



**Community & Economic Development Division**

Conservation/Zoning Board of Appeals

**Municipal Office Building**

66 Central Square

Bridgewater, MA 02324

508-697-0907

**Record, Decision and Comprehensive Permit  
CC MPZ Main Street LLC - McElwain School Apartments**

Subject Property: Approximately 3.65 acres of land at 242 and 250 Main Street (Assessing Maps 16 & 40, Parcels 20 and 21)

Name of Applicant: CC MPZ Main Street LLC, c/o Capstone Communities LLC, 950 Boylston Street, Suite 103, Newton Highlands, MA 02461 ("Applicant"). The term "Applicant" shall include CC MPZ Main Street LLC and its agents and its successors and assigns.

Name of Record

Owner of Title

to Subject Property: Applicant owns 242 Main Street parcel.  
The Town of Bridgewater owns the 250 Main Street parcel but has entered into a Purchase and Sale Agreement with the Applicant.

Nature of the Petition: Application for Comprehensive Permit under G.L. c. 40B, ss. 20-23

**I. BACKGROUND**

**A. The Application and the Proposed Project**

CC MPZ Main Street LLC ("Applicant") is a Limited Liability Company registered in Massachusetts which agrees and intends to enter into a Regulatory Agreement with the Commonwealth of Massachusetts Department of Housing and Community Development ("DHCD"). The Applicant filed an application with the Zoning Board of Appeals ("Board") for a Comprehensive Permit under M.G.L. Chapter 40B, ss. 20-23 proposing to build 57 rental apartment units in three buildings (two existing and one new). Sixteen units will be located in the rehabilitated McElwain School, 38 units will be located in a new building to be constructed at the rear of the site, and 3 units will be located in the renovated 242 Main Street building.

The proposed project (hereinafter called the "Project") is a mix of one, two and three-bedroom units: approximately thirteen (13) one-bedroom units, thirty-seven (37) two-bedroom units, and seven (7) three-bedroom units. The new building to be constructed at the rear of the site will be a three-story elevator building. There will be a total of 93 parking spaces. The Project will also include a resident fitness center, open space, park and playground and a community room available to Bridgewater residents.

51 of the 57 units (89%) shall be affordable: 45 units will be affordable for households earning up to 60% of the Area Median Income ("AMI") and 6 units will be affordable for households earning up to 30% AMI, adjusted for household size, for the Bridgewater area pursuant to the subsidy program of DHCD (the "Affordable Units").

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The currently unoccupied 250 Main Street McElwain School property has become a blight to the surrounding neighborhood over the past 20 years. The development will rehabilitate the historic McElwain School and will activate a now vacant property.

## **B. The Subject Property**

The Project site consists of two contiguous tax parcels, shown on the Town of Bridgewater's Assessors Maps as Maps 16 & 40, Parcels 20 and 21 ("Site"). These parcels have a total area of 3.65 acres.

The Site is located on Route 28 (Main Street) approximately ½ mile from Bridgewater's Central Square and 1.3 miles from the MBTA commuter rail. The Site is proximate to retail and commercial properties located in Central Square, including coffee shops, restaurants and grocery stores. There are a number of single-family homes surrounding the Site in addition to the larger apartment developments including Kingswood Park Village and the BHA's Hemlock Drive apartments. Much of the housing stock in the neighborhood is older; the median year built is 1963. Vacancy rates in the submarket are extremely low which is partly due to the lack of new housing production. Approximately 35% of the residents of Bridgewater are between the ages of 20-34, a demographic that desires rental housing. The Site is also close to Bridgewater State University and could present an excellent opportunity for housing faculty and staff.

The abutting properties are improved with single and multi-family residences. Most of the Site is flat.

The McElwain School lot is currently occupied by the McElwain School; the balance of the property is paved with asphalt in poor condition. Large trees line the perimeter of the parcel. The 242 Main Street lot contains an approximately 3,000 square foot three-family home and a 1,400 square foot barn. Access drives exist on both parcels from Main Street. A public sewer serves the Site.

The Site is zoned "Residential D" as shown on the Bridgewater Zoning Map dated January 2018, with no overlay districts applicable. Residential D zoning generally restricts development to single- and two-family housing on separate lots and imposes dimensional requirements such as setbacks. These constraints will require zoning relief to achieve the Project's goals.

## **C. The Board Members**

Board members present and voting were Brian Heath, Chairman, Gerald Chipman, Vice Chairman and Michael Mainvielle, member.

## **D. Procedural Background and Hearings**

A Comprehensive Permit application (the "Application") was filed on December 13, 2018.

Abutters were duly notified in writing and legal notice was duly published pursuant to G.L. c. 40B. The following legal notice was published in the Enterprise on January 30, 2019 and February 6, 2019.

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The Zoning Board of Appeals will hold a Public Hearing on February 13, 2019 at 7:00pm in the Council Chambers located on the second floor of the Municipal Offices, 66 Central Square, Bridgewater, MA to review an application filed by CC MPZ Main Street, LLC, c/o Capstone Communities LLC, 950 Boylston Street, Suite 103, Newton Highlands, MA 02461 for a proposed 40B Comprehensive Permit filed under MGL Chapter 40B § 20-23 known as McElwain School Apartments for property located at 242 and 250 Main Street, as identified on Assessor's Map 20, Parcel 40, and Map 21, Parcel 16. The applicant proposes to develop 57 rental apartments on approximately 3.5 acres. Area is zoned Residential D.

The Board opened the public hearing on the Application on February 13, 2019.

#### E. The Record

The Record of the Board's decision on the Application consists of the documents listed in Exhibit A attached hereto and incorporated by reference herein.

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#### JURISDICTIONAL REQUIREMENTS AND JURISDICTIONAL FINDINGS

Pursuant to Chapter 40B regulations, an Applicant must satisfy three jurisdictional requirements: (1) the Applicant must be a public agency, a non-profit organization, or a limited dividend organization; (2) the Project must be fundable by a Subsidizing Agency under a low- and moderate-income housing subsidy program; and (3) the Applicant must control the Site. See 760 CMR 56.04(1).

##### 1. Applicant's Status

As stated above, the Applicant is a Limited Liability Company which agrees to enter into a Regulatory Agreement with DHCD. Therefore, the Applicant qualifies as a limited dividend organization and is an eligible Applicant pursuant to 760 CMR 56.04(1)(a).

##### 2. Fundable Project

The Applicant has submitted a Project Eligibility Letter ("PEL") dated January 24, 2019 from DHCD. Therefore, the Applicant fulfills the requirement of 760 CMR 56.04(1)(b) which states: "The project shall be fundable under a subsidizing agency under a low- and moderate-income subsidy program."

##### 3. Site Control by Applicant

DHCD has opined in its PEL that the Applicant controls the site as required by 760 CMR 56.04(1)(e).

THIS DECISION OF THE BOARD IN NO WAY CONSTITUTES AN ADJUDICATION, LEGAL DECISION, DETERMINATION, ORDER OR JUDGMENT RELATIVE TO ANY MATTER BETWEEN PRIVATE PARTIES, INCLUDING BUT NOT LIMITED TO THOSE INVOLVING, PROPERTY LINES, BOUNDARIES, EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, COVENANTS AND ADVERSE POSSESSIONS.

Based on the foregoing, the Board finds that the Applicant meets the jurisdictional requirements under Chapter 40B.

### III. FINDINGS

1. The Site consists of two contiguous tax parcels, show on the Town of Bridgewater's Assessors Maps as Maps 16 & 40, Parcels 20 and 21. These parcels have a total area of 3.65 acres. These parcels have 385.9' of frontage on Main Street.
2. The Site is located within the Residential D Zoning District.
3. The Site is currently occupied by (a) the vacant McElwain School and asphalt pavement in poor condition; and (b) an approximately 3,000 square foot three-family home and a 1,400 square foot barn. Access drives exist on both parcels from Main Street. A public sewer serves the Site.
4. According to the DHCD Subsidized Housing Inventory ("SHI"), as of December 7, 2018, only 11% or 912 units of the Town of Bridgewater's housing stock (8,288 Year Round Housing Units based upon the 2010 U.S. Census) is comprised of low and moderate income housing units qualified for listing on the SHI. All 57 of the Project's rental units shall be eligible for listing on the SHI. These additional 57 units will further increase the percentage of SHI-qualified units in Bridgewater to 11.69%.
5. The Project will be constructed as shown on the elevation and floor plans entitled "McElwain School Apartments" prepared by Prellwitz Chilinski Associates dated December 13, 2018 submitted to the Board (the "Building Plans") consisting of the following sheets:
  - A1.10 250 Main Existing School – Level 1 & 2 Floor Plans
  - A1.11 250 Main Existing School – Level 2 & Roof Plans
  - A2.10 250 Main Existing School – Elevations
  - A2.11 250 Main Existing School – Elevations
  - A1.20 250 Main New Building – Level 1 Floor Plan
  - A1.21 250 Main New Building – Level 2 & 3 Floor Plans
  - A1.22 250 Main New Building – Roof Plans
  - A2.20 250 Main New Building – Elevations
  - A2.21 250 Main New Building – Elevations
  - A1.30 242 Main House – Basement & Level 1 Floor Plans
  - A1.31 242 Main House – Level 2 & Roof Plans
  - A1.32 242 Main Garage – Floor Plans
  - A2.30 242 Main Elevations
  - A2.31 242 Main Elevations
  - A3.10 Project Views
6. The site development, storm drainage and utility infrastructure for the Project shall be constructed as shown on the site and engineering plans entitled "McElwain School Apartments" prepared by Kelly Engineering Group dated December 13, 2019 with a latest revision date of February 13, 2019 except sheet C4 the Utility Plan which was last revised March 27, 2019 submitted to the Board (the "Site and Engineering Plans") consisting of the following sheets:
  - C1 Existing Conditions Plan
  - C2 Layout Plan
  - C3 Grading Plan
  - C4 Utility Plan

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- C5 Detail Sheet
  - C6 Detail Sheet
  - C7 Detail Sheet
7. Landscaping shall be constructed as shown on the landscaping plans entitled "McElwain School Apartments" prepared by Copley Wolff Design Group dated December 13, 2019 submitted to the Board (the "Landscaping Plans") consisting of the following sheets:
- L-001 Tree Protection Plan
  - L-100 Landscape Plan
  - L-200 Site Details
  - L-201 Site Details
  - L-300 Photometric Plan
8. All of the Building Plans, Site and Engineering Plans and Landscaping Plan shall collectively be referred to as the "Plans of Record". The approved Plans of Record may be altered as set forth below without returning to the Board if the Building Commissioner determines that the change is so minimal as to constitute a field change; otherwise, the Applicant shall apply to the Board under 760 CMR 56.05(11) or any successor regulation:
- a. Insubstantial shifts in building footprint, footprint locations, driveway or parking locations to avoid ledge or other subsurface issues, which shall mean movement of not more than 2 feet and provided that there shall be no increase in setback nonconformity as already allowed hereunder.
  - b. Substitutions of lighting fixtures, other fixtures, equipment and/or materials having equivalent or better performance;
  - c. Additions to exterior lighting for safety, security or operational reasons, provided that such additions shall not increase light levels at the Site perimeter;
  - d. Additions to landscape planting at the Site perimeter for additional visual or noise screening;
  - e. Insubstantial interior and exterior changes required to conform to regulatory requirements; and
  - f. The addition of any subsurface infiltration system or other stormwater management components and/or revisions to the stormwater management system, provided they are reviewed and certified as provided for hereunder.
9. The Applicant submitted a stormwater management report for McElwain School Apartments dated December 13, 2019 with a revision date of February 6, 2019.
10. McMahon Associates ("McMahon") was retained by the Board to complete a peer review of the Site and Engineering Plans. This peer review was completed by Angela Saunders, P.E. for McMahon. The Project was found to be in compliance with applicable state laws and regulations and good engineering practice. The Peer Review letter[s] submitted to the Board by McMahon is[are] listed in Exhibit A.
11. The Applicant submitted a Traffic Impact Analysis prepared for the McElwain School Apartments prepared by Vanasse and Associates dated November 2018.
12. The Traffic Impact Analysis was reviewed by McMahon Associates on behalf of the Board and Francisco Louvera, P.E. from McMahon Associates provided comments to the Zoning Board of Appeals. Mr. Louvera submitted a peer review letter dated January 21, 2019 to the Zoning Board of Appeals which concurred with the conclusions provided by Vanasse and Associates.

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13. The Site includes an isolated freshwater wetland that is not subject to the Massachusetts Wetlands Protection Act but is subject to the Bridgewater Wetlands Bylaw. The Applicant sought relief from the Bridgewater Wetlands Bylaw through the Application. The Zoning Board of Appeals asked the developer to provide documentation from the Bridgewater Conservation Commission that the isolated wetland was not subject to its jurisdiction. The Bridgewater Conservation Commission issued a Negative Determination of Applicability on March 21, 2019 which confirms that the isolated wetland is not within the Bridgewater Conservation Commission jurisdiction.
14. The Project has been designed to tie into the municipal sewer system and municipal water system. The Board received a review from Jonas Kazlauskas, Water and Sewer Superintendent on April 16, 2019 that confirms the information in the documentation submitted by the Applicant regarding municipal sewer and municipal water connections.
15. The Applicant will file an Environmental Protection Agency Notice of Intent for coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Permit. The Applicant will prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction.
16. The Project has been reviewed by the Bridgewater Fire Department and Police Department and both departments indicated that they are satisfied with the access for emergency vehicles as shown on the plans.
17. The Subsidizing Agency for the Project is DHCD.
18. The Applicant will enter into a Regulatory Agreement and Affordable Housing Restriction with and as required by DHCD which shall be recorded with the Plymouth County Registry of Deeds prior to the issuance of any Building Permit.
19. The Board finds that the Project is consistent with local needs and local concerns because:
  - a. the Applicant and the Project satisfy the jurisdictional requirements;
  - b. the Project is in harmony with the Town's Housing Production Plan and goals regarding the creation of affordable housing;
  - c. the Project protects and advances the health and safety of the residents of the Project because it provides 57 units of housing, 51 of which are affordable, in newly renovated or new construction; provides safe pedestrian and vehicular access within the Site; provides open space; addresses fire protection and other public safety concerns; and provides for adequate municipal water and sewer service;
  - d. the Project protects the natural environment because it will preserve open space including a park, playground and passive recreational space; the Project will create energy-efficient housing units; the design and construction of the stormwater system will reduce runoff and filter solids and sediment; the Site is outside the FEMA flood zones and there are no steep slopes on the Site;
  - e. the Project promotes better site and building design in relation to the surroundings and municipal and regional planning and/or preserving open spaces and will preserve and rehabilitate an existing historic school structure;
  - f. adjacent properties will be screened from the Project;
  - g. the Traffic Study shows that the traffic associated with the Project will have minimal impact on the current traffic flows in the area;
  - h. The Project provides for an on-site property manager and a leasing/marketing

representative, as well as a 24/7 call center;

i. Trash and recycling will be stored within an enclosure at the Project and picked up regularly; and

j. the Project will create revenue for the Town through permit fees, annual property taxes, excise taxes and other local service payments.

#### IV. CONDITIONS

This Comprehensive Permit is granted subject to all of the following terms and conditions and with the waiver action requirements attached hereto:

##### A. REGULATORY CONDITIONS

1. The total number of dwelling units that may be constructed at the Site shall be limited to a maximum of fifty-seven (57) dwelling units as shown on the Plans of Record. The maximum number of bedrooms shall be one hundred and two (102).

As a condition of any approval hereunder, at least 80% of the units shall be and shall remain affordable and shall be marketed to eligible households whose annual income may not exceed 60% of Area Median Income (AMI), adjusted for household size as determined by the United States Department of Housing and Urban Development ("HUD") (the "Affordable Units"); and, subject to approval by the Commonwealth of Massachusetts Department of Housing and Community Development ("DHCD"), the 51 Affordable Units and the remaining 6 units shall be eligible to be included in the Town's Subsidized Housing Inventory ("SHI"), as maintained by DHCD.

3. The Applicant shall notify the Board and the Town Manager when building permits are issued and cooperate with the preparation by the Town of request forms to add the units to the SHI.
4. The Applicant shall notify the Board and the Town Manager when occupancy permits are issued and cooperate with the preparation by the Town of request forms to add the units to the SHI permanently.
5. The Affordable Units shall permanently remain affordable, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, Sections 20-23. The Project shall remain a rental project so long as the Project does not conform to local zoning requirements.
6. To the extent possible and subject to the approval of DHCD, Affordable and Market Rate units shall be allocated on a pro rata basis, including number of bedrooms, unit size, and floor location, and subject to vacancies that occur on an ongoing basis after the initial rent-up for the Project which typically change the location of an Affordable Unit, the location of the Affordable Units shall be reasonably dispersed throughout the Project buildings, subject to the approval of DHCD. The Affordable Units shall be indistinguishable in appearance from the Market Rate Units.
7. The Applicant shall execute a Regulatory Agreement that shall be countersigned by the Subsidizing Agency as required under G.L. c. 40B and submit annual financial and other reports to the Subsidizing Agency in accordance with the Regulatory Agreement. Copies of any reports submitted to the Subsidizing Agency shall also be submitted to the Board or its designee.
8. The Applicant shall annually recertify to the Subsidizing Agency, or less frequently as may be required by the Subsidizing Agency, the continuing eligibility of any tenant in an Affordable Unit. If

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a previously eligible tenant becomes ineligible to occupy an affordable unit, the Applicant may charge the tenant a market rent; however, the Applicant shall comply with the Subsidizing Agency's requirements for converting another unit to an Affordable Unit. The Applicant shall provide the Town with all necessary information to determine whether the required affordability levels are in place at the same time they submit to the Subsidizing Agency.

9. Subject to the provisions of Condition [A.10], the Applicant shall enter into a Local Regulatory Agreement with the Town, in a form and substance reasonably acceptable to the Subsidizing Agency, the Board and its counsel (the "Local Regulatory Agreement"), which shall be recorded in the Plymouth County Registry of Deeds against the Property prior to issuance of any Building Permit for the Project. The Local Regulatory Agreement shall secure the affordability of the units and the monitoring thereof after the expiration of the Regulatory Agreement for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer.
10. The Local Regulatory Agreement: (i) shall only become effective if and when the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency; (ii) shall require that the Project shall remain a rental project so long as the Project does not conform to local zoning; (iii) shall require that at least twenty-five percent (25%) of the apartments in the Project shall be rented in perpetuity to low- and moderate-income households as that term is defined in G.L. c. 40B, Sections 20-23; (iv) shall in no event restrict or limit the dividend or profit of the Applicant and no independent limitation on dividends or profits is imposed hereunder; and (v) shall restrict the number of allowed units as set forth in the Comprehensive Permit and if the Comprehensive Permit is modified in the future, then the Applicant shall request a modification of the Local Regulatory Agreement to conform to the Comprehensive Permit as modified.
11. When the Local Regulatory Agreement takes effect, if ever, it shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the Town and shall require that the Affordable Units shall remain affordable rental units in perpetuity, meaning, specifically, for so long as the Project does not conform to the Town's Zoning Bylaws or for the longest period allowed by law, whichever period is longer.
12. While the Regulatory Agreement with the Subsidizing Agency (or one with a successor subsidizing agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant to the Subsidizing Agency and may take any steps allowed under G.L. c. 40B, Sections 20-23 and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.
13. When the Local Regulatory Agreement takes effect, the affordability requirements shall be enforceable by the Town or its designee, to the full extent allowed by G.L. c. 40B, Sections 20-23.
14. ~~Conditions A.1-13 above, shall not be used or construed or otherwise exercised in conflict with the~~ holdings in *Board of Appeals of Amesbury v. Housing Appeals Committee*, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to G.L. c. 40B, Sections 20-23, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. At such time as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall provide the Town with a reasonable monitoring fee. Said monitoring fee shall be reasonably consistent with the monitoring fees required by the Subsidizing Agency.
15. To the extent allowed under G.L. c. 40B, Sections 20-23 and the regulations promulgated thereunder and other applicable laws, with respect to at least 70% of the Affordable Units, the Applicant shall

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provide local preference categories for Bridgewater residents and employees of the Town and its school district during the initial lease-up to the greatest extent allowable by the Subsidizing Agency.

16. If approved by the Subsidizing Agency, these preferences shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town for compliance with the local preference set forth herein.
17. The foregoing local preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. The costs associated with the marketing of units in the Project, including the advertising and processing for the Affordable Units shall be borne by the Applicant.
18. The Applicant shall submit to the Board a report on marketing activity at the Project during the initial lease-up of the Project demonstrating compliance with the local preference requirement pursuant to the plan approved by the Subsidizing Agency as set forth below.
19. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. If the Board or its designee does not provide such information within sixty (60) days of a written request by the Applicant, its Lottery Agent or DHCD, then this condition shall be void. The Applicant shall provide reasonable assistance to the Town to prepare any documentation required for approval by the Subsidizing Agency of the local preference categories.
20. The Applicant shall develop a marketing plan for the Affordable Units for review and approval of the Subsidizing Agency, said plan to conform to any and all affirmative action requirements or other requirements as imposed by federal or state regulation and shall conform with the local preference requirement set forth above.
21. If at any time it appears that the Applicant is in violation of the Affordable Housing Restriction with the Town at any time when said restriction is in effect as described above, following a hearing of which the Applicant has been given prior notice, then the Board may pursue such enforcement rights as it may have under the Affordable Housing Restriction and/or applicable law.
22. Dividends from the Project in excess of those allowed under applicable law and regulations shall be utilized as provided in the Regulatory Agreement with the Subsidizing Agency and as required and provided for under G.L. c. 40B, Sections 20-23 and 760 CMR 56.00.
23. The Applicant shall annually provide the Board or its designee with copies of any and all documents and statements provided by the Applicant to the Subsidizing Agency or its designated auditor of the Applicant's costs and revenues for informational purposes upon request by the Town.
24. The Town, by and through the Board or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.
25. Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to 760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Commissioner and the Board.

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## B. GENERAL CONDITIONS

1. The Project shall be constructed in accordance with the Plans of Record. The Plans of Record, with most recent revisions dates noted, are set forth in Exhibit B. The Applicant shall comply with all local by-laws, rules and regulations of the Town of Bridgewater and its boards, officers and commissions, unless expressly waived hereunder or as provided on the approved Plans referenced herein.
2. The Project shall conform to all applicable state and federal laws, codes, regulations, and standards including, but not limited to, the following (if applicable):
  - a. Massachusetts State Building, Plumbing and Electrical Codes;
  - b. Massachusetts Department of Environmental Protection ("MassDEP") Sewer Extension Regulations; and
  - c. MassDEP Stormwater management standards and accepted industry best management practices (except where more stringent standards are imposed herein) for construction of the drainage infrastructure.
3. There shall be no exterior construction activity, including fueling of vehicles, on the Site before 7:00 am or after 7:00 pm, Monday through Friday and before 8:30am or after 4:30 pm on Saturday. There shall be no construction on the Site on the following days unless a special approval for such work has been issued by the Bridgewater Police Department: Sundays or the following legal holidays: New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas. The Applicant agrees that the hours of operation shall be enforceable by the Bridgewater Police Department.
4. All utilities located on the Site shall be installed underground, except as required by a public utility, subject to support by the Town in applications to MassDOT, if required, for any utilities that must be located within the State right of way. Further, the requirement for any such underground utilities, if located within the State right of way, shall be subject to review and approval by MassDOT, if required (as such phasing is approved below). If MassDOT does not allow such underground utilities within the State right of way, then those utilities may remain aboveground.
5. All buildings and structures shall be constructed substantially as represented in the Application, as revised, and on the Plans of Record.
6. The Project shall be served by municipal sewer and water. New service connections to the systems as shown on the Plans of Record shall be designed and installed at Applicant's sole expense, all in accordance with the requirements of the Town's Department of Public Works and Fire Department, and subject to peer review on behalf of the Town.
7. The Project shall be subject to the review and approval of the DPW as to technical requirements for the sewer and water system. The Applicant may return to the Board to request waivers in accordance with the M.G.L. c. 40B, Sections 20-23 process for any post-permit project change.
8. All water and sewer infrastructure facilities for the Project shall be constructed and fully operational prior to the issuance of the first occupancy permit for the Project.
9. Site lighting for the Project, as detailed on the Plans of Record, shall be provided by "cutoff" style fixtures, no greater than 20' in height, that minimize glare and visibility off of the Site.
10. The following final plans shall be reviewed and approved for consistency with this decision by the Board, or its designee, prior to installation:

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- A. Landscaping Plan;
- B. Snow Removal Area as shown on Sheet C2 Layout and Zoning Plan revised as of February 13, 2019.

Said review shall be administrative only and not require a new public hearing or amendment to this decision and approval shall not be unreasonably withheld.

11. Final design plans for the stormwater management system shall comply with MassDEP regulations (except where more stringent standards are set forth herein) and shall be constructed consistent with the Plans of Record as reviewed by McMahon Associates.
12. All utility work and any other roadwork within any public right of way shall be performed and conducted in conformance with the regulations of the Town and MassDOT, if applicable, including requirements for street opening permits and trench permits.
- Contractors shall be duly licensed as required by the Town of Bridgewater. All such work shall be performed in accordance with current engineering and construction standards.
- Any internal sidewalks and street trees to be planted shall be installed before issuance of the final permanent occupancy permit. All existing trees not to be removed during construction as part of the Landscaping Plan shall be adequately protected and replaced if destroyed during construction.
- All structures and site improvements within the Site shall remain private in perpetuity, including any and all ways, parking areas, park areas, street lighting, drainage, buildings, sewer and water infrastructure and the Applicant shall bear the cost of maintenance, repairs, replacement, snow plowing and trash removal for the same in perpetuity.
16. The Applicant shall provide monitoring of the Project, during and after construction, either by on-site management or an off-site management entity, that is available by phone. In the event the Applicant engages a management company, the Applicant shall post the name and telephone number of the management company on the front door of the building in a prominent place and shall provide the Board and Town with a current copy of the property management contract upon request. The phone number of the construction supervisor shall be provided to the Town Manager and Town Police.
17. Fire hydrants shall be located consistent with the locations shown on the Plans of Record and as required by the Fire Chief.
18. The Project's buildings shall be sprinklered, including attics and storage spaces, as required by the applicable State Fire Code. The Applicant shall submit in its building permit application final fire alarm/sprinkler plans to the Fire Chief for review and approval. The Project shall install the sprinklers in compliance with G.L. c. 148, Section 261 and State Building Code requirements.
19. The Applicant shall equip each unit with water saving plumbing fixtures in every bathroom, kitchen, and laundry area, and all underground water pipes shall have water tight joints.
20. No permanent certificate of occupancy shall be issued until the infrastructure specified in this decision and set forth on the Plans of Record is constructed and installed so as to adequately serve said building.
21. Final construction drawings showing on-site water distribution system, drainage and stormwater management facilities, and sewer system shall be submitted to the Engineering Department for their

review and approval for compliance with this decision prior to the commencement of construction.

22. Prior to the commencement of construction, the Applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the United States Environmental Protection Agency, as necessary for the construction of the Project at the Site. For the purposes of this Comprehensive Permit, "commencement of construction" shall mean any authorized activity excluding clearing and grubbing vegetation.

23. Prior to issuance of any building permit, the Applicant shall:

- a. Provide to the Board and the Building Commissioner a final Stormwater Pollution and Prevention Plan (SWPPP) to address specific sedimentation, erosion and dust control. The general contractor will be responsible for implementing and executing the SWPPP.
- b. Provide to the Board and the Building Commissioner procedures that outline the specific operation and maintenance measures for all stormwater/drainage facilities ("O&M Plan").

24. The Applicant shall submit to the Board a copy of the Operation and Maintenance ("O&M") Plans for:

- a. Drainage infrastructure and all related appurtenances; and
- b. Access ways, parking area, common areas, trash removal, and snow removal.

25. Fertilizer, pesticide and herbicide use shall be minimized to the extent consistent with good landscape maintenance practice.

26. Road salt shall not be used for vehicular areas. Environmentally friendly de-icing chemicals shall be used in the parking lot and such lot shall be swept at least twice a year, prior to May 1<sup>st</sup>.

27. The Project shall not be gated.

28. All grading shall be consistent with the Plans of Record and as approved by the Board during the public hearing based upon the peer review obtained during the public hearing.

29. The Applicant shall provide post-permit documents and plans required in this Decision to the Board which shall forward such documents and plans to its peer review engineers and/or counsel, if deemed necessary for review.

30. Once the Applicant has provided a completed set of post-permit documents and plans, the Board shall have 45 days to obtain the necessary comments from peer reviewers and Town departments and to determine whether the final design submittals and plans conform to the conditions set forth in the Comprehensive Permit.

31. If the Board votes to determine that deficiencies exist in the post-permit documents and plans, the Board shall notify the Applicant of the deficiencies and the Applicant shall have an opportunity to cure the deficiencies and the Applicant and the Board may mutually agree to extend the 45-day period for review to cure the deficiencies.

32. If the deficiencies are not cured within 60 days, then the Board may vote to determine that the relevant conditions of the Comprehensive Permit have not been satisfied and that the Applicant may avail itself of any avenue of appeal that may exist or may take further action to make additional submissions to the Board and its peer review consultant, to try to obtain the approval required by this

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condition, so long as this Comprehensive Permit has not lapsed.

33. The new building shall have elevator service and the elevator shall return to the ground floor when a power outage occurs.
34. The Applicant shall provide the Board and the Board of Health, before any occupancy permit issues, with an adequate operations plan for the storage and collection of solid waste and recycling, to make sure that odor and nuisance problems are avoided. The hours for trucks to collect or otherwise service the solid waste and recycling containers shall occur only during daylight hours between the hours of 7:00 am and 4:00 pm.
35. If a landscaping irrigation system is installed, it may be done only in full compliance with the specification of the Town of Bridgewater and alternate sources of water should be explored.
36. All water and sewer construction and materials shall be in accordance with the Plans of Record, Fire Department requirements and Department of Public Works standards.
37. The Applicant shall provide eight (8) additional parking spaces on site in locations determined by the Applicant and satisfactory to public safety access throughout the site.

#### CONSTRUCTION AND BONDING

1. The Applicant shall provide the Board and its agents with authority to enter the Premises during construction of the Project (subject to conformance with applicable health and safety requirements, including but not limited to hard hat, safety glasses and work boot requirements), with reasonable prior notice to determine conformance with this Decision.
2. The Applicant shall pay all of the Board's and Town's prior and outstanding peer review and Chapter 40B consultant fees for the Project, if any, within 30 days of the issuance of the Comprehensive Permit. The Applicant shall pay for all post-permit peer review, Chapter 40B Consultant, and post-permit inspections, by establishing or continuing the escrow account now established pursuant to G.L. c. 44, Section 53G. No occupancy permit shall issue if an outstanding bill for any fee is 30 days overdue.
3. The Applicant shall abide by orders issued by the Building Commissioner in conformance with applicable law in conjunction with construction of the Project, subject to the Applicant's rights of appeal under applicable law.
4. Prior to construction, physical barriers denoting the limits of work (erosion control and construction fencing where applicable) shall be installed to provide tree protection and along the limit of the clearing line. ~~Erosion controls and tree protection measures shall be continuously maintained~~ throughout the course of construction. Adjacent public streets shall be swept as needed, as determined by the Building Commissioner, to remove sediment and debris. Disturbed areas shall be brought to final finished grade and stabilized permanently against erosion as soon as practicable. Bare ground that cannot be permanently stabilized within 30 days shall be stabilized using vegetative cover following U.S. Natural Resource Conservation Service (NRCS) procedures.
5. Prior to commencing any any activity authorized by this approval ("Authorized Activity"), the Applicant's final construction plans shall provide that the construction of the Project shall be performed in accordance with all applicable laws and regulations regarding noise, vibration, dust, sedimentation control and blocking of Town roads and the Applicant shall install aprons at entry

points and provide for dust control in the form of sweeping and spraying of water whenever necessary.

6. No stumps or construction debris shall be buried or disposed of at the Site.
7. The Applicant shall during construction use all reasonable means to minimize inconvenience to residents in the general area.
8. With respect to the work to be done by Applicant within the Site, no permanent certificates of occupancy shall be issued by the Town until the Applicant has fully completed all site drainage and utility work and has installed a binder course of pavement on driveways and parking areas within the Site.
9. Prior to the commencement of construction, the Site and Engineering Plans, finalized as necessary as provided in this Decision, shall be signed and sealed by a Massachusetts Professional Engineer and a Massachusetts Registered Landscape Architect and filed with the Board and the Building Inspector and shall include the following:
  - a. Utilities, including on-site utilities and connections to utilities in adjacent public ways, which shall conform to all requirements of municipal departments or private utility companies having jurisdiction and to all applicable codes;
  - b. Stormwater Pollution and Prevention Plan (SWPPP) notes that address mitigation of sedimentation and erosion;
  - c. Letter from the Project architect confirming that the Project complies with applicable Architectural Access Board (AAB) Regulations; and
  - d. Details of any temporary construction signs.
10. Prior to starting any Authorized Activity, the Applicant and the general contractor shall hold a preconstruction meeting with the Building Inspector, Water & Sewer Superintendent, Highway Superintendent, Town Engineer and Community & Economic Development Director to review this approval.
11. Prior to starting any Authorized Activity, the Applicant shall provide to the Building Commissioner:
  - a. The company affiliation, name, address and business telephone number of the construction superintendent available 24/7 who shall have overall responsibility for construction activities on Site;
  - b. A copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Site have been paid;
  - c. Certification from the Applicant that all required federal, state and local licenses and permits have been obtained;
  - d. Proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any Site work;
  - e. Proof that street signage is in place to ensure that emergency personnel can locate the Site to provide emergency services to protect and secure the Site and construction personnel; and
  - f. If activity at the Site ceases for longer than 60 days, at least 48 hours' written notice prior to restarting work.
12. During construction, at the end of each work day, the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured. Upon completion of all work on Site and prior to As-Built approval, all debris and construction materials shall be

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removed and disposed of in accordance with state laws and regulations.

13. Within ninety (90) days of completion of the Authorized Activities and prior to issuance of the last permanent certificate of occupancy, the Applicant shall submit to the Board two sets of draft As-Built Plans for all infrastructure improvements and, if applicable, evidence of compliance with this Comprehensive Permit and any other permits required for the construction of the improvements contemplated by this Comprehensive Permit. The As-Building Plans shall, at a minimum, contain the following (1) the location, size and type of all underground drainage and stormwater management facilities, (2) the location of the new building foundation, (3) the location, size and type of all water service at the Site, including gate valves, tees and hydrants, (4) rim elevations, location, size, type and inverts for all drainage and sewer structures and pipes, including roof drains, and (5) layout of all surface driveways, parking areas and pedestrian paths.
14. The Site engineer of record, retained by the Applicant, shall provide a certification that the Project was constructed in substantial conformance with the Plans of Record and, where appropriate, shall provide a written description of any material deviations from the building permit plans along with documentation regarding how these changes satisfy the original intent of the Plans of Record. The Board, in consultation with the Town Engineer, DPW and peer review engineering consultant, shall review and approve the As-Built Plans. Once approved, the Applicant shall provide one final copy of the As-Built Plans, stamped by a Registered Professional Engineer, to the Town Engineer with one copy to the Building Department and one pdf file to the Board.
15. All catch basins and other stormwater management facilities shall be cleaned at the end of construction. Thereafter, the Applicant shall be responsible for maintaining the Site's stormwater management system in accordance with the O&M Plan.
16. The Applicant shall be permanently responsible for the following at the Project:
- All plowing, sanding and snow removal.
  - All Site maintenance including repairing and maintaining all Site driveways, drainage structures and utilities.
  - Conducting annual inspections, maintenance and cleaning of all elements of the stormwater management system, including but not limited to catch basins, drain manholes, detention basins, swales and pipelines.
  - Operation and maintenance of the water and sewer service to the Site from the connection at Town-owned mains.
  - Site lighting.
17. Prior to issuance of the first certificate of occupancy, the Applicant shall obtain approval from the U.S. Postmaster of any location and equipment to be used for mail boxes and parcel delivery areas.
- ~~18. Any Permit granted hereunder is granted to the Applicant. All provisions regarding assignment or transfer of the Permit shall comply with 760 CMR 56.00.~~
19. Any changes to the Project after issuance of the Permit shall be reviewed and approved by the Board in accordance with 760 CMR 56.05(11).
20. Subject to the issuance of a building permit, building construction may begin simultaneously with the commencement of construction of the infrastructure.

#### D. LAPSE

1. Any Comprehensive Permit granted hereunder shall lapse three years from the date that it takes final effect (as provided in 760 CMR 56.05(12)(c)) unless construction on the Project has commenced within such period.
2. In addition, construction in accordance with this Comprehensive Permit shall be completed within five (5) years of issuance of the first building permit.
3. The Applicant may seek reasonable extensions of these deadlines from the Board for good cause, but must do so before any lapse occurs.

#### E. WAIVERS

1. The Applicant shall comply with the State Building Code, the Town of Bridgewater Zoning Bylaw and all other local development controls as of the date the Application was filed with the Board, except as expressly waived and provided for herein. Any waiver not expressly granted or not shown on the approved Plan of Record has not been granted. Grant of the Comprehensive Permit and the Waivers is expressly conditioned upon compliance with all of the conditions of approval and with continued adherence to the facts and circumstances noted in the Findings of Fact. The waivers granted by the Board are listed on Exhibit C.
2. No waivers are granted from the payment of municipal fees including, but not limited to, building permit fees, certificate of occupancy fees, inspection fees, and water and sewer system fees.

#### F. VALIDITY OF PERMIT

This Permit shall not be valid until recorded in the Registry of Deeds and evidence of such recording is provided to the Building Inspector and the Board. Any person aggrieved by this decision may appeal to a court of competent jurisdiction within 20 days as provided in M.G.L. Chapter 40A, Section 17 or M.G.L. Chapter 40B, Section 20 et seq., as applicable.

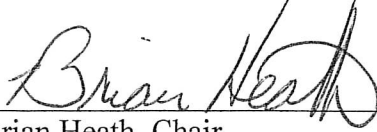
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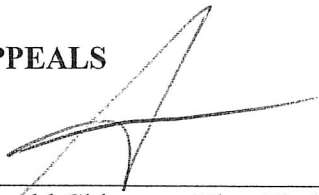
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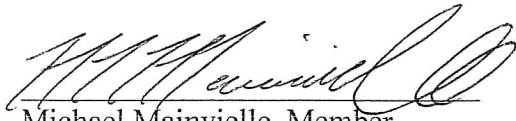


Based on the foregoing and subject to the Conditions stated above, the Board VOTED on May 1, 2019 to grant a Comprehensive Permit pursuant to G.L. c. 40B, Sections 20-23.

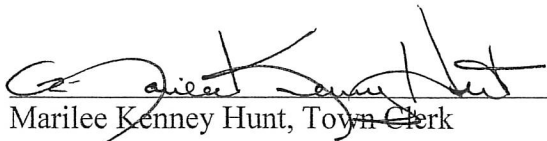
**BRIDGEWATER ZONING BOARD OF APPEALS**

  
Brian Heath, Chair

  
Gerald Chipman, Vice Chair

  
Michael Mainvielle, Member

I, Marilee Kenney Hunt, hereby do certify this is the decision of the above members of the Bridgewater Zoning Board of Appeals.

  
Marilee Kenney Hunt, Town Clerk

5/9/2019  
Date Filed

5/29/2019  
Date Appeal Period Ends

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## EXHIBIT "A"

### **"McElwain School Apartments"** **242 and 250 Main Street, Bridgewater, Massachusetts**

Applicant: CC MPZ Main Street LLC.

Subject Property: 242 and 250 Main Street; Assessor's Map 16 & 40, Lot 20 & 21

#### **Correspondence List**

Letter from Senator Marc Pacheco to DHCD – Kate Racer in support of Capstone Development LLC & MPZ Development's Site Eligibility Application	October 30, 2018
Letter from Michael Dutton - Bridgewater Town Manager to DHCD - Kate Racer, in support of Capstone Development LLC & MPZ Development's Site Eligibility Application	October 31, 2018
Letter from Bridgewater Town Council Members Edward Haley, Dennis Gallagher and Francis Sousa to DHCD - Kate Racer in support of Capstone Development LLC & MPZ Development's Site Eligibility Application	October 31, 2018
Letter from CC MPZ Main Street LLC to Zoning Board of Appeals Chairman Anthony Aveni - cover letter to Comprehensive Permit Application	December 13, 2018
Application for Approval of Comprehensive Permit Plan	December 13, 2018
Letter from Michael Dutton - Bridgewater Town Manager to DHCD - Rebecca Frawley in support of Capstone Development LLC & MPZ Development's Site Eligibility Application	December 17, 2018
Letter from CC MPZ Main Street LLC to Zoning Board of Appeals Chairman Anthony Aveni requesting continuance of public hearing to January 23, 2019	December 19, 2018
Letter from Town of Bridgewater Board of Health - input on Comprehensive Permit	January 3, 2019
Letter from Bridgewater Fire Chief - input on Comprehensive Permit	January 4, 2019
Letter from Francisco Lovera, P.E. - McMahon Transportation to Jennifer Burke, Director CED - proposal for consulting services	January 7, 2019
Letter from Francisco Lovera, P.E. - McMahon Transportation to Jennifer Burke, Director CED - Traffic Impact Analysis Peer Review	January 21, 2019
Letter from Town of Bridgewater Engineer - Azu Etoniru - Wetlands Resources Assessment on Comprehensive Permit	January 22, 2019
Letter from CC MPZ Main Street, LLC to Zoning Board of Appeals Chairman, Anthony Aveni requesting a continuance of public hearing to February 13, 2019	January 23, 2019
Letter from DHCD - Kate Racer to CC MPZ Main Street LLC - Site Approval	January 24, 2019
Letter from Bridgewater Housing Authority - Nicholas Bagas to Zoning Board of Appeals Chairman Brian Heath - support letter	February 4, 2019
Letter from BAMSI - Lucas Carvalho to Bridgewater Zoning Board of Appeals - support letter	February 4, 2019
Letter from Kelly Engineering Group - David Mackwell to Bridgewater Zoning Board of Appeals - response to Town Engineer letter dated January 22, 2019	February 7, 2019
"Site Development Plans" revised 2/6/19 by Kelly Engineering Group	February 7, 2019
"Addendum to Stormwater Management Report" revised 2/6/19 by Kelly Engineering Group	February 7, 2019

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Email from Bridgewater Town Engineer - Azu Etoniru to Kelly Engineering Group - David Macwell - Exhibit solution for sheet C-4	February 13
Letter from Bridgewater Town Engineer - Azu Etoniru to Zoning Board of Appeals - response to Kelly Engineering Group's response to Town Engineer letter dated February 7, 2019	February 23, 2019
Letter from McMahon Transportation - Angela Saunders to Jennifer Burke, Director CED - proposal for stormwater engineering consulting services	March 4, 2019
Letter from CC MPZ Main Street LLC to Zoning Board of Appeals Chairman Brian Heath requesting continuance of public hearing until week of April 15, 2019	March 8, 2019
Letter from McMahon Transportation - Angela Saunders to Jennifer Burke, Director CED - peer review of site civil plans and stormwater management report	April 4, 2019
Memo via Email from Jonas Kazlauskas, Water & Sewer Superintendent, regarding water usage at the site	April 16, 2019
Email from Jonas Kazlauskas, Water & Sewer Superintendent, regarding water and sewer support	May 8, 2019

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**“EXHIBIT B”**

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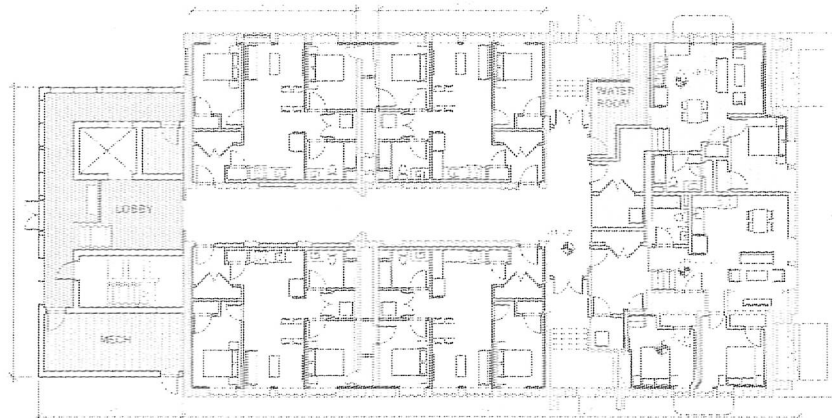
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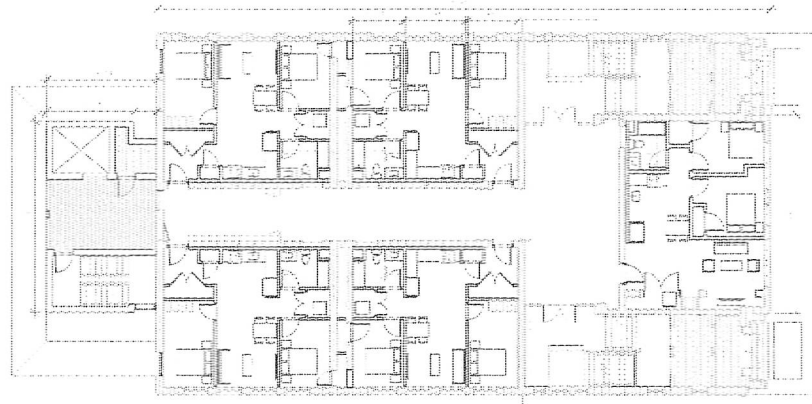
LEGEND

EXISTING TO REMAIN  
NEW CONSTRUCTION

LEVEL 1



LEVEL 2



15-17-2019  
PCA PROJECT # 15045

250 MAIN ST. BRIDGEWATER, MA 01929

250 MAIN ST. BRIDGEWATER, MA 01929

McELWAIN SCHOOL  
APARTMENTS

250 MAIN  
SCHOOL  
FLOOR PLAN

N  
1/8" = 1'-0"

250 MAIN  
SCHOOL  
FLOOR PLAN

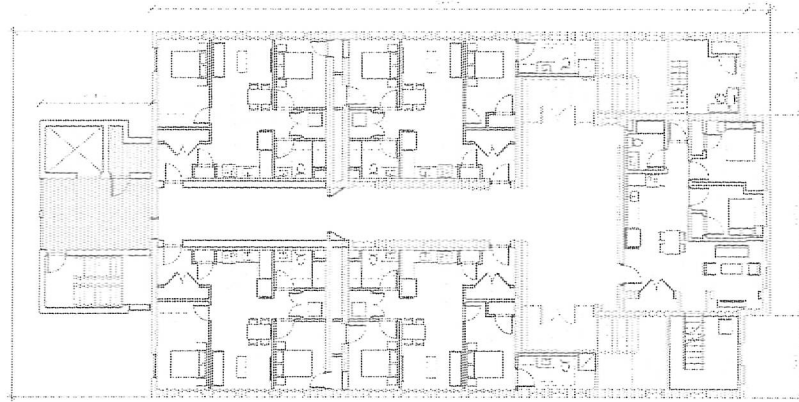
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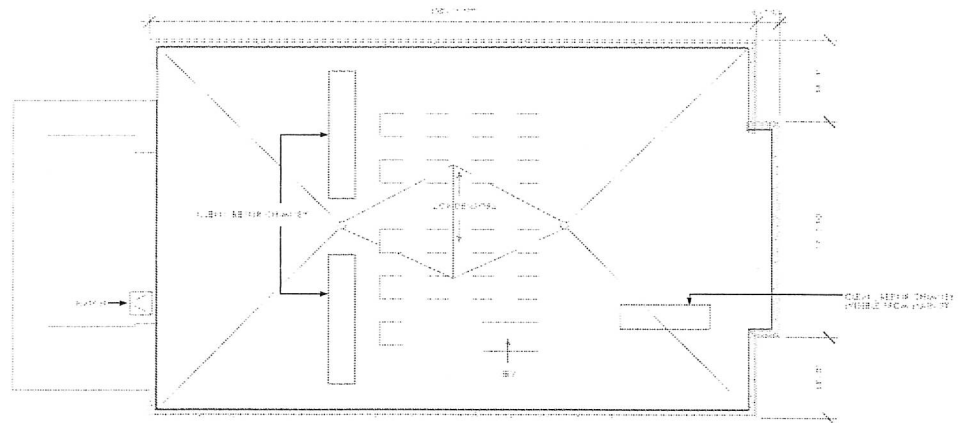
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LEGEND  
EXISTING TO REMAIN  
NEW CONSTRUCTION

LEVEL 3



ROOF



PCA

MC ELWAIN SCHOOL  
APARTMENTS

250 MAIN ST. BRIDGEWATER, MA 01921

1/16" = 1'-0"

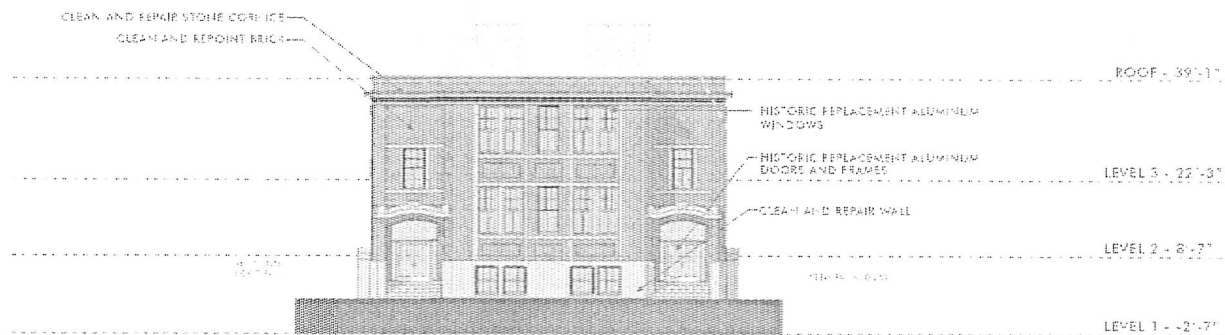
250 MAIN  
SCHOOL  
FLOOR PLANS

A1.11

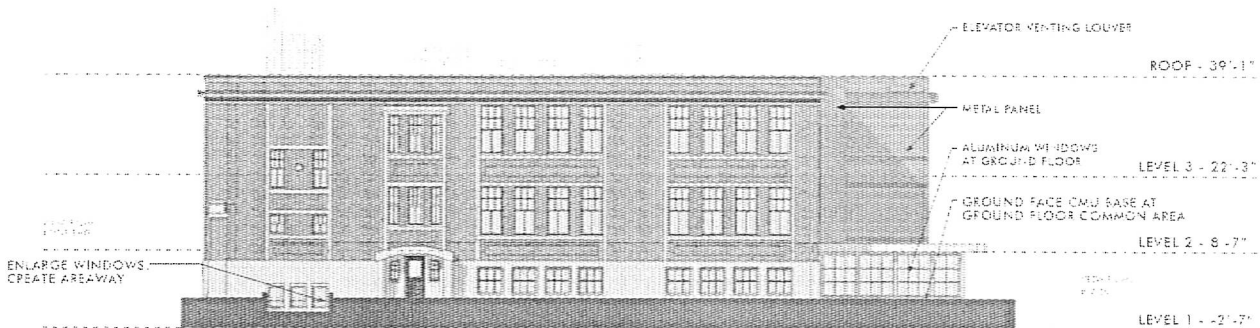


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EAST ELEVATION



NORTH ELEVATION

PCA

15 15 2019  
PCA PROJECT # 10942

15 15 2019  
PCA PROJECT # 10942

15 15 2019  
PCA PROJECT # 10942

MC ELWAIN SCHOOL  
APARTMENTS  
240-250 MAIN ST. BRIDGEWATER, MA 01929

1:16"=1'-0"

250 MAIN  
SCHOOL  
ELEVATION

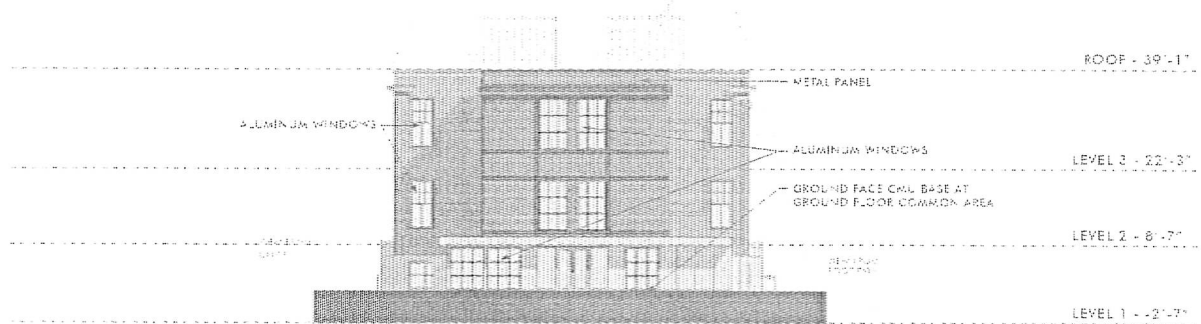
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250 MAIN  
SCHOOL  
ELEVATION

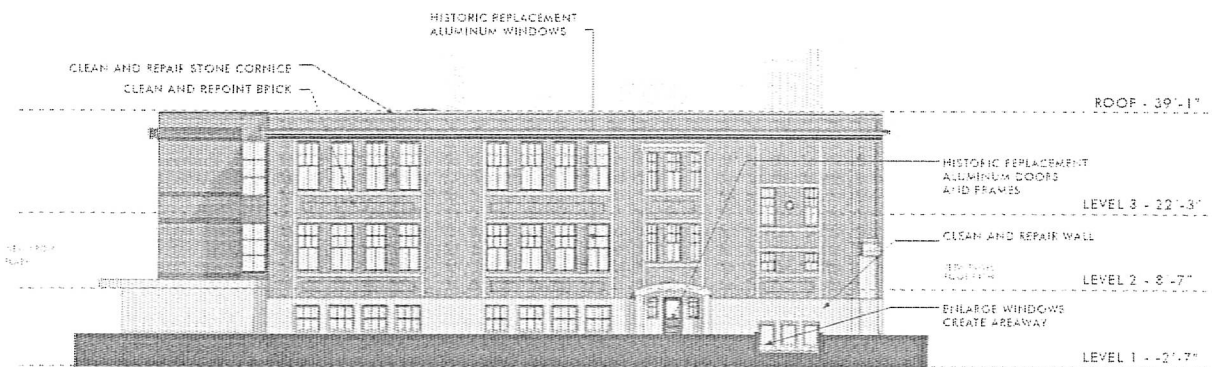
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WEST ELEVATION



SOUTH ELEVATION

PCA

McELWAIN SCHOOL APARTMENTS

240 MAIN ST. BRIDGEWATER, MA 01934

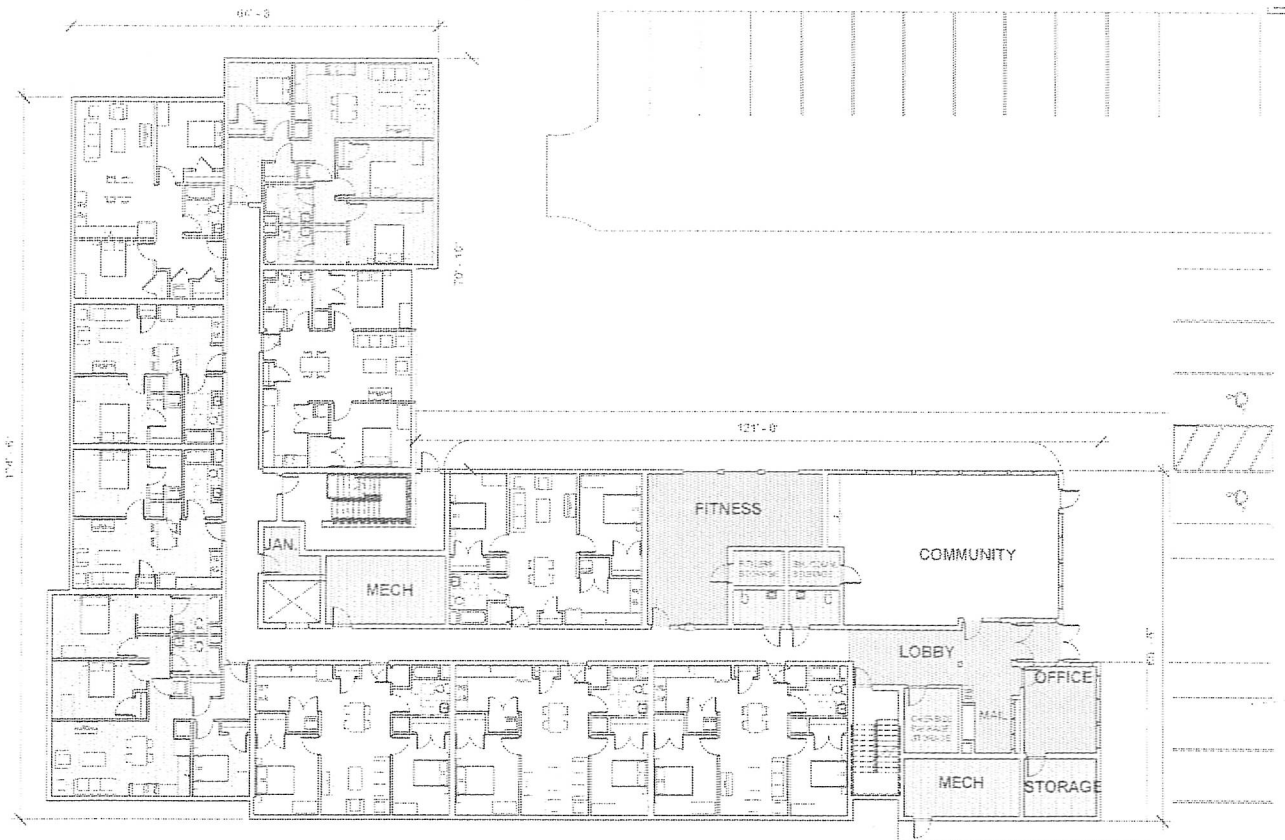
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250 MAIN SCHOOL ELEVATIONS

A2.11

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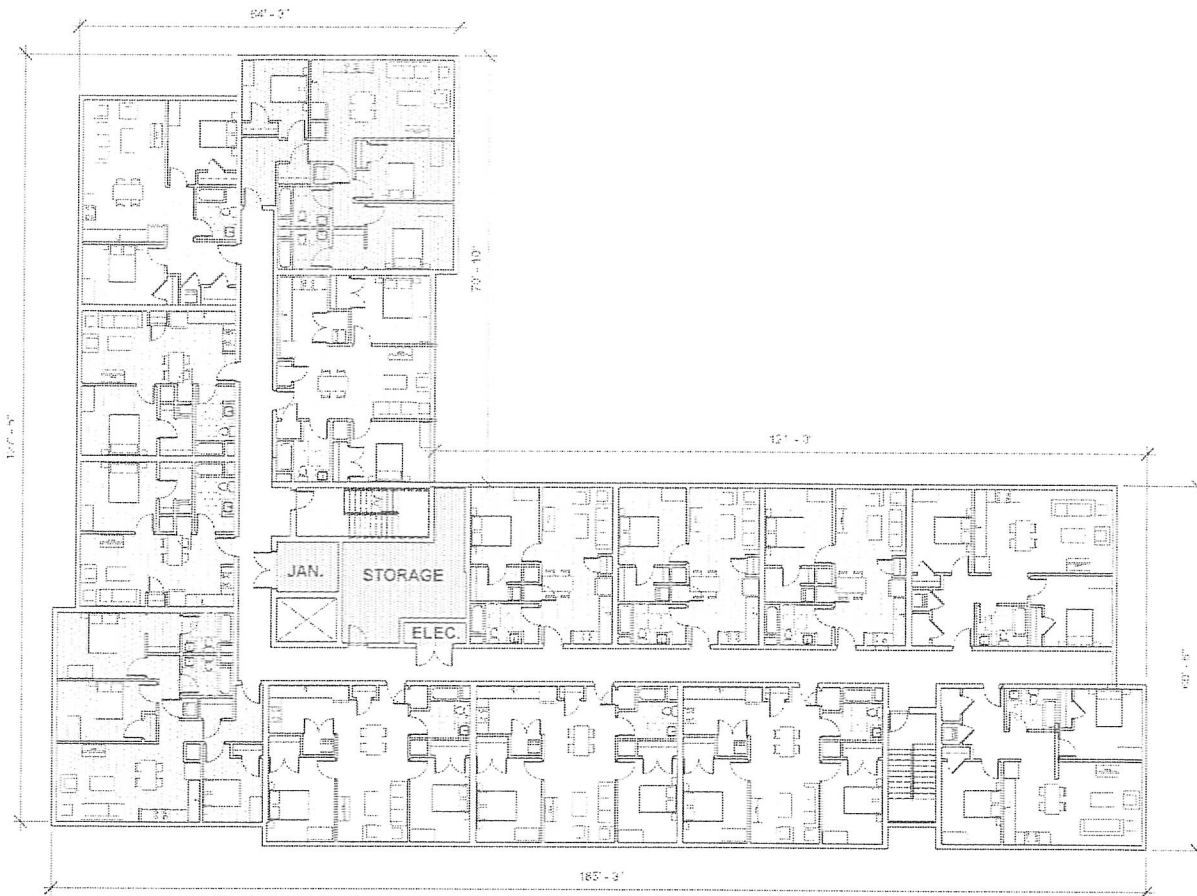
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<b>PCA</b>
10.11.2019 PCA PROJECT # 12942
<b>MCELWAIN SCHOOL APARTMENTS</b> 240-250 MAIN ST. BRIDGEWATER, MA 02224
N 1/16" = 1'-0"
250 MAIN NEW LEVEL 1 FLOOR PLAN
<b>A1.20</b>

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BRIDGEWATER, MA.

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PCA

MCELWAIN SCHOOL  
APARTMENTS

250 MAIN ST. BRIDGEWATER, MA 01904  
250 MAIN ST. BRIDGEWATER, MA 01904  
PCA PROJECT # 10013

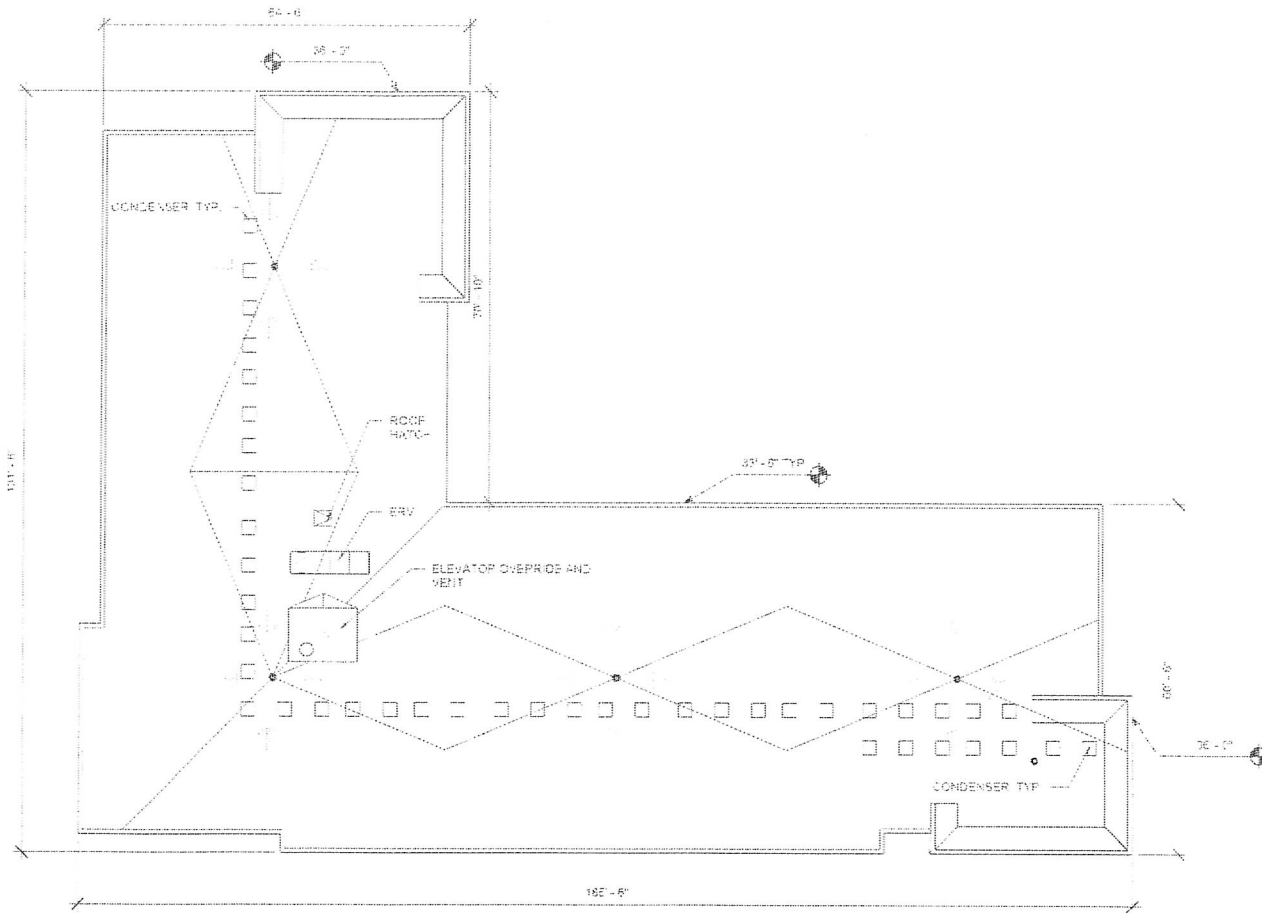
N  
1/16" = 1'-0"

250 MAIN  
NEW  
LEVEL 2 & 1  
FLOOR PLAN

A1.21

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BRIDGEWATER, MA.

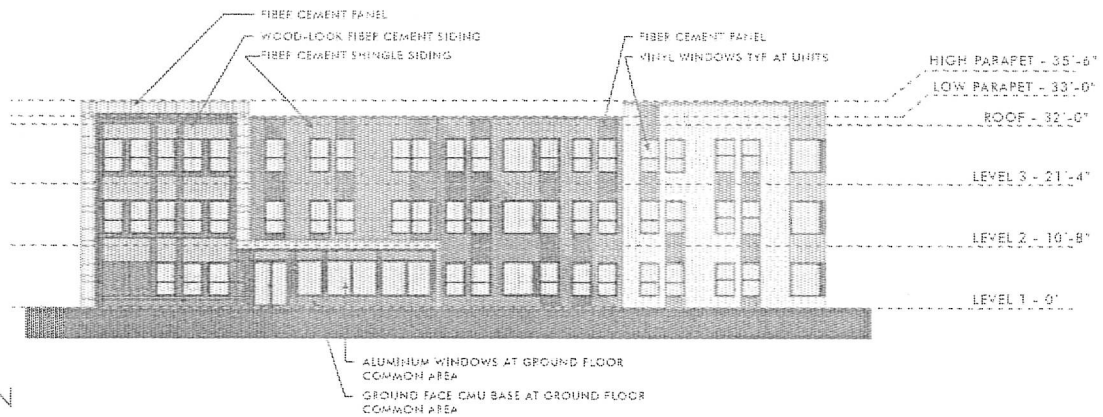
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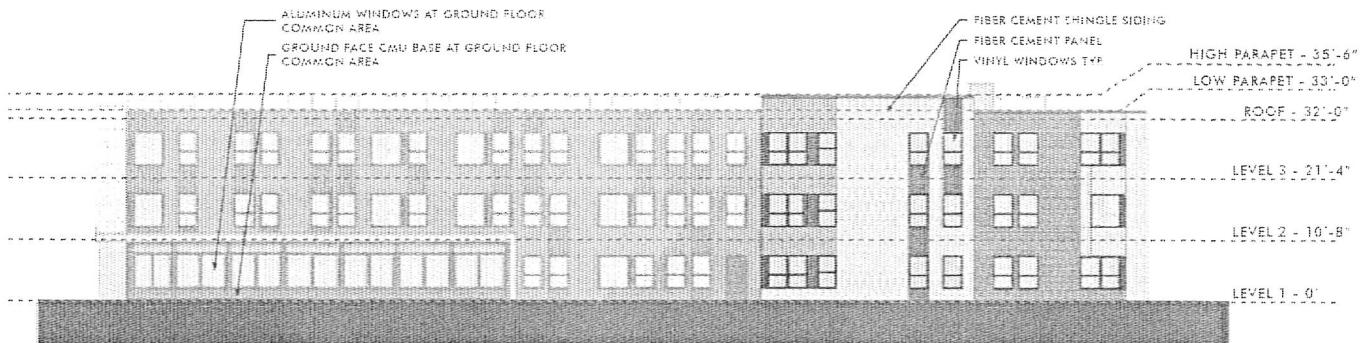
<b>PCA</b>
15 15 2019 PCA PROJECT # 10045
<b>MCELWAIN SCHOOL APARTMENTS</b> 242-250 MAIN ST BRIDGEWATER, MA 02224
N 1/16" = 1'-0"
250 MAIN NEW ROOF PLAN
<b>A1.22</b>

RECEIVED  
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BRIDGEWATER, MA.

2019 MAY -9 P 12: 56



EAST ELEVATION



NORTH ELEVATION

PCA

MC ELWAIN SCHOOL APARTMENTS

240-250 MAIN ST. BRIDGEWATER, MA 01904

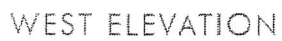
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250 MAIN NEW ELEVATIONS

A2.20



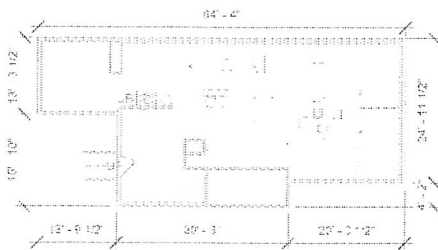
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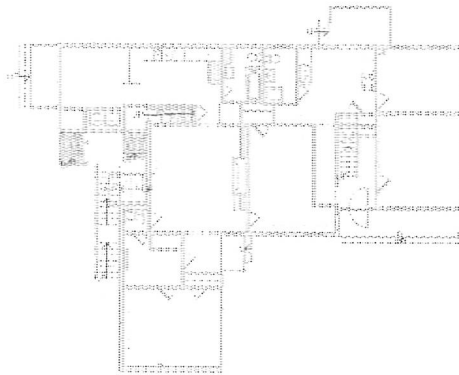

 1/16"=1'-0"  
 250 MAIN  
 NEW  
 ELEVATIONS  
**A2.21**

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TOWN CLERKS OFFICE  
BRIDGEWATER, MA.

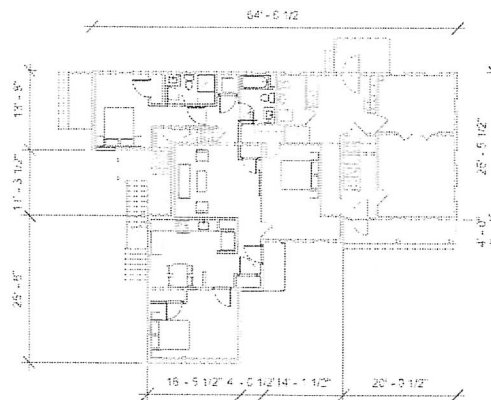
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BASEMENT  
EXISTING, NO UPDATES





LEVEL 1 - EXISTING



LEVEL 1 - PROPOSED

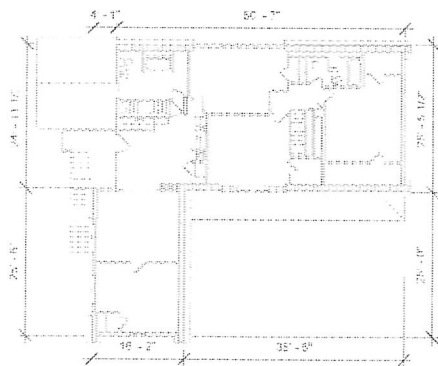
LEGEND

-  EXISTING TO REMAIN
-  NEW CONSTRUCTION

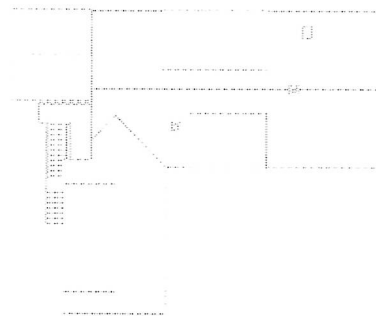
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MCELWAIN SCHOOL APARTMENTS	
242 MAIN ST. BRIDGEWATER, MA 01904	PROJECT # 18043
N 1/16" = 1'-0"	
242 MAIN HOUSE FLOOR PLAN	
<b>A1.30</b>	

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LEVEL 2 - EXISTING, NO UPDATES



ROOF - EXISTING, NO UPDATES

PCA

15.18.19  
PCA PROJECT # 18942

MCELWAIN SCHOOL  
APARTMENTS  
242-250 MAIN ST. BRIDGEWATER, MA 02224

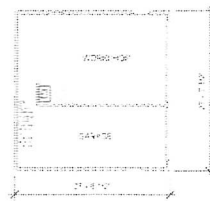
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242 MAIN  
HOUSE  
FLOOR PLAN

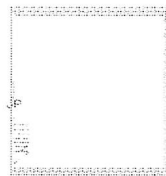
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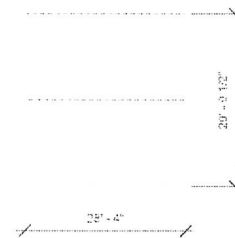
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LEVEL 1



LEVEL 2

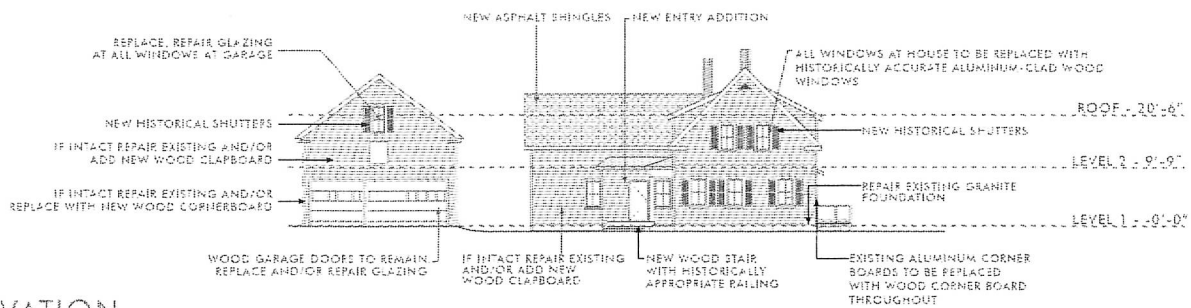


ROOF

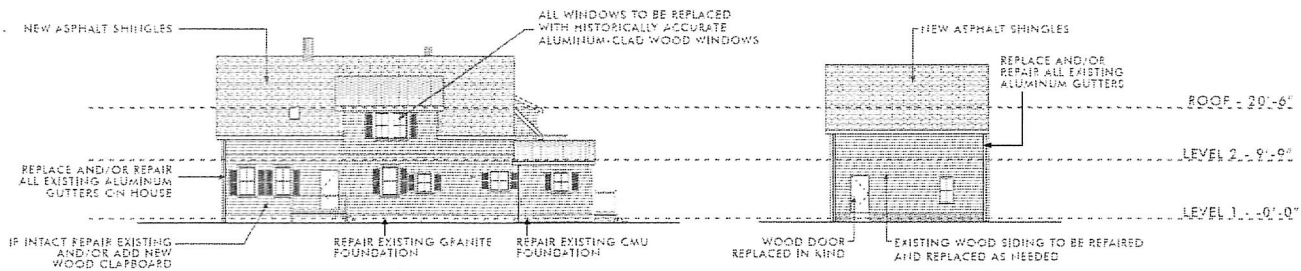
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2019 MAY -9 P 12: 57	
MCELWAIN SCHOOL APARTMENTS	
242 MAIN ST. BRIDGEWATER, MA 01924	PCA PROJECT # 10043
N	
1/16" = 1'-0"	
242 MAIN GARAGE FLOOR PLANS	
<b>A1.32</b>	

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EAST ELEVATION



NORTH ELEVATION

PCA

15.15.2019  
PCA PROJECT # 10942

MCELWAIN SCHOOL  
APARTMENTS  
242-250 MAIN ST. BRIDGEWATER, MA 02324

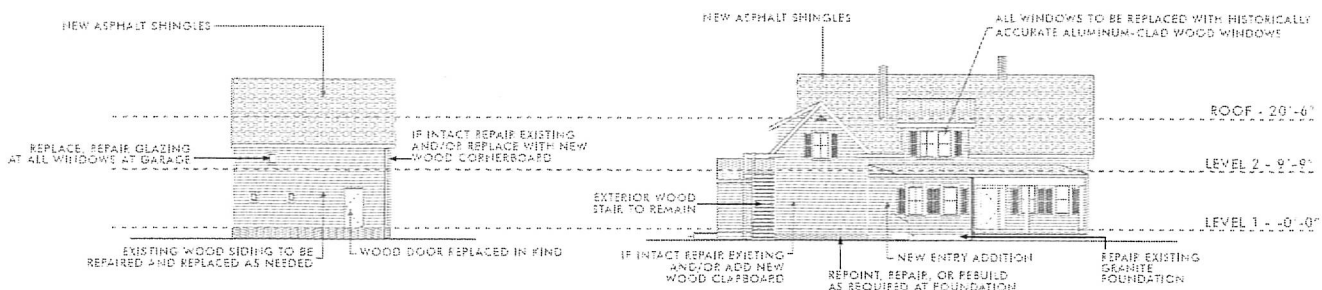
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242 MAIN  
BUILDING  
ELEVATION#

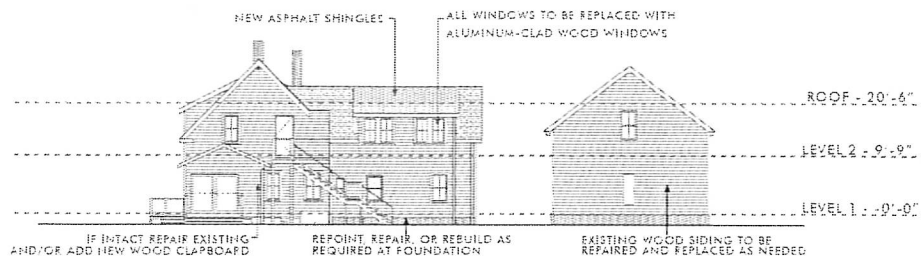
A2.30

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SOUTH ELEVATION



WEST ELEVATION

PCA

McELWAIN SCHOOL APARTMENTS

242 MAIN STREET BRIDGEWATER, MA 01904

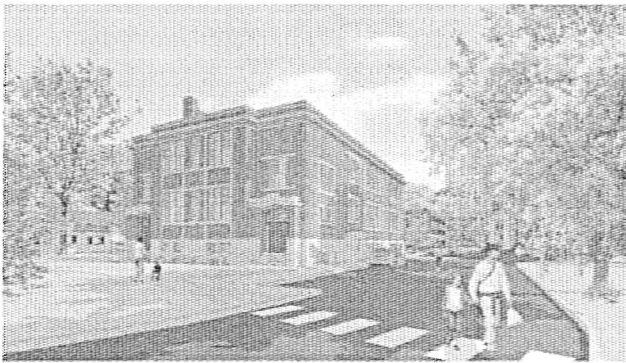
1/16"=1'-0"

242 MAIN BUILDING ELEVATIONS

A2.31

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LOOKING SOUTH FROM MAIN STREET



LOOKING SOUTH APPROACHING NEW BUILDING



LOOKING NORTH AT BUILDING ADDITION



LOOKING WEST FROM BARN

PCA

15-110-0017  
PCA PROJECT # 18944

MCELWAIN SCHOOL  
APARTMENTS  
240-250 MAIN ST. BRIDGEWATER, MA 02224

PROJECT  
VIEWS

A3.10



# PLANS TO ACCOMPANY COMPREHENSIVE PERMIT FOR MCELWAIN SCHOOL APARTMENTS 242 & 250 MAIN STREET BRIDGEWATER, MA

DECEMBER 13, 2018

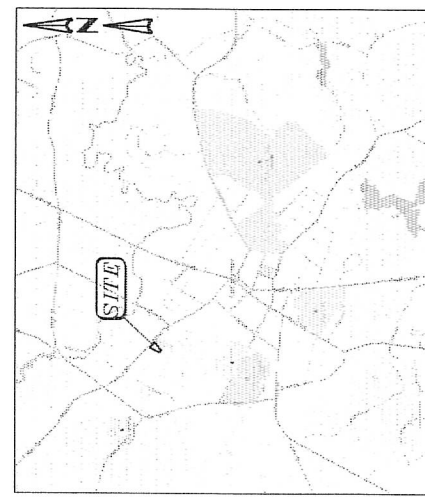
SHEET INDEX		LATEST REVISION DATE		CONSTRUCTION REVISIONS	
SHEET NO.	DESCRIPTION	DATE	REVISION	DATE	REVISION
C0	COVER SHEET	02/06/19			
C1	EXISTING CONDITIONS PLAN	12/13/18			
C2	LAYOUT PLAN	02/06/19			
C3	GRADING PLAN	02/06/19			
C4	UTILITY PLAN	02/06/19			
C5	DETAIL SHEET	02/06/19			
C6	DETAIL SHEET	02/06/19			
C7	DETAIL SHEET	02/06/19			

**OWNER/APPLICANT:**  
CC MPZ MAIN STREET LLC  
950 BOYLSTON ST. # 102  
NEWTON, MA 02482

**CIVIL ENGINEERS:**  
KELLY ENGINEERING GROUP, INC.  
0 CAMPANELLI DRIVE  
BRAintree, MA 02184

**ARCHITECT:**  
PRELLWITZ CHILLINSKI  
ASSOCIATES  
221 HAMPSHIRE ST.  
CAMBRIDGE, MA 02139

**LANDSCAPE ARCHITECT:**  
COPLEY WOLFF DESIGN GROUP, INC.  
10 POST OFFICE SQUARE, SUITE 1315  
BOSTON, MA 02109



LOCATION MAP

SCALE  
DATE  
DRAWN BY  
CHECKED BY  
PLAN NO.

NEW REF NO.  
C/P/000-002

DATE  
12/13/18

DRAWN BY  
C/C

CHECKED BY  
C/C

PLAN NO.  
000-002-100

MCELWAIN SCHOOL APARTMENTS  
BRIDGEWATER, MA

KELLY ENGINEERING GROUP, INC.  
CIVIL ENGINEERING CONSULTANTS  
0 CAMPANELLI DRIVE  
BRAintree, MA 02184  
PHONE: 781-841-0433 FAX: 781-841-0438

SHEET NO.  
**C0**

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## BUILDING LEGEND

[illegible]

## ZONING LEGEND

ZONING LEGEND		ZONING DISTRICT	REGULATORY (RD)	REQUIRED	PROVIDED	COMPLIANCE
	MIN. AREA	18,000 S.F.	159,550 S.F. ±	YES		BY WAIVER
	MAX. LOT AREA PER UNIT	10,000 S.F.	(NOTE 3)	YES		BY WAIVER
	MIN. FRONTAGE	125'	300.93'	YES		YES
	MIN. YARD + FRONT	35'	295'	EXISTING		EXISTING
	-SIDE	20'	295'	YES		YES
	-REAR	30'	895'	YES		YES
	MAX. STORIES	3	3	YES		YES
	MAX. HEIGHT	35'	30.14 (NOTE 4)	YES		BY WAIVER
	MAX. BLD. COV.	20%	18.1%	YES		YES
	MAX. LOT COV.	60%	47.33%	YES		YES
	MAX. LOT OPEN SPACE	20%	52.78%	YES		YES

## NOTES:

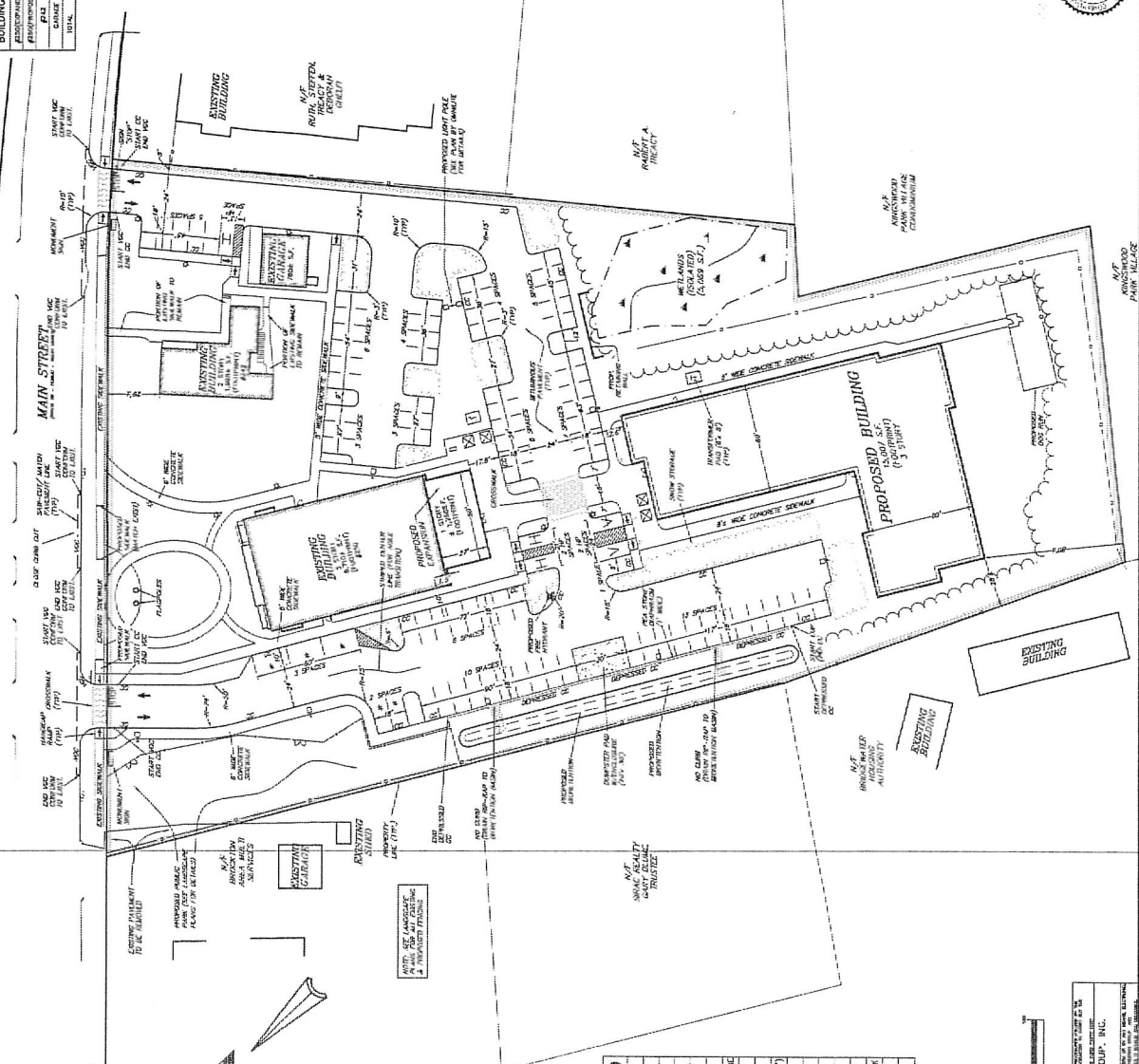
1. PROPERTY IS LOCATED IN THE RESIDENTIAL - D ZONING DISTRICT
2. PROPERTY CONSISTS OF THREE PARCELS SHOWN ON THE TOWN OF BROADWAYER ASSESSORS MAP 20 LOTS 40, 41, (250 MAIN STREET) AND MAP 21 LOT 10 (242 MAIN STREET)
3. 57 UNITS ARE PROPOSED, 57 X 10,000 = 570,000 SF REQUIRED  
PROVIDED LOT AREA = 150,355 SF  
EXISTING BUILDING @ 250 IS APPROPRIATELY 39.1' ABOVE THE AVERAGE GRADE PLANE. PROPOSED BUILDING AT 250 IS 35.5' FROM AVERAGE GRADE PLANE TO THE PARAPET. SEE BUILDING LEGEND

# PARKING LEGEND

PARKING LEGEND			
ZONING DISTRICT: RAL TRANSIT DISTRICT (RTD) "E"			
	REQUIRED	PROVIDED	COMPLIANCE
PARKING TOTAL	114 (NOTE 1)	85	BT WAIVER
-SIZE	9' x 10'	9' x 10'	YES
-HANDICAP	4	5	YES
-LOADING	1	0	BT WAIVER

## NOTES:

- ) REQUIRED - 2 PER UNIT @ 57 UNITS - 114  
PROVIDED - 85 - 1.49 PER UNIT.



### PROPOSED LEGEND

[illegible]

GRAPHIC SCALE



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[illegible]

**KELLY ENGINEERING GROUP, INC.**  
CIVIL ENGINEERING CONSULTANTS  
PLAN

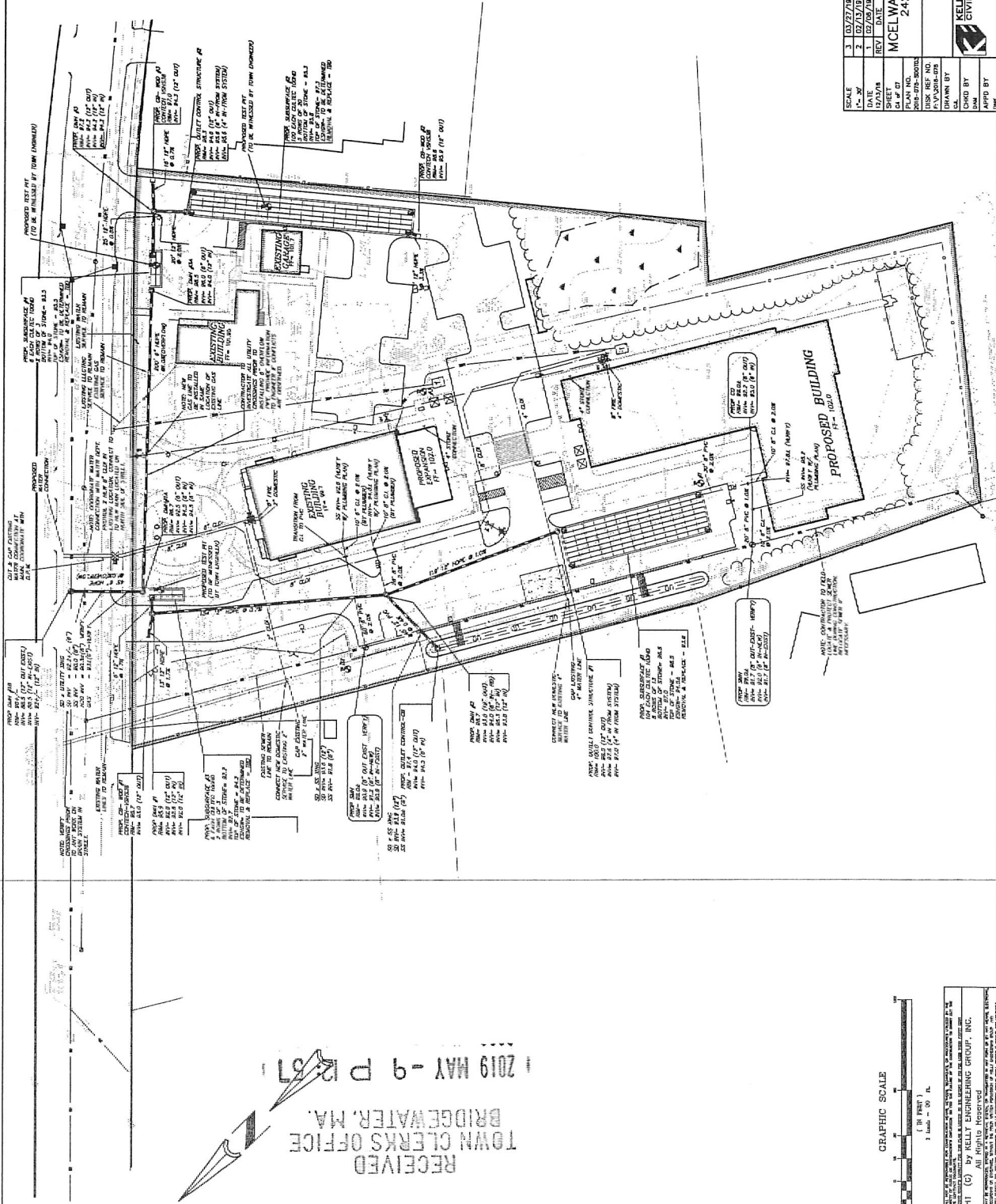
0 CAMPANELLO DRIVE • BURLINGTONE MA • 02184  
PHONE: 781 843 4333 FAX: 781 843 6028

20


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BRIDGEWATER, MA.  
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1-28-89

PROPOSED LEGEND	
□	CATCH BASIN
□	DOUBLE CATCH BASIN
○	AREA DRAIN
○	DRAIN MANHOLE
○	INSPECTION PORT
W.O.D.	WATER QUALITY DEVICE
○	DRAIN CLEAN OUT
ND	ROOT DOWN LINE
UD	UNDER DRAIN
○	SEWER MANHOLE
○	SEWER CLEAN OUT
○	SEWER LINE
○	GAS VALVE
○	GAS LINE
○	HYDRANT
○	WATER VALVE
○	WATER LINE
○	TRANSFORMER
○	POLE MOUNTED LIGHT BASE (20')
○	POST LIGHT BASE (12')
○	BOLLARD LIGHT

NOTES:  
 1. ALL STRUCTURE INVERTS ARE LISTED WITH OUTLET  
 1. FIRST TIER CLOCKWISE AROUND STRUCTURE.  
 2. FOR EXISTING STRUCT. LEGEND SEE SHEET 01



SCALE	1" = 30'	3	10/27/18	REV	WATER DEPARTMENT REVIEW
DATE	12/13/18	1	10/27/18	REV	PER TOWN ENGINEER COMMENTS
REV	DATE	BY	DATE	BY	REVISION
PLAN NO.	04-07				
PROJECT NO.	2018-075				
PROJECT NAME	MC ELWAIN SCHOOL APARTMENTS				
PROJECT ADDRESS	242 & 250 MAIN STREET				
PROJECT CITY	BRIDGEWATER, MA				
PROJECT STATE	MA				
PROJECT ZIP	01921				
PROJECT COUNTY	BRIDGEWATER				
PROJECT OWNER	KELLY ENGINEERING GROUP, INC.				
PROJECT CONTACT	0 CAMPBELL DRIVE - BRIDGEWATER, MA 01921				
PROJECT PHONE	781 843 4333				
PROJECT FAX	781 843 4023				



KELLY ENGINEERING GROUP, INC.

10 CAMPBELL DRIVE - BRIDGEWATER, MA 01921

PHONE: 781 843 4333 FAX: 781 843 4023

UTILITY PLAN

MC ELWAIN SCHOOL APARTMENTS

242 & 250 MAIN STREET

BRIDGEWATER, MA

SHEET NO.

C4



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 2019 MAY -9 P.R. 57



[illegible][illegible]

DATE	12/17/18	SHEET	1
DATE	02/05/19	NO CHANGE	REVISION
REV	DATE	BY	BY
1	02/05/19	REVISION	BY



# C5

## SHEET NO.

# DETAIL SHEET

### MCELWAIN SCHOOL APARTMENTS

### 242 & 250 MAIN STREET

### BRIDGEWATER, MA

DESK REF NO. 2018-072-1100

PLAN NO.

DRAWN BY

**KELLY ENGINEERING GROUP, INC.**

CIVIL ENGINEERING CONSULTANTS

0 CAMPBELL DRIVE • BRIDGEWATER, MA • 01934

PHONE: 781 843 4353 FAX: 781 843 0058

CHKD BY

DRAWN BY

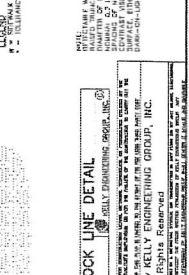
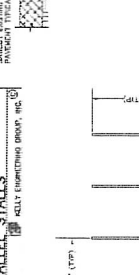
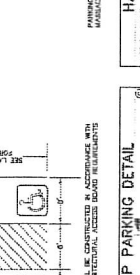
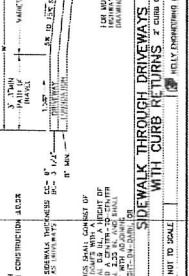
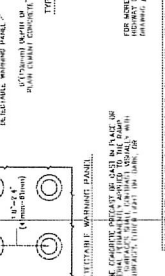
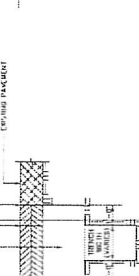
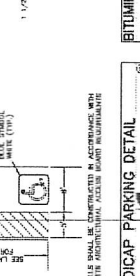
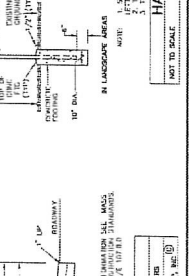
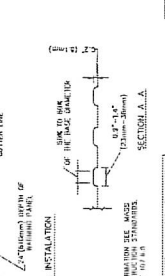
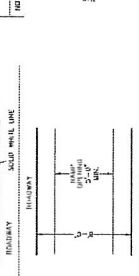
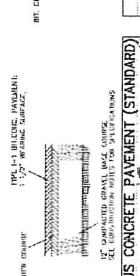
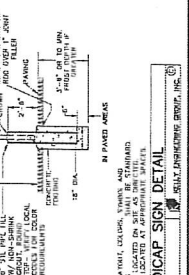
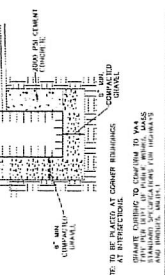
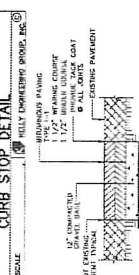
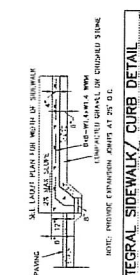
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SCALE

DATE

BY

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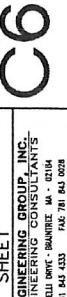


**PARKING DETAILS**  
MASSACHUSETTS

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TYPICAL  
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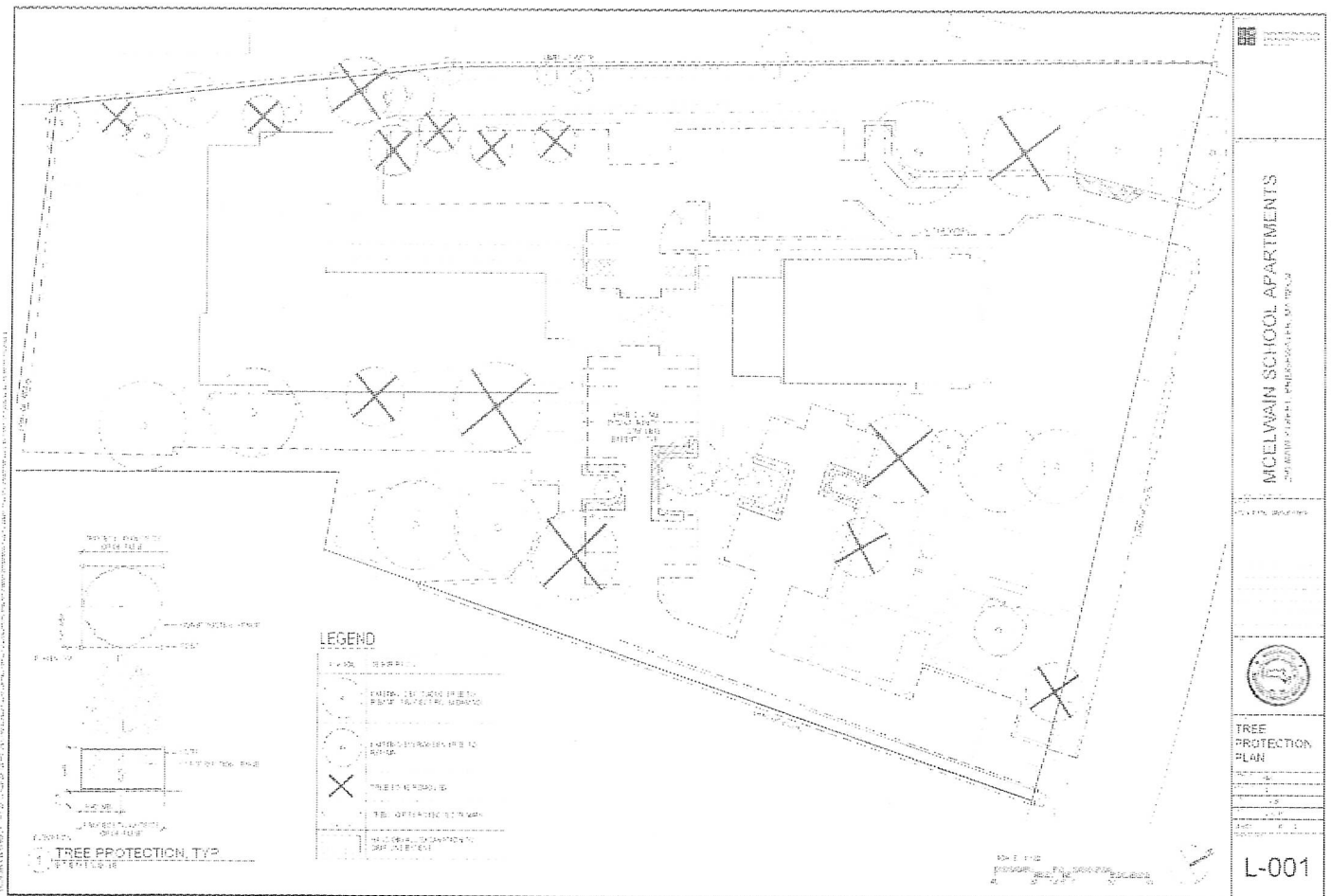
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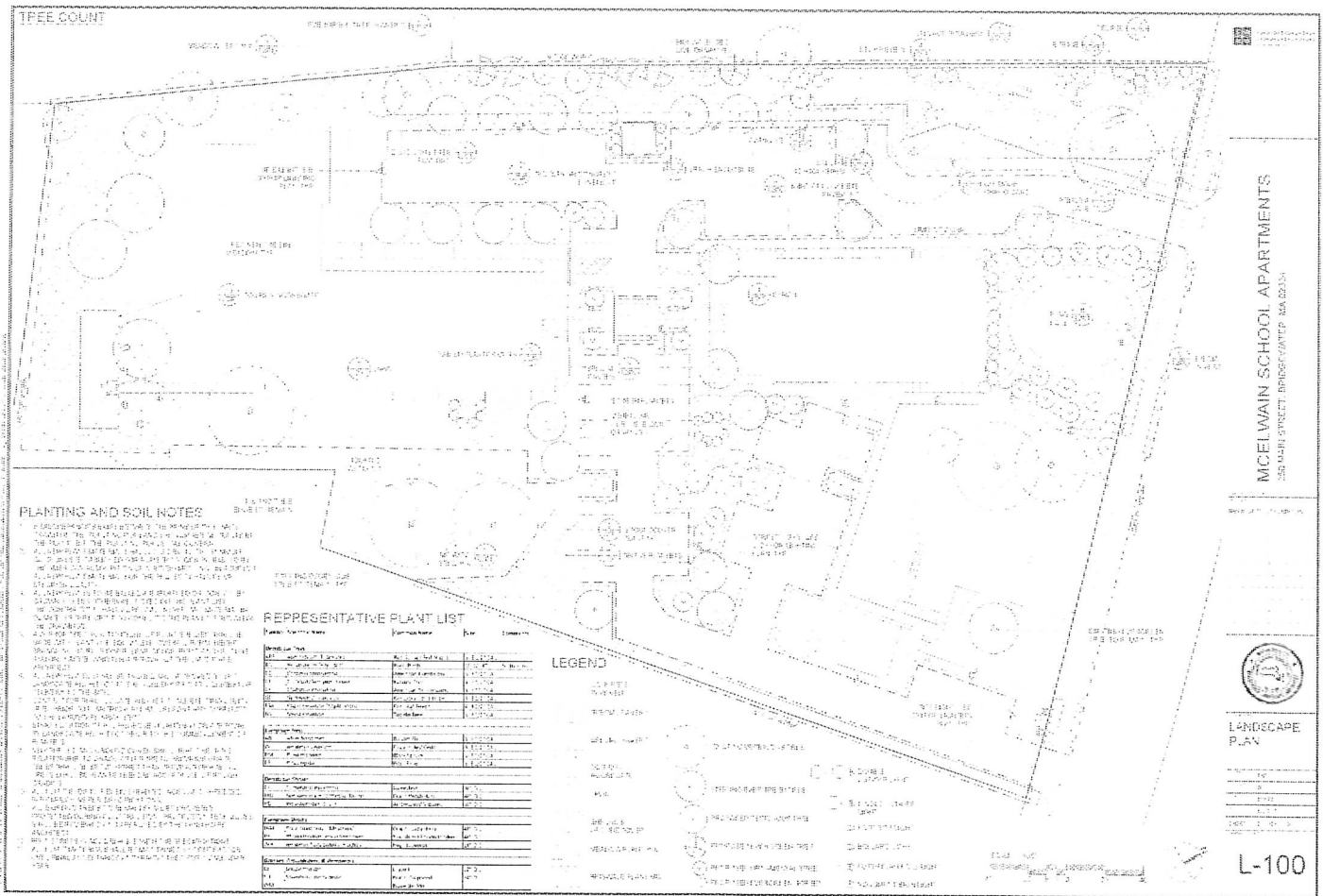
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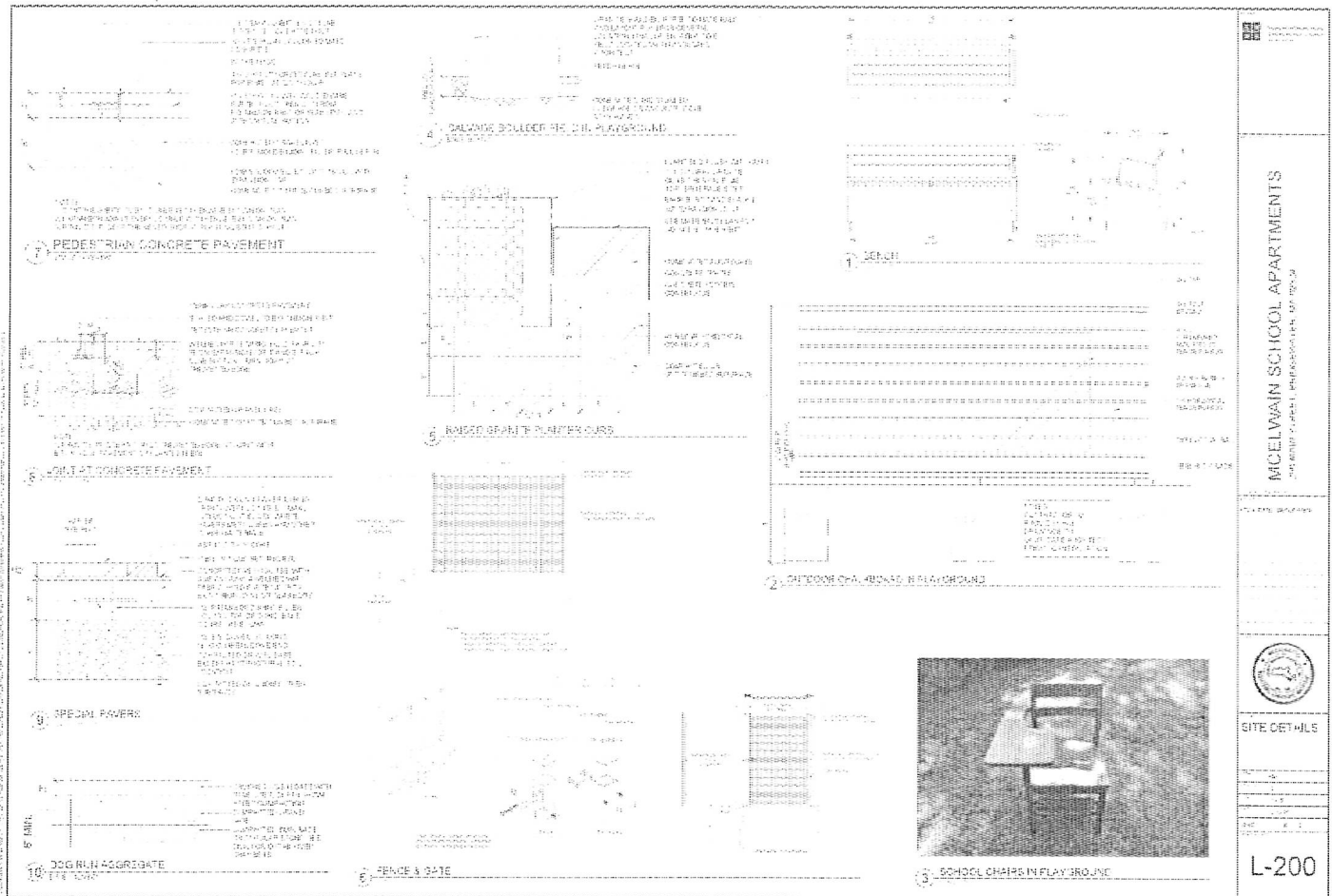
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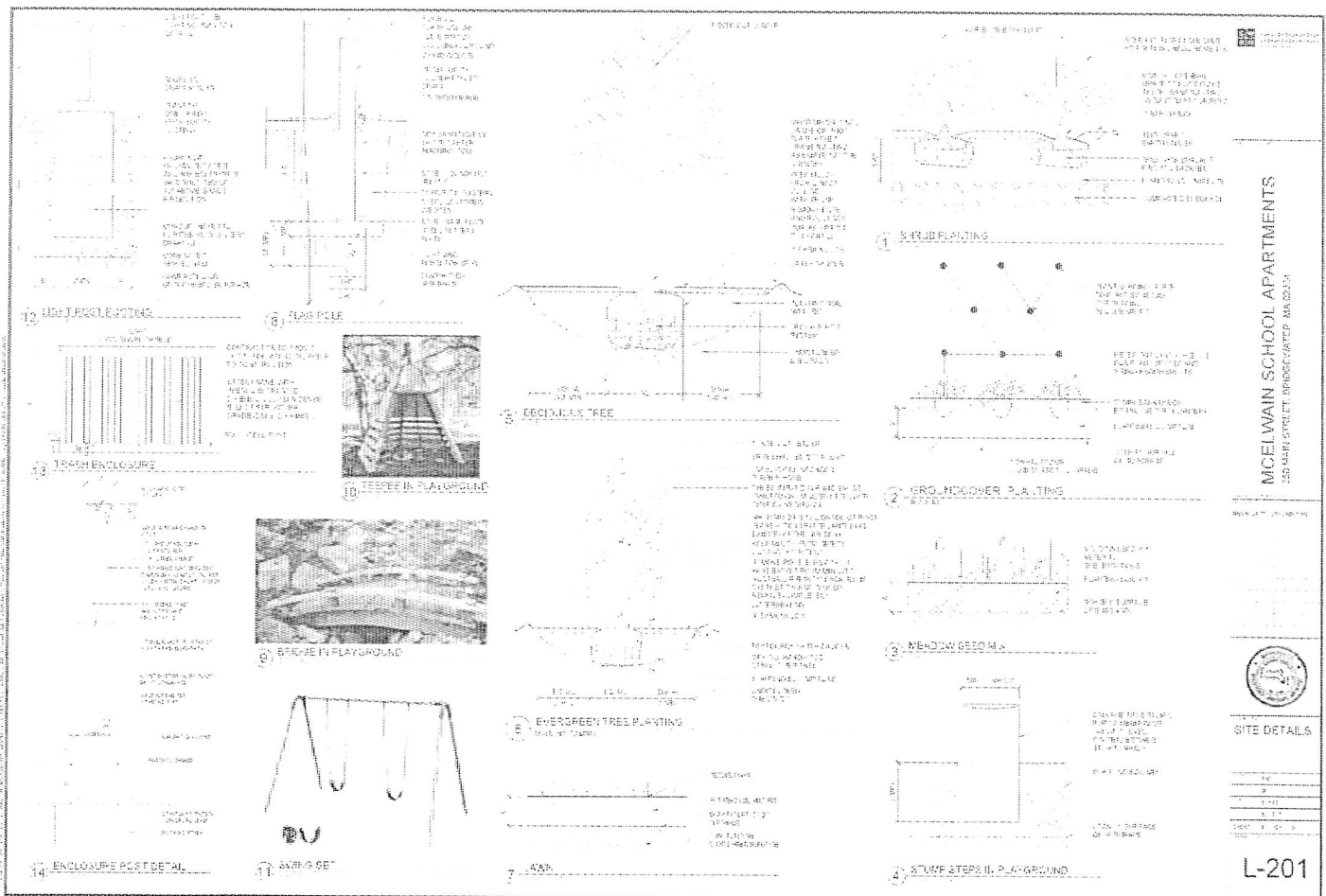


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## EXHIBIT "C"

### **"McElwain School Apartments"** **242 and 250 Main Street, Bridgewater, Massachusetts**

Applicant: CC MPZ Main Street LLC.

Subject Property: 242 and 250 Main Street; Assessor's Map 16 & 40, Lot 20 & 21

#### **WAIVERS**

The Board hereby waives any and all local rules, regulations and/or bylaws necessary to construct the project consistent with the plans of approval as stipulated in the decision by the Bridgewater Zoning Board of Appeals. To the extent the approved plans and the conditions of approval set forth in the decision with any unwaived local regulations, the requirements of the plans and conditions as approved shall supersede such conflicting regulations. Nothing herein may be construed as a waiver of any applicable state or federal law. No local fees are waived unless specifically referenced in the decision.

Section	Requirement	Requested Exemption/Exception/Waiver and Notes
<b>Section 4.40: "Application of Regulations..."</b>	Not more than one principal residential building on one lot.	To waive this provision in order to construct three residential buildings on what will be one lot.
<b>Section 5.10: Nonconforming Buildings and Uses</b>	Any change of existing non-conforming structures requires a Special Permit.	To waive this provision for the pre-existing non-conforming McElwain School building, the multifamily house at 242 Main Street, and the accessory garage at 242 Main Street. A Comprehensive Permit may provide all local permits and approvals per M.G.L. c. 40B.
<b>Section 6.10 &amp; 6.30 Line A4: Use</b>	Multifamily Residential is not an allowed use in the Residence D zoning district.	To waive this provision to permit the construction of 57 multifamily residential units on the site.
<b>Section 7.21: Signs</b>	One sign displaying the street number, or name of the occupant of premises, or both, not exceeding three square feet in area is allowed in the R(D) District. Such sign may be attached to a building or may be on a rod or post not more than six feet high and not less than three feet from the street line.	To waive this provision for signage at entrance to both drives, building rear, and possible historic information signage.

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<b>Section 8.40 Land Space Requirements – Minimum Lot Area/Dwelling Unit</b>	10,000sf/du	To waive the requirement for a dimensional variance and to allow the proposed Development. The estimated lot area per dwelling unit is approximately 2,800 sf/dwelling unit.
<b>Section 8.40 Land Space Requirements – Maximum Building Height</b>	3 stories or 35'	The McElwain School has an existing building height of 39' 1". There will be no change to height of the building. To waive the requirement for either a Special Permit to alter a pre-existing structure or for a dimensional variance and to allow the proposed Development. The new building will have a building height of approximately 35' 6". To waive the requirement for a dimensional variance and to allow the proposed Development.
<b>Section 8.60</b>	Notwithstanding other setback requirements, no building, except those specifically referred to in Section 8.40 shall be located within fifty feet or bordering vegetative wetland, as defined by Section 40 of Chapter 131, M.G.L.	There are no bordering vegetated wetlands as defined by Section 40 of M.G.L. Chapter 131 within fifty feet (50') of any building.  There is an area designated as an isolated freshwater wetland pursuant to the Town of Bridgewater Wetlands Protection By-Laws. If required, to waive this requirement to allow the building to be 37' from an area identified as an isolated freshwater wetland that is jurisdictional only pursuant to the Town of Bridgewater Wetlands Protection By-Laws.
<b>Section 9.822 Site Plan Approval</b>	Site Plan Approval for all Special Permits and Variances.	To the extent Site Plan Review would have otherwise been required, to waive the requirement for Site Plan Review. A Comprehensive Permit may provide all local permits and approvals per M.G.L. c. 40B.
<b>Section 10.60 Parking and Loading</b>	Multifamily dwellings require 2 parking spaces per dwelling unit.	57 units require 114 parking spaces. The proposed plan provides 93 parking spaces which is equivalent to 1.63 spaces per dwelling unit. A waiver of 21 parking spaces is requested.
<b>Section 10.70</b>	Requires 1 loading bay measuring 10' x 35'.	To waive the requirement for a variance and to allow the proposed Development.
<b>Section 11.23 Use Variance</b>	ZBA may grant a Use Variance	To the extent a Use Variance for multiple multifamily dwellings would have otherwise been required, to waive the requirement for a Use Variance. A Comprehensive Permit may provide all local permits and approvals per M.G.L. c. 40B.

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<b>Section 17 Stormwater Discharges generated by Construction Activity.</b>	Requires a Stormwater Permit from the Stormwater Committee.	To waive the requirement to obtain a Stormwater Permit from the Stormwater Committee (or appropriate authorizing body). A Comprehensive Permit may provide all local permits and approvals per M.G.L. c. 40B.
---	---	---

TOWN OF BRIDGEWATER MASSACHUSETTS TOWN CODE  
(AS OF FEBRUARY 27, 2017)

<b>Section</b>	<b>Requirement</b>	<b>Requested Exemption/Exception/Waiver and Notes</b>
<b>PART III Chapter 50, Article 1, Section 3 and Chapter 260, Article 1, Section 1 - Work on Streets and Sidewalks</b>	No person shall break or dig up any public sidewalk, street, or highway, or place thereon any staging or other temporary structure, without a written permit from the Department of Public Works Director or his designee.	Request that the ZBA provide any permits relating to this section. These include Driveway/Curb Cut permit, Road Opening Permit, Trench Permit. A Comprehensive Permit may provide all local permits and approvals per M.G.L. c. 40B.
<b>PART III Chapter 220. Water and Sewer.</b>	No person shall without permission of the Water Supply Director, make an opening in or connection with, or turn off or draw off water from, a water pipe, stand pipe, well or reservoir owned by the Town.	Request that the ZBA provide any permits relating to this section. These may include water connection permit and sewer connection permit. A Comprehensive Permit may provide all local permits and approvals per M.G.L. c. 40B.
<b>PART III Chapter 260. Article XIII. Municipal Separate Storm Sewer System (MS4)</b>	No Direct Connections from a New Source shall be permitted. An existing Direct Connection from an Existing Source shall be allowed to continue provided that (i) the Owner must apply for and	Request that the ZBA provide any permits relating to this section. These may include a license for a direct connection to the storm drain system. A Comprehensive Permit may provide all local permits and approvals per M.G.L. c. 40B.
	thereafter be granted a Direct Connection License, and (ii) the Owner must Discharge only Storm Water which is not Contaminated Water via the Direct Connection.	

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BRIDGEWATER, MASSACHUSETTS WETLANDS PROTECTION BY-LAWS (LAST AMENDED  
FEBRUARY 14, 2006)

<b>Section 7. Regulations</b>	To waive this requirement for the site's isolated wetland if these regulations are determined to be applicable.
-------------------------------	---

TOWN OF BRIDGEWATER ZONING BOARD OF APPEALS RULES AND REGULATIONS  
GOVERNING COMPREHENSIVE PERMITS

Section	Requirement	Requested Exemption/Exception/Waiver and Notes
3.2	Requires linen or mylar.	To waive the mylar or linen requirement. Paper copies will be submitted
	Requires a scale of 1"=40'	To waive this requirement and allow a scale of 1"=30'.
	Requires Profiles of Streets	To waive this requirement as no streets are proposed.
3.2.20	Requires proposed street trees.	To waive this requirement as no street trees are proposed.
3.3.3	Requires exterior lighting to be limited to 15' height.	To waive this requirement to allow 20' dark sky compliant light fixtures.
3.2.6	Building Height Limited to Bridgewater Zoning By-Law	To waive this requirement. The existing building height of 39' is existing non-conforming.
3.3.9	Requires parking be provided per the Bridgewater Zoning By-Law	To waive this requirement as stated above.
3.3.12	Limits excavations within 5 feet of groundwater.	To waive this requirement. Existing groundwater is approximately 3.5' below existing grade.

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