



TOWN OF ROCKLAND ZONING BOARD OF APPEALS

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TOWN CLERK, ROCKLAND
MAY 27 '22 AM 11:00

DECISION of the BOARD of APPEALS

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

**SCHOOLHOUSE APARTMENTS ROCKLAND, LIMITED PARTNERSHIP
6 DELPRETE AVENUE
ROCKLAND, MASSACHUSETTS**

PROCEDURAL HISTORY

I THE PROPERTY:

A. As explained by representatives of Connolly and Partners, LLC, a Massachusetts limited liability company (the "Developer"), the Applicant, Schoolhouse Apartments Rockland, Limited Partnership, was created as a Massachusetts limited partnership and limited dividend organization (the "Applicant"), for the sole purpose of redeveloping the former Holy Family School located at 6 Delprete Avenue, Rockland, MA (the "Project"). The proposed Project will maintain the former Holy Family School's former school building structure, with the addition of canopies at the building's main and rear entries, as well as a ramp to provide added accessibility for its new residents. The Project site is located within the Town of Rockland's R-4 Residential Zoning District (the "Property"). The parcel on which the proposed Project is proposed is shown on Rockland Assessors' Map 34-157-0. The proposed Project is to be located on a new proposed parcel containing approximately 38,888 s.f. which will be created by a division of the existing Parcel that will be benefitted also by an 813 s.f. access easement. The Property is depicted on a draft Approval Not Required Plan entitled "Plan of Land, 403 Union Street", Sheet No. ANR-1 dated December 10, 2021, last revised April 12, 2022, prepared by McKenzie Engineering Group.

B. As presented by the Applicant, the Project is located on land constituting a portion of the Holy Family Church campus and is currently owned by the Roman Catholic Archbishop of Boston ("RCAB"). The proposed Project will require the subdivision of the existing Holy Family Church property to create a separate parcel to be owned by Schoolhouse Apartments Rockland, Limited Partnership consisting of approximately 38,888 sq. ft. with an approximately 813 sq. ft. access easement. Access to the Project and future development is proposed to be primarily off of Delprete Avenue. The Property is depicted on Site Plan C-1 entitled "Proposed Schoolhouse Apartments" Plan prepared by McKenzie Engineering Group dated December 10, 2021, revised 3/15/2022 and further revised 4/12/2022.

II. THE TOTAL PROJECT: The Applicant proposes a total of twenty-seven (27) one-bedroom units of affordable rental housing units for low-income seniors aged 62 and over. Of the Project's twenty-seven (27) units, all 27 will be restricted to occupancy by senior applicants under the 60% of Area Median Income ("AMI") Low Income Housing Tax Credit ("LIHTC") income threshold. In order to enhance affordability further, the proposed Project will be requesting approval from the Department of Housing and Community Development's ("DHCD") for Project Based Voucher ("PBV") rental assistance to provide for up to eight (8) of the 27 units for applicants earning less than 30% of AMI. In addition, once the deed has been recorded transferring title to the Developer, and subject to use and unjust enrichment restrictions which shall benefit the remaining RCAB land, the Developer has committed to enter into an "In Perpetuity" agreement with DHCD and the Town of Rockland to restrict the property to permanent, deed-restricted, use as affordable senior rental housing. In addition to the foregoing rental units, there will be access walking paths, seating groupings of varied configurations, landscape islands, small gardens, new trees, grasses and shrub cover will occupy the grounds immediately surrounding the Project. In addition to the foregoing rental units, there will be ancillary management office space, common areas, walking paths, loading areas and new parking spaces and shared parking spaces. The development plans also show proposed stormwater management systems consisting of catch basins, manholes, piping and detention basins. The building as proposed will be connected to municipal water and sewer via existing connections in Delprete Avenue.

III. PROJECT ACCESS: The Development will be accessed via two, two-way site access driveways leading from Delprete Avenue to a 35 space parking lot to side and northerly of the existing building proposed to be converted into the building housing the affordable rental units.

IV. APPLICATION:

A. On or about January 20, 2022, Schoolhouse Apartments Rockland, Limited Partnership (the “Applicant”), represented by Connolly and Partners, LLC, c/o Doherty Law Offices, 50 Franklin Street, Suite 300, Boston, MA 02110, filed a Comprehensive Permit Application, pursuant to G.L. c.40B, Sections 21-23, (Act), to construct twenty-seven (27) one bedroom apartment units for low income senior housing with associated offices, common areas, laundry room, access walkways, landscape areas and gardens, parking and loading (the “Development”), on a site containing approximately 38,888 Square Feet located at 6 Delprete Avenue, shown on the Rockland Assessor’s Map No. 34, Lot 157 (the “Property”), to be called Schoolhouse Apartments, Rockland. The Development is a rental property project and all of the units are proposed to be affordable units in perpetuity.

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

(1). “Comprehensive Permit Application: Schoolhouse Apartments Rockland, Limited Partnership dated January 21, 2022” (the “Application”). Among the items included in the Application as attachments were the following:

- a). Comprehensive Permit Application for a Public Hearing
- b). Cover Sheet
- c). Development Narrative
- d). Requested Waivers Exhibit for Public Hearing Application
- e). Site Plan and Building Tabulations - Site Plan – Proposed Schoolhouse Apartments, 403 Union Street, Rockland, MA dated December 10, 2021, and prepared by McKenzie Engineering Group (full size)
- f). Existing Conditions – dated January 19, 2021, and prepared by McKenzie Engineering Group (full size)
- g). Traffic Flow Plan dated December 10, 2021, and prepared by McKenzie Engineering Group (full size)
- h). Architectural Drawings – A-1 rev. First and Second Floor Plans dated March 15, 2021, and A-2 Second and Third Floor Plans dated March 15, 2021, A-3 Proposed Elevations dated March 15, 2021, A-4 Proposed Sections dated March 15, 2021, prepared by Seger Architects, Inc.

AND Landscape Concept, Inspirational Images, Conceptual Images, dated March 23, 2021, and prepared by Michael D'Angelo Landscape Architects

- i). Form A Plan of Land – ANR-1 dated December 10, 2021, and prepared by McKenzie Engineering Group (full size)
- j). Grading and Utility Plan – C-2 dated December 10, 2021, and prepared by McKenzie Engineering Group (full size)
- k). Project Eligibility Letter from Massachusetts Department of Housing & Community Development dated November 4, 2021
- l). Purchase and Sale Agreement and Amendment between Roman Catholic Archbishop of Boston, and Connolly and Partners, LLC dated August 10, 2020, as amended by Amendment to Purchase and Sale Agreement dated October 19, 2021
- m). Requested Waivers
- n). Municipal Lien Certificate
- o). Certified Abutters List dated December 10, 2021, with envelopes to the abutters for filing advertisement notice and decision.

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

- A. Email from Michael Feeley, Counsel for Schoolhouse Apartments Rockland, Limited Partnership agreeing and consenting to the commencement and opening of the Public Hearing on 2/22/22, dated February 16, 2022.
- B. McKenzie Engineering letter regarding no Project Wetlands Impact dated March 15, 2022.
- C. Connolly and Partners Letter to Rockland Fire Department updated April 8, 2022.
- D. A full size set of plans called Form A Plan of Land – ANR-1 dated December 10, 2021, and prepared by McKenzie Engineering Group, revised March 15, 2022 and April 12, 2022 (11" x 17").
- E. A full size set of plans Site Plan – Proposed Schoolhouse Apartments, 403 Union Street, Rockland, MA dated December 10, 2021 and prepared by McKenzie Engineering Group, revised March 15, 2022 and April 12, 2022 (11" x 17").

- F. Construction Management Plan CMP-1 dated December 10, 2021, revised March 15, 2022, and April 12, 2022 (11" x 17").
- G. A full-size set of plans Grading and Utility Plan – C-2 dated December 10, 2021, and prepared by McKenzie Engineering Group, revised March 15, 2022 and April 12, 2022 (11" x 17").
- H. A full-size set of plans Traffic Flow Plan dated December 10, 2021, and prepared by McKenzie Engineering Group, revised March 15, 2022 and April 12, 2022 (11" x 17").
- I. A full-size set of plans Signage and Pavement Marking Plan dated December 10, 2021, and prepared by McKenzie Engineering Group, revised March 15, 2022 and April 23, 2022 (11" x 17"). Signage Construction Details CD-1 (2 pages) dated December 10, 2021, revised March 15, 2022, and April 12, 2022 (11" x 17").
- J. A full-size set of plans Construction Management Plan dated December 10, 2021, prepared by McKenzie Engineering Group, revised March 15, 2022.
- K. A full-size set of plans Proposed Elevations dated March 15, 2021, prepared by McKenzie Engineering Group, revised August 28, 2021.
- L. A full-size set of plans Architectural Drawings A-1 First and Second Floor Plans dated March 15th, 2021 and A-2 Second and Third Floor Plans dated March 15, 2021 and A-3 Proposed Elevations Prepared by Segar Architects dated March 15, 2021 and revised August 28, 2021.
- M. A full-size set of plans Photometric Plan dated March 9, 2022, and prepared by Michael D'Angelo Landscape Architect. L-2 Photometric Plan dated April 12, 2022, L-3 Site Details dated April 12, 2022 (2 pages) (11" x 17").
- N. A full-size set of plans Lighting Fixtures Plan dated March 9, 2022, and prepared by Michael D'Angelo Landscape Architect.
- O. Snow and Ice Removal Program dated March 21, 2022, resubmitted April 14, 2022.
- P. McKenzie Engineering letter dated April 12, 2022, in response to Amory Engineering Group, Inc. memorandum dated April 5, 2022.

- Q. A full-size set of plans Existing Conditions – dated January 19, 2021, and prepared by McKenzie Engineering Group (full size) revised March 15, 2022 and April 12, 2022 (11" x 17").
- R. Exhibit Plan "B" Overall Parking Summary Plan dated April 5, 2022, and prepared by McKenzie Engineering Group updated April 12, 2022 (11" x 17").
- S. Architectural Grills Cut Sheets (2 pages) submitted April 14, 2022.
- T. Emergency Apparatus Turning Movement Plan dated February 22, 2022, and prepared by McKenzie Engineering Group revised March 15, 2022, and April 12, 2022 (11" x 17").
- U. Planting Plan L-1 dated April 12, 2022, and prepared by Michael D'Angelo Landscape Architect (11" x 17").

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

- A. September 24, 2020 – Recommendation of Approval for Proposed Senior Affordable Housing from Massachusetts State Representative David DeCoste.
- B. April 13, 2021 - Letter from John Quintal, First Vice President, Rockland Trust Company ("RTC") to Jennifer Connolly, Connolly and Partners, LLC confirming RTC's interest in providing construction financing.
- C. August 18, 2021 – Letter of support from Massachusetts State Senator John Keenan.
- D. August 23, 2021 – Contingent Support Letter for Proposed Senior Housing from Rockland Board of Selectmen.
- E. August 24, 2021 – Minutes of Meeting of Abington & Rockland Joint Board of Water Commissioners unanimous vote to approve the project with stipulations.
- F. November 4, 2021 - Project Eligibility Letter from Massachusetts Department of Housing and Community Development.
- G. January 11, 2022 - Letter of support for the Massachusetts Historic Rehabilitation Tax Credit from Preservation Massachusetts.

- H. February 2, 2022 – Conditional Approval from National Park Service.
- I. February 15, 2022 – Letter of support from Rockland Historical Commission
- J. February 16, 2022 – Letter from Deputy Fire Chief Thomas Heaney stating conditions.
- K. February 17, 2022 - Email from Lt. Nicholas P. Zeoli, Lieutenant of Operations, Rockland Police Department, concurring with project.
- L. February 22, 2022:
 - 1. Email from Rockland Planning Board asking if housing will always be for the elderly.
 - 2. Email from Joe LaPointe advising water approved by the Board.
 - 3. Email joint response from Highway and Sewer Departments stating conditions.
 - 4. Email from Rockland Conservation Commission regarding filing.
- M. March 7, 2022 - Proposed Scope of Services and Fee Estimate from Amory Engineers, P.C.
- N. March 15, 2022 – Letter from McKenzie Engineering Group regarding review of wetland resource areas.
- O. April 5, 2022 – Letter from Amory Engineers, P.C., regarding review of documents, existing conditions of runoff and stormwater management and recommendations.
- P. April 6, 2022 – Emails from Conservation Commission regarding (1) storm water and (2) NOI.
- Q. April 6, 2022 – Email response from McKenzie Engineering Group advising no Conservation Commission filing is necessary.
- R. April 7, 2022 – Email from Rockland Sewer regarding old, rerouted and new sewer lines, manholes and I and I testing.
- S. April 7, 2022 – Email from McKenzie Engineering Group to Rockland Sewer attaching Existing Conditions and Utility Sketch.

- T. April 7, 2022 – Email from Conservation Commission advising no filing is necessary.
- U. April 7, 2022 – Email from Amory Engineers, P.C. advising that a filing with Conservation is not required on this project.
- V. April 12, 2022 – Letter from McKenzie Engineering Group in response to Amory Engineers, P.C.'s letter of April 5, 2022.
- W. April 25, 2022 – Email joint response from Highway and Sewer Departments stating conditions.

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

VII. TECHNICAL REVIEW CONSULTANTS: The Board retained the following consultants to assist in its review of this application:

Peer Review Consultant:

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

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

Traffic Engineer: None

VIII. TOWN BOARDS AND DEPARTMENTS: The Board notified all local boards and commissions of this application and considered their comments when making its decision. Comments were received from the Board of Selectmen, Deputy Fire Chief, Police Lieutenant of Operations, Conservation Commissioner, Planning Board, Building Commissioner/Inspector, Water Department, Sewer Commission and Highway Superintendent.

IX. PUBLIC HEARINGS:

- A. All Public Hearings, Site Visit dated March 19, 2022, and Work Sessions were duly noticed and held on the following dates, as indicated:

Scheduled Meetings

A duly advertised public hearing of the Rockland Zoning Board of Appeals (the “Board”) was opened on February 22, 2022, and continued to April 5, 2022, and April 26, 2022. The Board deliberated on this application on April 26, 2022, May 10, 2022, May 17, 2022, and May 24, 2022, during duly posted public meetings of the Board. A written extension of time to open the initial public hearing on February 20, 2022, was executed and received from the Applicant.

- B. The Board voted to close the Public Hearing on April 26, 2022.

- X. The **Findings and Decision** of the Rockland Zoning Board of Appeals (“Board”) contained herein relate to the Development.

FINDINGS OF FACT

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

- A. **Limited Dividend Organization/Non-Profit Status:** The Applicant presented sufficient evidence that it is a limited partnership qualified to apply for a comprehensive permit pursuant to 760 CMR 56.04(1)(a). The Applicant is a limited partnership and limited dividend organization, organized and existing under the laws of the Commonwealth of Massachusetts.
- B. **Fundability:** The Total Project is “fundable” in accordance with the Eligibility Letter issued and extended by the Massachusetts Department of Housing and Community Development. As evidence, the Applicant provided a copy of the Project Eligibility Approval, issued by the Massachusetts Department of Housing & Community Development on November 4, 2021.
- C. **Site Control and Access Easement:** The Applicant claims control of the site pursuant to a Purchase and Sale Agreement dated August 10, 2020, as amended by an Amendment to Purchase and Sale Agreement dated October 19, 2021, by

and between Roman Catholic Archbishop of Boston and Connolly and Partners, LLC.

II. STATUTORY MINIMA:

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

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

VOTE OF THE BOARD

A quorum of the Zoning Board of Appeals ("Board"), consisting of Chairman Robert C. Rosa, III, Vice-Chairman Gregory Tansey, Board Members Robert Baker, Sr., Robert Baker, Jr. and Timothy Haynes, being all of the members of the Board of Appeals designated to hear and act upon this application, **VOTED** at a Public Meeting/Hearing duly held on May 24, 2022, upon a motion made and seconded, to **GRANT** the application for a **COMPREHENSIVE PERMIT**, subject to and upon the Conditions set forth herein.

CONDITIONS

- 1. The Development shall be reconstructed in accordance with the Plans referenced and defined herein and as limited by the Conditions of this Decision. Any deviation from

these Plans and Conditions set forth in this Decision shall require a modification of this Comprehensive Permit, as set forth in 760 CMR 56.05 and applicable revisions thereto, and the Board's *Rules*, as may be amended from time to time.

Density

2. The Development shall include no more than twenty-seven (27) one-bedroom units all of which shall be "Affordable" at no more than 60% of the area median income (AMI) as set forth in the Project Eligibility Letter plus the management office, storage areas and common areas shown on the plans.
3. Further, the *As-Built Architectural Plans*, stamped by a Registered Architect, shall identify room usage within the Building and units and shall be recorded promptly by the Applicant upon completion of the construction and after approval from the Board's peer review consultant but in no event greater than ninety (90) days thereafter.
4. A prerequisite to the creation of any additional bedrooms or units, in addition to those constructed by the Applicant under this Comprehensive Permit, if such approvals as may be required by the Board of Appeals at its sole discretion under a modification of this Comprehensive Permit. Any application for modification shall be subject to engineering review by the Board at its sole discretion at the expense of the Applicant.
5. The site, after ANR approval, shall not be further developed, divided, subdivided, or modified, other than as expressly allowed by this Comprehensive Permit.

Affordable Housing

6. Twenty-seven (27) units are proposed to be rented to senior applicants aged 62 and over earning under sixty percent (60%) of the area median income (AMI) low income housing tax credit income threshold. For the purposes of this Comprehensive Permit "Area Median Income" shall mean the median income as published annually by the Department of Housing and Urban Development for the Boston Primary Metropolitan Statistical Area (Qualified Renters). The project will be requesting approval from the Department of Housing and Community Development for Project Based Voucher rental assistance to provide for up to eight (8) of the 27 units for applicants earning less than 30% of area median income (AMI).
7. The individual units are an average 791 square feet in size.
8. The facades of the Building shall be consistent with the renderings and architectural plans, with all revisions, submitted and displayed to the Board.

9. The Applicant shall comply with all State and Federal tenant selection policies and procedures.
10. Prior to conducting the lottery, the Applicant shall submit a proposed lottery plan to the Board for informational purposes. The Applicant agrees to provide local preference provided the Town can demonstrate the need.
11. The Applicant shall pay all Lottery and Monitoring Agent costs.
12. The Applicant shall comply with any Federal or State regulations relating to the provision of units with persons of physical disabilities.
13. Prior to the granting of a Building Permit, the Applicant shall submit draft Regulatory and Monitoring Agreements to the Board and its Land Use Counsel for review and approval. Such documents shall contain, at a minimum the following terms:
 - a. The monitoring agent, if any, for the Development shall be designated by DHCD. However, if DHCD shall now or in the future fail to perform such duties and oversight authority it may enjoy for any reason whatsoever, the Board reserves the right to protect the interests of the Town by appointment of another recognized agency to preserve the affordability requirements on behalf of the Town under M.G.L. c. 40B and any modifications thereto.
14. Subject to approval by DHCD, this decision shall be recorded senior to all federal, and/or state mortgage loans. The Regulatory Agreement shall be senior to all federal, state and/or mortgage loans provided it does not conflict with the requirements of the subsidizing agency providing financing of the project, or the United States Department of Housing and Urban Development.
15. The Applicant shall describe in a proposed Operations and Maintenance Plan the manner in which it shall be responsible for maintaining on-site access and parking, utilities, and landscaping and for contributing to ongoing maintenance of the Stormwater Management facilities.
16. The Operations and Maintenance Plan shall provide that:
 - a. Fire Lanes and parking areas are to be kept clear at all times.
 - b. The inspections of the stormwater systems conducted in accordance with the Operation and Maintenance plan shall not be less frequently than twice

- annually, the first no later than April 30th and the second no later than October 31st each year and a written report shall be filed within fifteen (15) days thereof with the Board and with copies to the Board of Health, Conservation Agent, the Stormwater Management Plan supervisor and/or other local agencies at interest.
- c. Exterior building lights shall be designed and installed so as to shine downward only. Lighting shall conform with Dark Sky standards and to the Performance Standards of the Rockland Zoning By-Law and the Applicant shall provide detail to the Board for the proposed lighting fixtures prior to construction.
 - d. No chemical fertilizers, herbicides or pesticides are to be used for plant or lawn maintenance, unless specifically approved in writing by the Board.
 - e. The Applicant shall be responsible for the operation and maintenance of all common areas and improvements, landscaping, mowing, watering and irrigation, snow and ice removal, trash collection, the Stormwater Management System and drainage.
 - f. The Snow and Ice Removal Program dated 3-21-2022 shall be given by the Applicant to the snow removal contractor and a copy and any amendments thereto shall also be filed with the Rockland Zoning Board of Appeals.

Architectural

- 17. The Building shall be constructed in conformity with the Architectural Plans submitted and approved by the Rockland Zoning Board of Appeals and shall include all architectural features described in the Application, as revised.
- 18. All building fixtures and appliances shall comply with Energy Star requirements and all energy efficiency requirements of the State Building Code.
- 19. Any and all mechanical structures or equipment shall be sufficiently screened from view from the street or ground from all abutting properties, whether installed at ground level, on the exterior of the building or on the roof prior to the issuance of any occupancy permit.

Site Development Plan Approval

- 20. Prior to any ground disturbance, the Applicant shall provide to the Board for review and approval by its consulting engineer, six (6) complete sets of the final full-sized Site Development Plans, including contract documents and specifications, (Site

Development Plans) for the Total Project, and three (3) complete sets (11 x 17 of reduced copies, as well as an electronic copy on disk in AutoCAD or other approved format (AutoCAD shall be given to the ZBA and the Town Clerk and shall be stored in Town's safe). All plans shall be stamped by a professional, licensed or registered by the Commonwealth of Massachusetts, as appropriate and as required by the Board's Rules. Such Site Development Plans shall be consistent with local requirements not waived elsewhere in this Permit, and with State and Federal codes to include, but not be limited to, the following plan sheets: landscaping and planting plans, utility plans, grading and drainage, wastewater and stormwater systems, an existing conditions plan, site layout, detail sheets, and lighting plan.

21. The Site Development Plans submitted by the Applicant for approval by the Board shall be a "conformed" set, prepared to a final design level of detail, incorporating all revisions as identified herein, all revisions, and conditions of approval required by the Board, and all revisions and conditions of approval required by other agencies and parties having jurisdiction, including the Town of Rockland.
22. The following items shall be included with the final design submittal:
 - a. Construction details of all proposed infrastructure including sewer, water main and drain appurtenances, catch basins, roof drains, driveway and parking lot construction, curbing, pavement, walkways, etc.
 - b. Landscaping details.
 - c. Sediment and erosion control plan and details.
 - d. Test hole data with locations of holes shown on plans.
 - e. Construction period and post-construction storm water system operation and maintenance plans.
23. The Applicant shall provide to the Board certification of approval by the Deputy Fire Chief as to the adequacy of emergency access along with the recommended stand pipe installation and location of sprinklers.
24. The Applicant shall provide to the Board a revised plan showing temporary reconfigured stilling basins, hay bales/silt fences, a crushed stone-tracking pad at the Development entrance, stockpile locations, trailer and equipment storage locations and associated measures, as a component of the Site Development Plan approval process.

25. The Applicant shall coordinate the proposed mail delivery design with the Postmaster. If a central location is required, the Applicant shall submit such a plan to the Board and a minor modification of this permit may be required at the sole discretion of the Board.
26. The Site Development Plan shall provide a concrete dumpster pad that is pitched to stormwater collection system. The dumpster shall be completely enclosed by a six foot (6') stockade fence.
27. The Site Development Plans shall be modified to show all roof drainage directed to underground storage for infiltration on site.
28. The existing clay sewer pipe on the Property shall be relocated on the Site Development Plans and replaced with a new pipe of sufficient size and materials acceptable to the Sewer Commission and Peer Review Consultant and to go around proposed building intended to house the affordable rental units and not underneath present building.
29. The change in direction manhole will be drop ins for Sewer from both project scope and Church/Rectory and the Site Development Plans shall show lines that need to be camera-ed and flushed upon completion per the recommendation of the Rockland Sewer Department Superintendent.
30. The Site Development Plans shall show the final details of all manholes and the final sewer connection shall be reviewed and approved by the Peer Review Consultant and Sewer Commissioners. There shall be no "Dog House" manholes.

Pre-Construction

31. No construction activity, including land disturbance, shall proceed until the Applicant applies for and receives a written *Notice to Proceed* from the Board of Appeals. Such written *Notice to Proceed* shall be issued only at such time as all plan and other pre-construction approvals set forth herein are completed to the satisfaction of the Board of Appeals' Peer Review Consultant and the Building Commissioner.
32. Prior to any ground disturbance or initial site work, the Applicant shall provide to the Board:
 - a. The name, address and business telephone number of the individual responsible for all activities on the Total Project site;

- b. Proof that all required federal, state and local licenses and permits have been obtained;
 - c. Certification that the Applicant has fulfilled notification requirements of "Dig Safe", prior to commencement of any on-site work. If work activity on the Total Project site ceases for a period of more than one month, appropriate notification must be given prior to restarting work.
33. At least forty-eight (48) hours prior to any ground disturbance or initial site work, a duly noticed pre-construction meeting, identified as such, shall be held with the developer, the developer's site contractors, a representative of the Board, its Consulting Engineer, and representatives of those Town departments having an interest in the Total Project. Said meeting shall be for the purpose of familiarization with the Total Project, the conditions of approval, and the Project construction sequence and timetable.
34. 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 Board 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 compliance with this Decision upon Project completion.
35. Prior to commencement of the project, Applicant shall contact Rockland Police Department to coordinate a construction traffic management plan, confirmation of construction hours, and address any other concerns the Department may have regarding public safety.

Construction

36. There shall be no construction on the Development before 7:00 AM or after 6:00 PM or dusk, whichever is earlier, from Monday through Friday and before 8:00 AM or after 5:00 PM or dusk, whichever is earlier, on Saturday. There shall be no construction on Sundays or the following legal holidays: New Year's Day, President's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas.
37. The Applicant shall keep the Project site clean during construction. Upon completion of all work on the Development site and prior to As-Built plan approval, all debris and

construction materials shall be removed and disposed of in accordance with state laws and regulations. The Applicant shall notify the Board in writing of the final disposition of the materials.

38. Signs shall be posted along the perimeter of the construction area within 75' to 100' apart and shall say "No Working Beyond This Point".
39. The Applicant shall ensure that all construction activities associated with the Development be conducted in a workman-like manner.
40. Delprete Avenue shall not be blocked or restricted by construction activities or equipment.
41. Any soil or earthwork material brought to the Development site or excavated on the Development site and proposed to be reused for any purpose at the Total Project site shall be subject to approval by the Board's Peer Review Consultant.
42. The Applicant shall ensure that the construction process conforms in all respects to applicable Federal, State, and local laws, codes and regulations including, but not limited to, building, plumbing, electrical, and health codes and regulator limits on noise, vibration, dust and sedimentation, except as waived herein.
43. All erosion control devices on the Project shall remain in place and be maintained throughout the project construction cycle until the last Certificate of Occupancy is issued or until such time as all disturbed areas have been stabilized with final vegetative cover or the Board or its designee shall authorize removal, whichever occurs first.
44. 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 and all access shall, at Applicant's election, be in the presence of Applicant's agents.
45. All manholes/catch basins to the extent impacted by development will be cleaned at the expense of the Applicant. A predevelopment inspection shall be coordinated with the Highway Department prior to commencement of site work or construction to confirm pre-existing conditions.

Issuance of Building Permit:

46. Prior to the issuance of any Building Permit by the Building Commissioner/, the Applicant shall furnish copies to the Board of all required Federal, State and local permits (not waived herein), including, but not limited to, a US EPA NPDES construction permit.
47. Prior to any permitting required for any construction on the existing building, project driveway and associated drainage and all other subsurface utility improvements shall be sufficiently constructed in the opinion of the Board's Peer Review Consultant to provide safe access and egress to the site.
48. Prior to issuance of any Building Permit by the Building Commissioner, the Applicant shall submit a Construction and Sequencing Plan that demonstrates:
 - a. Conformance with applicable laws and regulations regarding noise, vibration, dust and sedimentation.
 - b. Access to the Project site shall be restricted by appropriate gating and/or fencing during construction.
 - c. Erosion control installations shall be in compliance with Best Management Practices, relative to staking, periodic inspection, maintenance, and repair of sediment and erosion controls, including silt fence, hay bales, and/or other devices.
49. Prior to the issuance of any Building Permit by the Building Commissioner the Applicant shall establish to the satisfaction of the Building Commissioner/Inspector, that the Board or its designee and Land Use Counsel have reviewed and approved the:
 - a. Regulatory Agreement
 - b. Stormwater Operation and Maintenance Plan
 - c. Lottery Plan, if applicable
 - d. Construction Sequencing Plan

Hazardous Materials

50. There shall be no use or storage of hazardous materials other than those types and amounts considered as normal to household use and/or residential construction, or in conjunction with the operation of the private wastewater disposal system as approved.

Underground Fuel Storage Tanks

51. There shall be no underground fuel storage tanks located on the Development Site.

Driveways & Parking Areas

52. Once paved, the access and project site driveway shall be kept clear and passable at all times. Equipment may be parked on an access driveway during construction, provided that such driveway shall remain passable by emergency response equipment. No refuse containers, trailer or construction materials of any kind shall be placed or stored thereon.
53. The Applicant shall demonstrate that accepted Best Management Practices (BMP) are to be utilized in all phases of construction for the driveway.
54. The Applicant shall provide evidence to the Board that design and construction of access driveway and parking areas shall conform to the Revised Final Plans.
55. All driveway construction shall be inspected by the Board's Peer Review Consultant at the following stage of construction: binder and finish courses of pavement.
56. Any and all signage and pavement markings, traffic flow and directional signs shall be DOT compliant signs and shall be placed in accordance with the Signage and Pavement Marking Plan dated 12/10/21, revised 3/15/22 and 4/12/22.
57. Any shared parking on the Site Development Plans shall be the subject of a permanent easement in a form approved by Land Use Counsel and recorded with the title.

Delprete Avenue

58. If any damage is done to Delprete Avenue during the construction or redevelopment, repairs shall be made immediately to said street at the cost and expense of the Applicant.

59. Any road opening due to utility work on Delprete Avenue shall be repaired immediately with a temporary patch and maintained in a good order until the street is repaved.
60. Delprete Avenue is to be kept clean and kept clear of any mud, dirt or debris during construction.
61. Road refurbishment on Delprete Avenue shall be required from curb to curb during road utility tie in to outermost tie in. The Applicant's Contractor can do patches first year with full patch the following year. The Contractor may have the option of paying Highway/Town for refurbishment in lieu of doing said work with the cost to be established with Rockland Highway Department prior to work.
62. All construction traffic shall be routed to use Delprete Avenue for access and comply with any of the requirements of the Rockland Police Department for traffic details which shall be paid for by the Applicant.
63. Applicant shall be responsible for complying with the "Town of Rockland - Rules and Regulations for Street Excavation" full and condensed versions as adopted by the Rockland Highway Department on July 25, 2016.

Project Landscaping

64. The Applicant shall prepare a final landscaping plan stamped by a landscaped architect or other landscaped professional and must submit the same to the Board's Peer Review Consultant and Building Commissioner for consistency with the approved landscape plan prior to the commencement of construction.
65. All areas to be protected from encroachment by construction activity shall be marked on the ground as shown on the approved Site Development Plans, and all protective barriers shall remain in place and be maintained by the Applicant throughout the construction phase of the Project.
66. The Applicant shall provide a guarantee for all plant materials extending for one year following the date of submission and approval of the final As-Built Plans.
67. Wherever practicable, existing trees and vegetation shall be preserved. All disturbed areas of the Development site shall be stabilized.

Wastewater

68. The proposed Project shall be serviced by municipal sewer. The Applicant shall apply to the Sewer Commission to connect the municipal sewer system and comply with any rules and regulations of the Sewer Commission except as expressly waived herein.
69. The proposed Project shall not be constructed without final signoff and approval by the Sewer Commission as a result of the existing moratorium.

Stormwater Management

70. The Applicant shall demonstrate to the satisfaction of the Board's Peer Review Consultant and stormwater management personnel during the approval process for the Site Development Plans by submission of plans and drainage calculations that the Project is fully in compliance with the Massachusetts DEP Stormwater Management Standards, generally accepted engineering standards, and Best Management Practices.
71. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets. Long-term stockpiles over thirty (30) days shall be shaped, stabilized, and circled by siltation fence or haybales and shall be stabilized by temporary seeding or netting.
72. Excavation dewatering, if any, shall be performed in a workman-like manner and such water shall be free of suspended solids before being discharged into either a wetland or any stormwater drainage system. This condition applies to all forms of dewatering including pumping and trenching.
73. All drainage/stormwater management components shall be maintained in proper working condition during construction and shall be fully maintained, working order upon completion of construction. Thereafter, the Applicant shall be responsible for maintaining the Property's Stormwater Management System in compliance with all Federal, State, and local requirements and in accordance with Best Management Practices.
74. The Applicant shall be responsible for all required up-keep, operation, maintenance, repair, and up-grading of the drainage and stormwater management systems as specified in the approved *Operations and Maintenance Plan*. In the event that the Town determines that either the Applicant has materially failed in its obligation to maintain the drainage system in accordance with Best Management Practices, the Town shall have the right, upon written notice to the Applicant, and the Applicant's failure to remedy the maintenance issue within thirty (30) days' notice thereof, to enter upon the

Property to perform the required maintenance. The Applicant shall reimburse to the Town all costs incurred by the Town in connection with its performance of such required maintenance on the Property within thirty (30) days of the Applicant's receipt of the Town's invoice for such costs.

Water and Fire Protection

75. The building intended to house the affordable residential units shall be reconstructed with a residential sprinkler system as may be required pursuant to the Massachusetts State Building Code and the requirements of the Rockland Fire Department Rules and Regulations. In such circumstances, the Applicant shall provide evidence that such systems shall be designed, constructed, and maintained in a manner approved by the Rockland Deputy Fire Chief. Applicant shall comply with Article VI. J. above.
76. All fire lanes and emergency parking areas shall be kept clear at all times to ensure access by fire trucks and emergency vehicles. Fire lanes shall be posted as such with signage indicating that any vehicles in such areas shall be towed at the owner's expense.
77. A dedicated 2-inch underground conduit shall be installed for the sole use of the Rockland Fire Alarm Division.
78. The Project's water distribution system, including on-site facilities and connections to municipal waterlines shall conform in all respects to the standards of the Rockland Water Department.
79. The Applicant shall perform testing in accordance with the Water Department requirements to ensure the water supply and pressure for the Development is adequate for fire protection and domestic use and shall provide documented results to the Deputy Fire Chief, Water Department and Board's Peer Review Consultant prior to the issuance of the Notice to Proceed.
80. The Development shall be serviced by the municipal water system.

Site Inspections

81. The Board's Peer Review Consultant shall perform site inspections for determining the Development's compliance with this Decision at the Applicant's expense. The Consulting Engineer shall represent the Town's interest and shall observe all stages of

Project construction, including, but not limited to observation of all utilities prior to backfill, in order to provide required certifications to the Board.

Fees

82. The fees for review by the Board's Peer Review Consultants, including site inspections, engineering, or financial review for the Project shall be the obligation of the Applicant prior to the commencement of work by a particular consultant. The Applicant shall make a \$5,000.00 deposit made payable to the Town of Rockland to be held in a Section 53G Revolving Account relating to this project for inspectional services, and thereafter, the account shall maintain a balance of \$2,000.00. No ground disturbances shall commence until any and all past due fees are paid. The Applicant shall deposit fees estimated for pending action and sufficient sums to maintain a \$2,000.00 minimum escrow balance.
83. The Applicant shall obtain all required federal, state, and local permits and shall pay all applicable fees, including without restriction, building permit fees, water and sewer connection fees.

Performance Guarantees

84. No unit in the proposed building shall be occupied until the improvements specified in this decision, including paving and landscaping, and as set forth on the plans of record, are constructed and installed so as to adequately serve the Project and the building and facilities on the Project site. If such improvements are not constructed or are not approved, the Board may authorize release of a Certificate of Occupancy, provided that sufficient security, in a form and amount satisfactory to the Board and approved by Land Use Counsel, is submitted by the Applicant to guarantee performance and/or completion of such improvements.
85. Prior to full security release, satisfactory As-Built Plans shall be provided to the Board.

Certificate of Occupancy

86. The Building Commissioner shall issue a Certificate of Occupancy only after such time as the Applicant's Consulting Engineer has certified in writing that construction substantially complies with the approved Site Development Plans, this Decision, and any Modifications thereto, including all required "As Built" Plans and the Board's Peer Review Consultant concurs.

87. Prior to issuance of an Occupancy Permit, the Applicant shall provide a certified, individual interior *As Built Plan* stamped by a Registered Architect or Land Surveyor.

Final “As Built” Plans & Guarantees

88. Upon completion of construction of the project infrastructure (including but not limited to the driveways and stormwater and wastewater systems and utilities), the Applicant shall engage a Professional Land Surveyor and a Professional Engineer to perform an as-built survey, based upon field observations, and prepare an as-built plan that demonstrates substantial conformance with the approved plans. The Applicant’s Registered Land Surveyor and Professional Engineer shall provide a Final Certification under his/her/their signature and seal, stating that the Development construction substantially conforms to the approved Site Development Plans, Construction Documents and Specifications, and all conditions of approval, or alternatively to identify all deviations from the approved plans and conditions of approval, subject to review by the Board’s Peer Review Consultant.
89. The Applicant shall submit to the Board final As-Built Plans stamped by the Applicant’s Professional Engineer, Registered Land Surveyor, Registered Architect, and/or Registered Landscape Architect, as required, all buildings, landscaping, parking, driveways and roadways, on-site utilities, stormwater, drainage, and wastewater systems. The Applicant shall provide three (3) paper copies and an electronic copy in AutoCAD format or format then acceptable to the Board.

General

90. The Board shall retain jurisdiction over the Development to ensure compliance with all terms and conditions of this decision and to protect the interests of the Town of Rockland and its residents. If there are any changes to the plans or the decision, the Applicant shall come back to the Zoning Board of Appeals prior to the Applicant making the change all in accordance with applicable state regulations.
91. The provisions of this Comprehensive Permit shall be binding upon the successors and assigns.
92. Any change in financial interest and/or ownership and/or control of the Development must be approved in advance by the Board. Such approval shall not be unreasonably withheld except for the admission of an Investor to purchase the housing tax credits so long as said investor is approved by MassHousing.

93. The Applicant shall submit copies of all federal, state, and local permits to the Board at the time they are issued.
94. If any provision of this decision or portion of such provision or the Application thereof to any person or circumstances is for any reason held invalid or unenforceable, the remainder of the Decision (or the remainder of such provision) and the application thereof to other persons or circumstances shall not be affected thereby.
95. Prior to commencing site development work, the Applicant shall demonstrate to the satisfaction of the Board that it has received final approval from the Subsidizing Agency (DHCD) and funding from HUD in accordance with the Project Eligibility Letter, dated November 24, 2021.
96. If the Building Commissioner or Board's Peer Review Consultant determines that the Site Development plans and/or construction are different from those approved by the Board, the Building Commissioner shall notify the Board forthwith, which shall determine whether these changes are substantial or not in accordance with this decision. If the Board determines that changes may be substantial, it shall decide whether or not to allow these changes at a public hearing. Any and all inconsistencies are subject to review by the Board's Peer Review Consultant at the Applicant's expense.
97. If there is any dispute about whether the Development plans are being implemented in accordance with this decision, the disputants shall present their concerns to the Board for its resolution. The Board shall determine the appropriate forum for the resolution of the dispute, unless otherwise provided by applicable law.
98. Additional site amenities (such as garages, sheds, and other amenities, including any paved surfaces) shall constitute changes to the approved Plans and shall require approval by the Board prior to construction consistent with state regulations governing modifications to the Comprehensive Permit. The Board shall determine whether or not the changes may require review at a public hearing.

Decision Filing, Appeals, and Recording

99. This Comprehensive Permit shall be deemed final after expiration of all applicable appeal periods and after all appeals, if any, have been decided. Within thirty (30) days of: (a) expiration of the appeals periods or (b) after all appeals have been decided; whichever date is later, the Applicant shall record this Decision at the Plymouth County Registry of Deeds and shall provide the Board and the Building Department

with documentation (book and page) of the filing or a copy of the Decision with all recording information stamped thereon. A recordable Site Development Plan Set shall also be filed with the Plymouth County Registry of Deeds after approval by the Board and its Consulting Engineer. Notwithstanding the above, the Comprehensive Permit Decision shall not be recorded with the Registry of Deeds until final acquisition of the property by the Applicant.

100. As provided in 760 CMR 56.05(8)(a), the Board shall file its Decision within fourteen (14) days of its vote with the office of the Town Clerk, forward a copy to the Applicant or its designated representative, and to the Department of Housing and Community Development.
101. Any person or parties aggrieved by this decision may appeal pursuant to Section 21 of the Act. An appeal may also be made, in certain cases, to Superior Court within twenty (20) days after the filing of the written decision with the Town Clerk.
102. **EXPIRATION:** The Applicant shall commence construction within two (2) years from the date of the granting of the subsidy funds for the project and no more than four (4) years from the date of this Comprehensive Permit or the Comprehensive Permit shall lapse. Construction, once commenced, shall proceed expeditiously as possible without interruption on a timeline submitted to the Zoning Board of Appeals by the Applicant.

Waivers

103. The Board grants waivers as requested by the Applicant only to the following sections of the Rockland Zoning By-Laws, Rules and Regulations of the Rockland Planning Board, the Rockland Board of Health Regulations and other local rules and regulations. The Applicant shall comply with any rule and regulation not waived herein. If any waiver is in conflict with a specific Condition of the Comprehensive Permit, the Condition shall apply.

The Applicant has requested, and the Board of Appeals has granted or denied, the waivers from local rules as set forth in Attachment A which is incorporated herein by reference.

104. By granting the waivers from local By-laws and regulations specifically listed in this Comprehensive Permit, it is the intention of this Comprehensive Permit to permit construction of the Development as shown on the final Approved Plans. If, in

reviewing the Applicant's building permit application(s), the Building Commissioner/Inspector determines that any additional waiver for local zoning, wetlands, health regulations is necessary to permit construction to proceed as shown on the Approved Plans, the Building Commissioner/Inspector shall proceed as follows: (a) any matter of a *de minimis* nature shall be deemed within the scope of the waivers granted by this Comprehensive Permit; and (b) any matter of a substantive nature shall be reported back to the ZBA for disposition of the Applicant's request for a waiver therefrom.

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

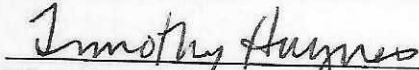
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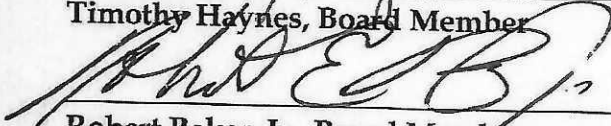
Rockland Zoning Board of Appeals
Decision - Schoolhouse Apartments Rockland
6 Delprete Avenue, Rockland, Massachusetts
May 26, 2022.

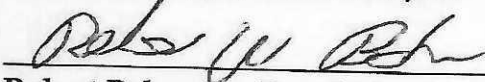
FOR THE ZONING BOARD OF APPEALS


Robert C. Rosa, III, Chairman


Gregory Tansey, Vice-Chairman


Timothy Haynes, Board Member


Robert Baker, Jr., Board Member


Robert Baker, Sr., Board Member

5-26-2022
Date

5-26-22
Date

5/26/2022
Date

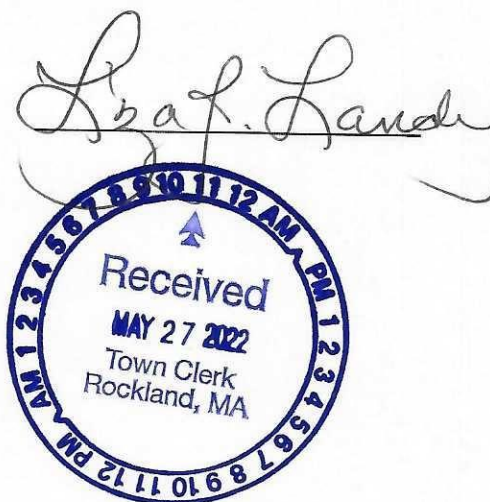
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5-26-22
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Date Filed with the Office of the Town Clerk

May 27, 2022

This space is for the Date
Stamp of the Town Clerk



**Attachment A
(Waivers)**

A. Under The Rockland Zoning By Law

#	Section	Description	Waiver Request	Vote of the Board (ZBA)
1.	415-11	R-4 Residence Zoning District: Permitted principle uses: Multi family residence	Exemption Not Required	GRANTED as per approved plan.

B. Building, Lot, and General District Regulations

1.	415-22	R-4 Residence Zoning District: -Maximum number of dwelling units per 32,670 square feet: 4	Exemption 22.3 units per 32,670 square feet (27 units on 38,888 s.f. proposed lot)	GRANTED as per approved plan.
2.	415-22	R-4 Residence Zoning District: Minimum side yard setback: 15 feet	Exemption (10.62 feet)	GRANTED
3.	415-22 A(1).	All parking spaces as required by this bylaw shall be a minimum of 10 feet in width by 20 feet in length for full size vehicles; and nine feet in width by 18 feet in length for compact vehicles. The ratio shall be 30% compact vehicles to 70% full size vehicles spaces.	Exemption (9' x 18')	GRANTED
4.	415-22 A(2)a.	In all Residential Zones, all parking areas, loading areas and areas used for access, egress or onsite circulation shall be set back a minimum of 10 feet from any property line and the ten-foot set back shall be properly landscaped and maintained..	Exemption Visitor Spaces setback: 2.22' min.	GRANTED

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5.	415-22 F (5) d.	F(1), F(2), F(3) The conversions of schools, retail/wholesale establishments, and other industrial, or commercial buildings into dwelling will be allowed by the Zoning Board of Appeals under the Special Permit	Special Permit - Exemption Not Required	DENIED AS MOOT
6.	415-22 G (1)a.	The following uses shall require the submission of a traffic impact report to the Planning Board: The proposed construction of 25 or more residential units	Exemption	GRANTED
7.	415-22 H	Consultant review requirement.	Exemption	DENIED

C. Site Plan Review

#	Section	Description	Request	Vote of the Board (ZBA)
1.	415-58	Except as provided herein, no building, excavation, or foundation activities shall be initiated unless a Site plan is first submitted and approved and a building permit issued.	Exemption.	DENIED AS MOOT
2.	415-59	Site plan review and approval	Exemption.	DENIED AS MOOT

D. Enforcement

#	Section	Description	Request	Vote of the Board (ZBA)
1.	415-89 A	A special permit shall be required to construct or otherwise establish any of the specific types of uses so identified within this bylaw which shall only be permitted upon issuance of a special permit.	Exemption	DENIED AS MOOT

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E. Design Review Board

#	Section	Description	Request	Vote of the Board (ZBA)
1.	415-93.A	All commercial, industrial, public, and institutional sites and/or buildings which are to be constructed, or substantially altered and/or renovated shall be subject to review by the Design Review Board, regardless of their location in Rockland.	Exemption	GRANTED; project shall be designed as per approved architectural plans
2.	415-94.B	Condominium Developments are subject to review by the Design Review Board.	Exemption.	DENIED AS MOOT