crossing times and vehicle clearance intervals.

c. Beal Street/Fottler Road Sight Distance Improvements - In order to improve lines of sight at the Beal Street/Fottler Road intersection, the Applicant shall implement the following improvements: selectively trim trees and vegetation along the north side of Beal Street east of Fottler Road; install intersection ahead warning signs (graphic symbol) on both Beal Street approaches to the intersection; relocate the stop-line on the Fottler Road approach closer to Beal Street and extend the adjacent raised islands to afford improved sight lines from Fottler Road; replace signs and pavement markings at and approaching the intersection to include reducing the width of the Beal Street westbound travel lane to 11-feet; and contribute up to \$10,000 toward a radar speed trailer for the Hingham Police Department.

d. HMS Essington Drive/MBTA Parking Lot Improvements - The Applicant shall facilitate discussions with the Massachusetts Bay Transportation Authority (MBTA) to improve access and circulation for the MBTA commuter parking lot and along HMS Essington Drive to include: closing or prohibiting traffic from exiting five driveways along HMS Essington Drive between Shipyard Drive East and the entrance to the right-turn lane on the HMS Essington Drive approach to Shipyard Drive East; improving directional signs within the parking lot; and encouraging the use of Shipyard Drive East to exit the parking lot. To the extent that the MBTA approves improvements that entail the installation of signs and/or pavement markings that advance the above objectives, including the closing of such exits by safe means (such as bollards and chains or physical curbing of the driveways) and reconfiguration of the parking area related thereto, beyond the improvements required to be

implemented by the Applicant as a part of this Decision, the Applicant agrees to implement said improvements.

- e. **Optimal Traffic Signal Timing** - The Applicant shall design and implement an optimal traffic signal timing, phasing and coordination plan at the following intersections along the Route 3A corridor, which shall include an assessment of the yellow and "all-red" clearance intervals at each intersection identified below, a review of pedestrian crossing times, and the replacement of traffic signal controllers as noted below:

- (i) Route 3A/HMS Essington Drive/Lincoln Plaza Driveway

- (ii) Route 3A/Sgt. William B. Terry Drive/Shipyard Drive West (replace master controller if necessary)

- (iii) Route 3A/Shipyard Drive East/Talbot's Drive

- (iv) Route 3A/Fottler Road/Bradley Woods Drive (replace controller if necessary)

The traffic signal timings shall be re-evaluated and adjusted as may be necessary after 80 percent occupancy of the Project.

E. Post-Construction and Ongoing Conditions

1. The Applicant shall undertake the following measures to maintain sight lines:
 - a. Ensure that signs, landscaping and other features located within the sight triangle areas of the Project site driveways and at the Route 3A/USS Amesbury Drive intersection do not to impede lines of sight. Such features shall be maintained so as to not exceed 2-feet in height as measured from the surface elevation of the Project site driveways or USS Amesbury Drive.
 - b. Selectively trim/remove and maintain vegetation along the Project site frontage and Route 3A within the public right-of-way where necessary in order to maintain sight lines to and from the Project site driveways and USS Amesbury Drive.
 - c. Promptly remove snow windrows located within the sight triangle areas that exceed 2-feet in height or that would otherwise inhibit sight lines.
2. The Applicant shall include directions to the site in print and electronic media (with graphic depictions of the site) that reinforce the use of Shipyard Drive East and HMS Essington Drive for motorists arriving to the site from the west on Lincoln Street, and USS Amesbury Drive for motorists arriving from the east, and clearly states that no left turn is permitted at Shipyard Drive and USS Amesbury Drive.

3. Parking outside of designated areas shall be prohibited in order to ensure that sufficient maneuvering areas are afforded for life safety vehicles.
4. The Applicant shall implement the following Transportation Demand Management (TDM) as a part of the Project:
 - a. Current information regarding public transportation services, maps, schedules and fare information shall be posted in a central location;
 - b. A “welcome packet” shall be provided to new residents of the Project detailing available public transportation services, bicycle and walking alternatives, and commuter options available through MassRIDES;
 - c. Residents will be encouraged to participate in MassRIDES’ NuRide program, which rewards individuals that choose to walk, bicycle, carpool, vanpool or that use public transportation to travel to and from work;
 - d. Residents will be made aware of the Emergency Ride Home (ERH) program available through MassRIDES, which reimburses employees of a participating MassRIDES employer partner worksite that is registered for ERH and that carpool, take transit, bicycle, walk or vanpool to work;
 - e. A mail drop shall be provided in a central location;
 - f. Secure bicycle parking shall be provided, including both exterior bicycle racks proximate to the entrance to the fitness center/management office and secured weather protected bicycle parking in an area within the parking garage; and
 - g. Electric vehicle charging stations accommodating a minimum of 14 spaces shall be provided within the Project site.
5. The storm water drainage system shall be operated and maintained by the Applicant in accordance with the O&M Plan attached as Exhibit F to the Stormwater Management Plan that was submitted as part of the Application. Maintenance of the subsurface infiltration system within the podium parking area is particularly critical since flows would be increased without this infrastructure and replacement would result in significant disruption to tenant-use of the parking area.
6. The Applicant shall remove snow from the site as soon as practicable following large snow events when the site cannot itself accommodate snow storage without a loss of driving aisles or a loss of five (5) or more parking spaces.

F. Affordability Conditions

1. The Project shall provide no fewer than twenty five percent of the units to households at or below 80% of the area median income, subject to all applicable requirements of the subsidizing agency for the Project.
2. The affordable units in the Project shall remain affordable for so long as the Project continues to benefit from the Comprehensive Permit, i.e., could not be built under by-right zoning.

ATTACHMENT C

Avalon Hingham Shipyard II, 319 Lincoln Street, Comprehensive Permit Waivers

WAIVERS GRANTED:

The Board grants the following waivers from the Town of Hingham Zoning By-Law:

Zoning By-Law § III-A, 1.4 (Apartment House, subject to the provisions of § IV-E)	Allows multifamily development within the Industrial District
Zoning By-Law § IV-A (Minimum Frontage)	Existing frontage of 160.27' and 103.56', where 200' required
Zoning By-Law § IV-A (Maximum Stories)	Permits 5-story structure where maximum of 3-stories allowed
Zoning By-Law § IV-A (Maximum Building Coverage)	Permits 64.2% building coverage where maximum of 40% is allowed
Zoning By-Law § IV-A (Maximum Floor Area Ratio)	Permits 1.55 FAR maximum of 0.5 is allowed by special permit
Zoning By-Law § IV-A (Minimum Side Yard)	Permits approx. 16.1' southeast side setback, approx. 20' west side setback, and 0' setback from 315 Lincoln Street where 25' is required
Zoning By-Law § IV-B.1. (Special Requirement)	Permits development within 79.8' of residential district where 100' setback required
Zoning By-Law § V-A.2 (Parking Table)	Permits 1.57 spaces/unit where 2 spaces/unit is required
Zoning By-Law § V-A.3 (Parking Spaces)	Permits 18' long spaces without an overhang
Zoning By-Law § V-A.3 (Loading Spaces)	Permits 10' wide loading area where 12' is required
Zoning By-Law I-C.2 (Issuance of Certificates of Occupancy)	Permits submission of as-built plans and certifications as specified in Condition D.1 of this Decision

Waivers Not Listed:

By granting the foregoing waivers from local bylaws and regulations, it is the intention of this Comprehensive Permit to permit construction of the Project as shown on the Approved Plans. If, in reviewing the Applicant's building permit application(s), the Building Commissioner determines that any additional waiver from local bylaws or regulations is necessary to permit construction to proceed as shown on the Approved Plans, the Building Commissioner shall proceed as follows: (a) any matter of a de minimus nature shall be deemed within the scope of the waivers granted by this Comprehensive Permit; and (b) any matter not of a de minimus nature including but not limited to potential adverse impact on public health, safety, welfare or the environment shall be reported back to the Board for expeditious disposition of the Applicant's request for a waiver therefrom.