

SCITUATE PLANNING BOARD MINUTES November 9, 2023

Members Present: Patricia Lambert, Chair; Rebecca Lewis, Vice Chair; Ann Burbine, Clerk; Stephen Pritchard, Bob MacLean and Patrick Niebauer alternate.

Others Present: Karen Joseph, Town Planner; Shari Young, Administrative Assistant

Members absent:

See Sign-in List for names of others present at this meeting.

Location of meeting: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television and streaming live on Facebook with in-person and remote access available.

Documents

- 11/9/23 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chair Lambert indicated there was a posted agenda. Ms. Burbine seconded the motion for the posted agenda a vote was taken the vote was unanimously in favor.

Continued - Public Hearing – Site Plan Administrative Review and Special Permit for Mixed-Use Building and Stormwater Permit in the VCN- GDG-NDTV – 61 New Driftway Assessor's Map/Block/Lot 53-03-2A

Applicant: John Tedeschi

Owner: John Tedeschi and James McInnis

Documents

- PDF 14-203-61 New Driftway – Photometric-6.19.2023
- PDF 14-203-61 New Driftway – Planting Plan
- PDF 14-203-61 New Driftway – Response letter – 7.5.2023
- PDF 14-203-61 New Driftway – Site Plan – 6-.28.2023
- PDF 14-203-61 New Driftway – SWP 6.13.2023
- PDF Cover Page of Decision 61 New Driftway
- PDF Letter of Authority from Probate Court
- PDF 61 ND VCN Motion 3
- DOC 61 ND VCN Motion 3
- DOC McDougall Quote RE Sidewalk Extension
- DOC 61 ND VCN Motion 4

Attendees: Steve Guard, Attorney; Greg Morse, Morse Engineering; Jamie Kelliher, Architect; John Chessia, Town's Consulting Engineer

Mr. Guard indicated since the last meeting Ms. Susan Tedeschi has been named as the personal representative of the Estate of John Tedeschi; a draft decision has been received and reviewed by the applicant's team and comments have been incorporated by Ms. Joseph into the draft decision.

Mr. Guard said nothing has changed since the last meeting and they are satisfied with the decision as it is written.

Mr. Chessia said he has nothing new to add at this time.

Ms. Joseph indicated the only new piece of information submitted was the information for the cost estimate regarding the public benefit; cost for the sidewalk is reflected in the public benefit. Ms. Joseph explained how she determined the amount of cash contribution for the pier at Driftway Conservation Park at \$133,000. She indicated the first page of how the decision will be written was provided since all the probate issues have been resolved. Ms. Joseph opined the project is ready for a decision.

Motion:

Ms. Burbine moved to make the following Findings of Fact:

1. On July 21, 2022, the Applicant, John Tedeschi and Owners John Tedeschi and James McInnis filed an application for a Special Permit, Major Site Plan Review and Stormwater Permit for a Mixed-Use Building project in the Village Center and Neighborhood District under Scituate Zoning Bylaws Section 580, 750 and 770. The Application included, but is not limited to, the following:
 - a. Cover letter dated July 20, 2022, Application Forms including attachment A-F and Stormwater Permit form and locus deed;
 - b. Filing Fees and Abutters' List;
 - c. Site Plan, Proposed Mixed-Use Development, 61 New Driftway, (Assessor's Parcels: 53-3-2A) Scituate, MA dated July 13, 2022 by Morse Engineering Group, Inc. consisting of 8 sheets;
 - d. Architectural rendering and Architectural Plans for New Mixed-Use Building, 61 New Driftway, Scituate, MA by Axiom Architects dated July 2022 consisting of Sheets A101 – 107 Floor Plans and Building Elevations.
 - e. Stormwater Permit Application – Town of Scituate Stormwater Bylaw (Sec.32050) & Stormwater Regulations for Proposed Mixed-Use Development 61 New Driftway, Scituate, MA, Assessor's Parcels: 53-3-2A dated July 14, 2022 by Morse Engineering Co., Inc.
2. The Property that is the subject of the Application is composed of one parcel: Parcel is lot 53-3-2A and it is 34,727 sq. ft. all of which is upland. The parcel has frontage and access off of New Driftway, a public way. The parcel has frontage on Old Driftway, a public way. The Property is currently improved with an existing commercial structure.
3. The Project is located in the Village Center and Neighborhood (VCN) Zoning District, Greenbush-Driftway Gateway District (GDG) and the New Driftway Transit Village Subdistrict. (NDTV) – VCN-GDG-NDTV.
4. The Zoning Bylaw in effect for this project is the bylaw approved by the Scituate Annual Town Meeting on 9/19/2022 and the Attorney General on 12/16/2022 and posted to the website in December 2022.

5. The Project proposed by the Applicant consists of twenty-two (22) residential units and 6,450 sq. ft. of general office/retail space in one building. The Mixed-Use Building (MUB) will have 6,450 sq. ft. of retail/office space on the first floor as well as twenty-two (22) residential units. The MUB will have one (1) three-bedroom unit, eight (8) two-bedroom units and thirteen (13) one-bedroom units on the first, second, third and fourth floors. There is a total of 32 bedrooms. There will be five (5) affordable units.
6. The MUB building is a 4-story building with a fifth story for amenity space and the elevator/stairwell projection. The building has a maximum building height of 39'-8" to the mid-point of the roof from the average grade plane which is less than the maximum height of 40' as set forth in the Scituate Zoning Bylaw.
7. There are forty-one (41) total exterior parking spaces provided. This includes two handicap parking spaces on the east side of the building. The project requires forty (40) parking spaces. Parking is governed by Section 760.8 of the Scituate Zoning Bylaw for parking in Mixed-Use Districts (Table 2) and requires 1 space for a 1-bedroom unit, 1.5 spaces for a 2-bedroom unit and 2 spaces for a 3-bedroom unit in a multi-family or mixed-use building as the site is in the VCN District. General office/retail in a mixed-use building requires 1space/500 gross square feet.
8. Section 760.7 does apply as the proposed use is mixed-use and residential in the VCN.
9. The property at 61 New Driftway does require a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw. Both New Driftway and Old Driftway require Pedestrian Frontage Zones. Buildings fronting on the designated street have ground floor limitations including: ground floor areas reserved for retail, restaurant, publicly oriented personal services, office, repair or municipal services; residential and other non-residential uses are allowed to have access at the street line by an entrance that leads to the upper floors; residential and non-residential uses not oriented to the public access are allowed on the ground floor when the use is within a building with frontage on the street and set back a minimum of 60 feet from the street line and the residential use will not have an adverse impact on the continuity and vitality of the pedestrian-oriented street front use. The Project meets these requirements as the Board is of the opinion that there is adequate retail/commercial space on the first floor and the 60-foot requirement has been met.
10. In the VCN-GDG-NDTV, a mixed-use building is an allowed use by right per Section 420 of the Zoning Bylaws and an allowed building type per Section 580.3 with the Design Standards of Section 750 of the Zoning Bylaw.
11. The base residential density in the VCN-GDG-NDTV subdistrict per Section 580.4 of the zoning bylaw for a mixed-use building is sixteen (16) units per acre by right and thirty-six (36) units per acre by special permit. The proposed Project has 12.76 units (rounded to 12) that are allowed by right and up to 28.7 units are allowed by special permit. Twenty-two (22) units are proposed on-site which requires a density bonus of ten (10) units. A special permit is required for twenty-two (22) units which need to include certain Public Realm Improvements are made by the Applicant that will provide benefits to residents and businesses in the project, the VCN district and surrounding area. Eligible public benefit improvements can include on-site or off-site infrastructure improvements, streetscape improvements, open space improvements, amenities not otherwise required under Section 752, public parking spaces or additional affordable units beyond the number required for the development.

As a public benefit, the Applicant proposes to install a continuation of the concrete public

sidewalk (approximately 141 linear feet) built to Town of Scituate standards from the end of the 61 New Driftway property on New Driftway to the easterly driveway at the SkySail property on New Driftway with a handicap ramp and landing tied into the radius of the granite curb on the east side of the driveway. The approximate cost of the public benefit improvement is \$44,500.00.

The Applicant proposed an easement of the existing walk on Old Driftway as a density benefit; however, as the existing walk is in a pedestrian frontage zone, the Board opined this does not constitute a density bonus benefit. Regardless, the Applicant has committed to still provide the easement.

As a second public benefit, the Applicant has agreed to provide a contribution of one hundred and thirty-three thousand dollars (\$133,000.00) to the Town to be used toward repair, maintenance, reconstruction and associated engineering of the pier in the Driftway Conservation Park, which is in need of repair and maintenance and is identified in the Town's Open Space and Recreation Plan. The Applicant shall provide such funds to the Town prior to commencement of construction. The funds will be placed in a Town account and the expenditure thereof shall require the approval of the Town Administrator, the Town Planner and Planning Board all of whom must concur. If all of the funds are not needed for the pier, the Planning Board shall be requested to identify and approve a new purpose or use of the remaining funds in accordance with Section 580.4 C.2. of the Scituate Zoning Bylaw.

12. Section 580.4 also has minimum bulk standards for dwelling sizes. Two plus -bedroom units are required to have 900 sq. ft. of usable floor area. A one-bedroom unit is required to have 600 sq. ft. of useable area. The Project has one-bedroom units with a usable area of 685 sq. ft. minimum and the two-bedroom units with a usable area of 920 sq. ft. minimum, both of which meet the bulk standard.
13. No Public Realm Standards are required for this Project as no new streets are being created. The Project proposes to relocate one existing curb cut at 61 New Driftway and replace it with sidewalks and curbing in the public right of way. A pedestrian crosswalk is required by zoning and is provided.
14. Five (5) affordable housing units among the 22 residential units are required for the Project. The affordable units are distributed throughout the proposed Project. Three (3) affordable units are one-bedroom and two (2) affordable units are two-bedroom. All of the affordable units are designed so that the exterior is indistinguishable from the market rate units. The Applicant has indicated they will be using MetroWest Collaborative Development as the monitoring agent for the affordable units. No other information has been submitted for the affordable units at this time. The Applicant requests a waiver to allow the remaining information to be submitted after the project is approved. The affordable units must be able to count toward the Town of Scituate's Subsidized Housing Inventory and comply with the Local Initiative Program (LIP) 760.CMR 56.00.
15. The Applicant was referred to meet with the Design Review Committee ("DRC") and subsequently met with the DRC on several occasions to discuss this Project. The DRC recommended that "the Planning Board move ahead with the Special Permit process" in a recommendation memorandum to the Planning Board dated March 20, 2023. The DRC indicated "their recommendation is contingent on the review of the following prior to a building permit being issued: Detailing of exterior materials, with an emphasis on the brick and trim details and review of the locations of the utilities and mechanical equipment." The DRC also

noted that there should be a concerted effort to install the majority of the HVAC equipment on the roof and that the front portico should be revised so as to not encroach past the setback line in New Driftway. The updated architectural plans by Axiom Architects dated April 2023 show that the portico no longer in the setback. The DRC noted that the height along New Driftway is nonconforming by 0.4%, but they felt it was a negligible variation and acceptable in accordance with the Zoning Bylaw. The DRC also noted that the average height of the building along Old Driftway is 33'-0" for 7.4% of the façade versus the required 30'-0" in the 12.5' to 37.5' zone. The DRC felt the design made the most sense in context with the overall building and the main gable forward/parallel to the street shields some of the roof decks and utilities beyond. The DRC recommended approval of the current design to the Planning Board. The DRC noted the elevator penthouse and cupola exceed the maximum of 40' in building height, but they are exempt from the height standard per Section 750.5 A/2. C., however, the Applicant did make an effort to reduce the size and the location of the elevator ~~penthouse~~ headhouse to reduce its visual impact. The design meets the criteria set forth in Section 750 of the Zoning Bylaws, with the exception of the Building Setback/Height. Per the Bylaws, a building within 0-12.5' of the street shall be no more than twenty-five feet in height and between 12.5' and 37.5' shall be no more than 30' in height. The Planning Board agreed with the DRC that the small variances from the Bylaw requirements were offset by the improved overall design of the building and main gable. The overall height of the proposed MUB building is 39'-8" to the midpoint of the roof which is below 40'-0" and complies with the Bylaw.

16. A Mixed-Use Building (MUB), as is the proposed Project, includes Lot Standards and Design Standards found in Section 750.6 including:
 - A minimum lot size is not required;
 - Street frontage of 50' is required. The Project has 407.71' of frontage on New Driftway and Old Driftway combined.
 - Lot depth is not required.
 - The front yard build-to-zone (setback) is 0' minimum and 20' maximum. The Project has a 5.2' setback on New Driftway and a 17.5' setback on Old Driftway.
 - Minimum side yard is 10'. The Project has provided 36.4'.
 - Minimum rear yard is 20'. The Project has provided 131.2'.
 - Outdoor Amenity Space Coverage required is 20% of the lot. The project has provided 20.5% per the plans as follows: i) there is a common yard of 1,450 sq. ft. on the north side of the building; ii) there is an outdoor dining terrace of 1,363 sq. ft. in the front on the Old Driftway side; iii) there is rooftop amenity space of 4,320 sq. ft. The total amenity space is 7,133 sq. ft. The outdoor amenity space provided is in accordance with the requirements of Section 752 of the bylaw is a Common Yard and Garden (PS) – Private Open Space and the Rooftop Terrace of Private Open Space (PS) and Publicly Oriented Private Space (POPS).
 - The building height conforms to the height regulation set forth for an MUB at 39'-8" from the average grade plane to the average height between the eave and the ridge for any building with a pitched roof. The roof top elevator projection is not counted toward the height.

- The required minimum street facing wall width is 60' and the maximum width is 100'. Under Section 750.5 B. 2 d. Vertical Modulation and Articulation, no street facing building elevation can be wider than 100' without a Special Permit. The Project has provided a 108' width and therefore a special permit is required.
- A street facing entrance is required and has been provided.
- A maximum building footprint allowed is 20,000 sq. ft. The Project's first-floor footprint of 9,985 is less than the maximum amount.

17. A MUB has general design standards found in Section 750.5 including:

- More than one principal building is allowed on a lot if the building lot dimensional standards are met for each principal building individually. The Project only has one building on the lot.
- ~~All of~~ The Project's principal building and accessory structures are located outside of any required front, side or rear setbacks except as otherwise permitted.
- The Build to Zone Occupancy is measured as a percentage of the width of the street frontage. The Primary Build to Zone Occupancy shall be no less than 50% of the frontage width. The Project has 53% of the frontage width. Additionally, as the lot is a corner lot, the side façade facing the secondary street is placed in a Secondary Street Build to Zone. 75% of the Project is in the Secondary Build to Zone.
- The Project's lot is a corner lot. The front façade of the building is parallel to the street right of way line. The building is retracted to allow clear sight distance. The clear site triangle is utilized as outdoor amenity space
- Mixed-use buildings taller than 25' are required to be setback or stepped back from the street right-of way. The Project is setback 5.2' from the front property line on New Driftway and 17.6' from Old Driftway. For setbacks 0 – 12.5', a maximum height of 25' is required. For buildings setback 12.5' to 37.5', a maximum height of 30' is allowed. According to the Applicant, the setback/stepback is exceeded by 0.4% on New Driftway and 7.4% on Old Driftway. The DRC felt, *and the Planning Board agreed*, this was acceptable as the overall design meets the criteria in the zoning bylaw.
- The scale of the Project is visually compatible with the site and with its neighborhood.
- The Zoning Bylaw building articulation standards have been met by the Project with a building that is greater than 50' in width designed to read as a series of smaller buildings with varied articulation.
- The Project's street facing building elevation facing New Driftway is 108' exceeding the 100' standard. Therefore, a special permit is required.
- Horizontal modulation and articulation are required as the Project's building is 3 stories and taller. The front of the building is visually articulated over the four stories with overhangs, balconies, awnings, canopies and prominent cornices. The rear of the building is visually articulated over four stories with balconies and an overhang on the first floor. The attic has a stair well, cupolas and railings for visual articulation and function.

- Street facing building facades are required to provide surface relief through dormers and door canopies. The Project has provided door canopies.
- Façade transparency is required for mixed use buildings. Windows shall be evenly spaced along the façade, windows shall be low reflectivity glass, the façade glazing shall fall between the height of 2' and 12'. Façade glazing requirements are only applicable to front facades facing a street right-of-way. The Project meets the requirements with window spacing, façade glazing occurring on the first floor between two to twelve feet and low reflectivity.
- The Project roof pitches for a majority of the building are 10:12 and 11:12 with the shed roof is 3:12 where 2:12 is the minimum. The hip roof is proposed at 10:12 and 16:12 which meet the 3:12 minimum requirement. The project meets the required roof pitches.
- Exterior treatments are provided by the Project. Exterior treatments will be synthetic materials intended to provide the look and character of traditional building materials i.e. cedar shakes and clapboard. The exterior will be a light color. There will be corner boards, crown molding at windows and other trim work. The roof will be architectural asphalt shingles in a medium dark brown for the sloped roof and dormers and the flat roof area will be EPDM or T.P.O. roofing in gray or black. The trim will be white PVC. The balcony rails will be white PVC and the decking will be composite with the look of wood. Gutters and downspouts will be present. The windows will be operable. Architectural elements are continued from the front to the side of the building. The proposed building has textures and patterns. The Project is visually compatible with the surrounding buildings and exterior treatments provide character to the Project, traditional materials are provided that continue around the sides of the Project visible from the street.

18. Development site standards include (Section 750.8) are met including:

- The Project site consists of one building;
- The Project site does not include any existing or proposed right –of-way;
- The Project's mixed-use building is a permitted building type in this district;
- A minimum of 50 feet of frontage on a public or publicly accessible street providing access to the development is provided;
- Development block standards are not applicable;
- Site Landscaping is provided by the Project and the plantings are arranged so as to not obscure the vision of exiting traffic.
- Parking must be located a minimum of 5 feet behind the front façade. The project meets this requirement. There are two handicap parking spaces located on the east side of the building. A street screen is required where parking is visible from a public street or sidewalk. A landscape screen is provided to screen parking from the street along New Driftway and marginally along Old Driftway.
- A driveway servicing the site is provided off New Driftway and is 24 feet wide. A second egress is provided to connect to Old Driftway and it is 12 feet wide.

- New public utilities will be provided as underground utilities. `
 - An outside trash storage area is provided with a dumpster inside a fenced enclosure.
 - The loading area is not on the front façade. It is located to the rear and east side of the building. It will be screened from view by the parking screen.
 - Bicycle racks have been provided at a minimum required rate of 10% of the total automobile spaces. 4 bicycles rack spaces are required and 6 space are provided. The 6-space bicycle rack is provided at the front east corner of the building.
19. Sustainable Site Design is required in the VCN District per Section 751 of the Zoning Bylaw such that stormwater management shall conform to best management practices as described in the Commonwealth of Massachusetts Stormwater Management Handbook. For the Project, the predevelopment hydrology is maintained by infiltrating stormwater in underground chambers and having some pervious pavement for the patio and porous pavement for some of the front entry pavement. The Project's post construction stormwater peak rate and volume of runoff is not exceeded for the 1, 2, 10, 25 and 100-year 24-hour rain events. Stormwater Best Management Practices are required and meets those best practices through the use of deep sump hooded catch basins, a proprietary stormwater treatment unit and full subsurface infiltration. The project partially minimizes impervious surfaces through the provision of only the required parking is provided. The total impervious area on the site is 26,994 sq. ft. and the total disturbance is 34,000 sq. ft. out of the 34, 727 sq. ft. site. Greater than 80% TSS removal has been provided. Adequate recharge has been provided.
20. A Landscape Plan is required for all submissions, except where waived by the Planning Board, which plan should, to the greatest extent possible, native plants shall be maintained, no plants listed as Invasive or Prohibited by Massachusetts shall be used and existing invasive plants shall be removed. A Project Landscape Plan has been provided in which native plantings are reasonably proposed. Moreover, the lawn area in the front yard is minimized and fertilizer use and screening of the parking area from the front has been provided. This requirement has been met.
21. Mixed-use developments are required to provide access from parking lots to a public sidewalk and to the primary building as indicated in Section 760.8. F. 2. – (public ways). The Project has provided a walkway connection from the main walk into the building to the existing sidewalk in the right of way of New Driftway and from the rear covered entry to Old Driftway.
22. Section 760 Parking – Parking has been provided per the Zoning Bylaw. 40 spaces are required and 41 spaces are provided. The parking includes 2 spaces for (1) 3-bedroom unit at 2 spaces per unit; 12 spaces for (8) 2-bedroom units at 1.5 spaces per unit, 13 spaces for (13) one-bedroom units at 1 space per unit and 13 spaces for 6,450 sq. ft. of commercial area at 1 space per 500 sq. ft. Two (2) handicapped spaces are provided along with two (2) Electric Vehicle (EV) charging spaces. A third EV charging space is also one of the two handicap spaces so there is an accessible EV charging space. A backing up area for parking extends into the front setback; however, the Board agreed it was not technically parking and has minimal impact on the front setback.
23. A Memorandum on Traffic Assessment for 61 New Driftway was prepared by Vanasse and Associates dated 7/22/22. Additional traffic information includes a Transportation Impact Assessment, Proposed Mixed Use Development, 61 New Driftway by Vanasse and Associates dated November 2022, Vanasse Response to Planning Board Comments of Jan. 12, 2023 dated

2/10/2023 and Vanasse Response to Peer Review dated 2/10/23. Chappell Engineering Associates, LLC reviewed the traffic information for the Board and provided comments which the Applicant addressed through submission of additional material. Chappell has found their comments have been addressed with the additional submission and conditions provided.

24. Scituate Zoning Bylaw, Section 770.6 sets forth the standard of review for approval of proposed site plans which are required for proposed developments which are of a size that may have significant impacts on neighborhoods. Mixed-use buildings require a site plan reviewed by the Planning Board. In reviewing applications, the Planning Board is required to assure, to a degree consistent with the reasonable use of the site for the purposes permitted by the regulations of the district in which the land is located, all of the following:

Section 770.6.A Site Plan Approval Standard A: Protection of adjoining premises against detrimental and offensive methods of utilizing the site.

Finding: The site is currently used as a pet care business site. The proposed redevelopment will modify the site with allowed uses in accordance with the Zoning Bylaw. **This standard is met.**

25. Section 770.6.B Site Plan Approval Standard B: Traffic safety and ease of access at street and highway entrances and exits of driveways, taking account of traffic volume, grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections and times of peak traffic flow.

Finding: The proposed Project is located at the corner of Old and New Driftway. The proposed Project will have its own separate off-street parking meeting the requirements of 750.8 and 760. Access to the site will be provided with a new curb cut in New Driftway. The Applicant has demonstrated that there is capacity on New Driftway and Old Driftway to handle the traffic from changing the site from a pet care facility to a mixed-use development. The Applicant has demonstrated there is adequate sight distance. Any queued traffic leaving the site will be contained on the site. The driveway along New Driftway is being relocated further east to provide for better traffic safety for both the Project and for the adjacent commercial site. **This standard is met.**

26. Section 770.6.C Site Plan Approval Standard C: Safety and adequacy of driveway layout, pedestrian safety, off-street parking and loading sites, minimizing glare from headlights and light intrusion, sufficiency of access for service vehicles such as electricity, gas, fuel, telephone, laundry, rubbish removal, water, sewer, fire, police, ambulance or other routine or emergency vehicles.

Finding: The proposed Project will have its own separate off-street parking meeting the requirements of Section 750.8 and 760. Access will be from a new curb cut onto New Driftway. The access off New Driftway is 24' wide. There will be a secondary one way exit from the site onto Old Driftway. There is a walkway to reach the sidewalk at Old and New Driftway. The Applicant has demonstrated the site will have sufficient access for service and emergency vehicles. Headlight glare should not be an issue as there are walls, fencing and screening to the adjacent property. Cut off light fixtures will be used to minimize light glare. **This standard is met.**

27. Section 770.6.D Site Plan Approval Standard D: Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted on the site, safety and adequacy of water supply and distribution, and of firefighting facilities on the site.

Finding: The Project proposes to connect to the existing sewer service in Old Driftway and connect to the water main located in New Driftway. The Water and Sewer studies provided by Weston and Sampson indicate there is both sewer and water capacity in the public water and sewer systems and that the individual connections must meet DPW requirements. All units will be individually metered for water. The building will have fire sprinklers for fire protection. The existing hydrant by the New Driftway driveway will be moved and replaced with a new hydrant. There is a fenced-in dumpster area for trash which will be emptied on a weekly basis or more frequently as necessary. **This standard is met.**

28. Section 770.6.E Site Plan Approval Standard E: Adequacy of surface and storm-water drainage and snow-melt runoff within and from the site, including but not limited to all walkways, driveways, buildings, parking and loading areas.

Finding: The proposed stormwater management system for the Project consists of a subsurface recharge system for the proposed building and driveways. Minimal snow storage area is provided east of the building to the north edge of the parking lot. The Board engaged Chessia Consulting Services to evaluate the adequacy and accuracy of Morse Engineering Co., Inc.'s stormwater report and data as well as the efficacy of the design. Chessia Consulting Services submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and Morse Engineering Co., Inc. provided responses, revised reports where requested and updated the site plans. After further review by Chessia Consulting Services, the Applicant was determined to have adequately addressed the comments and recommendations, assuming the stormwater management system is built as designed. The Applicant has submitted a stormwater management plan and Operation and Maintenance Plan that ensures that the project will be managed appropriately for the entire construction period and thereafter during on-going operations.

The Applicant has submitted an Erosion and Sediment Control Plan that has been reviewed by the Board's peer review consultant. The Board deemed it acceptable with the conditions provided.

The review of the stormwater management system by the Planning Board's consulting engineer and their approval of this site plan review and special permit eliminates the requirement for a separate Stormwater Permit under the Stormwater General Bylaw and its regulations for any work that conforms to the plans. Gregory J. Morse, P.E. has certified that the drainage system will result in post-development runoff characteristics (including peak flow, total volume of runoff and water quality runoff) to be equal or less than pre-development runoff characteristics. **This standard is met.**

29. Section 770.6.F Site Plan Approval Standard F: Adequacy of provisions made to protect against toxic or hazardous materials or oil discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as spill control provisions in the vicinity of fuel delivery points, secured storage areas for toxic or hazardous materials or oil, and indoor storage provisions for corrodible or dissolvable materials.

Finding: The site is not within the Water Resource Protection District. There are no toxic or hazardous materials proposed to be stored onsite or no oil storage or discharges are expected. **This standard is met.**

30. Section 770.6.G Site Plan Approval Standard G: Minimizing the volume of cut and fill, the number of trees of 6" caliper or greater removed, the length of stone walls removed, soil

erosion, and destruction of other natural features.

Finding: The proposed site is disturbing the entire site of 34,727 sq. ft. but relatively minor grade changes are proposed; therefore, there is minimal cut and fill. There will need to be topsoil stripping, and various structural fills will need to be brought in to accomplish the grading resulting in no significant grade change. No existing trees are proposed to remain on site. **This standard is met.**

31. Section 770.6.H Site Plan Approval Standard H: Minimize obstruction of scenic views from publicly accessible locations.

Finding: The site does not consist of any scenic views from publicly accessible locations and, therefore; the Project complies with this requirement.

32. Section 770.6.I Site Plan Approval Standard I: Parking areas shall be adequately buffered and shaded using native vegetation. Parking lots with ten or more spaces shall be planted with at least one shade tree per ten spaces, of a caliper of at least 2 ½ inches dbh, with each tree providing shade to the parking area. Parking areas and visually degrading elements such as dumpsters and loading docks shall be designed to minimize visual intrusion from public ways and residentially owned or zoned areas. In addition, suitable screening of such areas by wood fences and dense, native evergreen hedges of five feet or more at time of planting shall be utilized. The use of chain link fences shall be avoided except in industrial areas. Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spillover to neighboring properties. No outdoor light shall be located more than twenty feet above the ground.

Finding: The project consists of two driveways – one on New Driftway and one on Old Driftway designed to service the mixed-use building. The Old Driftway driveway is a one way exist only. 41 parking spaces are provided. Shade trees meeting minimum size requirements are proposed adjacent to the parking area. Fencing provided is six feet to provide screening. Exterior lighting has been arranged to minimize glare and light spillover to adjacent properties thereby meeting the requirements of the Bylaw. **This standard is met.**

33. Section 770.6.J Site Plan Approval Standard J: Safe, functional, and convenient pedestrian, bicycle, and where practical transit access, and continuity of the pedestrian and bicycle network within the property and to nearby pedestrian and bicycle facilities and trip generators.

Finding: The surrounding area provides safe, functional and convenient pedestrian access. There is a sidewalk located on New Driftway and Old Driftway providing access to Greenbush and the train station. The sidewalk on New Driftway is proposed to be extended by the Project to the ~~Drew~~ SkySail driveway. A 6-space bicycle rack is proposed. There is a *walking* connection in the site to the sidewalk. **This standard is met.**

Mr. Pritchard seconded the motion for discussion;

Ms. Burbine seconded the motion as amended; a vote was taken and was unanimously in favor.

Based on these findings, the Planning Board finds the Stormwater Permit, Site Plan Review and Special Permit in the Village Center and Neighborhood District meets the requirements under the Village Center and Neighborhood District Section 580, 750, 760 and 770 as the Project will be in harmony with the general purposes of this bylaw, meets the requirements of MGL Ch. 40 A and it will not have a greater detrimental impact on the neighborhood than a conventional residential

development plan and is designed with consideration for public health and safety.

Decision:

Based on the Findings of Fact and testimony provided at the public hearing, the Planning Board approves the Stormwater Permit, Site Plan Review and Special Permit in the Village Center and Neighborhood District for 61 New Driftway ("Site") with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Morse Engineering Company, Inc. entitled "Site Plan Proposed Mixed-Use Development, 61 New Driftway (Assessor's Parcels: 53-3-2A) Scituate, MA ", consisting of 12 sheets dated July 13, 2022 with revisions through 6/28/2023; ii) Architectural Plans by Axiom Architects consisting of a colored rendering, Floor Plans for New Mixed Use Building A101 First Floor Plan, A102 2nd Floor Plan, A103 3rd Floor Plan, A104 4th Floor Plan; A105 Roof Top Amenity; A106 Building Elevations Front; A107 Building Elevations East and South; A108 Building Views; A109 Stepback Section Diagram; A110 Stepback Section 2 dated July 2022 with revisions through June 2023; iii) Stormwater Permit Application, Town of Scituate Stormwater Bylaw (Sec.32050) & Stormwater Regulations for Proposed Mixed-Use Development, 61 New Driftway, Scituate, MA dated July 14, 2022 with revisions through June 13, 2023; iv) Sewer System Review for 61 New Driftway Redevelopment, Scituate, MA by Weston & Sampson dated February 16, 2023; v) Water Service Evaluation for 61 New Driftway Redevelopment, Scituate, MA dated February 16, 2023; vi) Lighting Plan for 61 New Driftway by Visual dated 10/19/22 with revisions received by Planning Office through 7/5/23; vii) Landscape Plan by Sean Papich Landscape Architecture dated 7/13/2022 with revisions through 6/28/2023; viii) Estimate for sidewalk at 61 New Driftway from property line to Drew driveway; ix) Memorandum on Traffic Assessment for 61 New Driftway by Vanasse and Associates dated 7/22/22; Transportation Impact Assessment, Proposed Mixed Use Development, 61 New Driftway by Vanasse and Associates dated November 2022, Vanasse Response to Planning Board Comments of Jan. 12, 2023 dated 2/10/2023 and Vanasse Response to Peer Review dated 2/10/23. Final Building elevations must be approved by the Town Planner prior to issuance of a building permit for conformance to submitted material. A copy of the approved plan and conditions must be kept on-site at all times during construction.
2. Where this Site Plan Review and Special Permit requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's (the "Planning Board" or the "Board") approval of this Site Plan Review and VCN Special Permit, including, but not limited to approval of work by the Board of Selectmen and Department of Public Works ("DPW") in all public rights of way including New Driftway. Construction shall meet all applicable federal, state and local laws and regulations including, but not limited to, those of the Scituate DPW, Fire Dept., Building Dept., Board of Health, Planning Board as well as the Massachusetts DEP and State Building Code. All necessary permits and approvals must be received prior to construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw.

4. The Applicant shall mean the current Applicant and all its successors in interest. This site plan review and special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause. The Planning Board may extend said period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which request shall provide a detailed description of the good cause necessitating an extension. A public hearing may be required.
5. The total number of residential dwelling units on the Site shall not exceed twenty-two (22). There will be thirteen (13) one-bedroom units, eight (8) two-bedroom units and one (1) three-bedroom units. Five (5) of the 22 units will be affordable units. The total number of bedrooms on the Site shall not exceed thirty-two (32). A bedroom is defined in accordance with Title V of the State Sanitary Code. Massachusetts Architectural Access Board ("MAAB") requirements must be met. All units constructed at the Site shall be under rental conditions.
6. The Applicant shall obtain the plan endorsement from the Planning Board for the Site Plan Review and VCN Special Permit within 90 days of the expiration of the appeal period and this decision becoming final. All conditions shall be inscribed on the plans prior to endorsement.
7. Storage of fertilizers and pesticides is not allowed unless they are covered or contained.
8. No vehicle washing is to occur on the Site.
9. The units in the new building shall be numbered on the outside and on a map in the building lobby for identification, fire protection and emergency response purposes.
10. Gates are not allowed at the entrance or exit *of the parking lot* now or in the future.
11. The crosswalk across the new entrance shall be 10 feet wide and must comply with town Standards and the MUTDC. This must be on the plans prior to endorsement.

Waivers and Special Permits

12. A waiver is requested from 750.5 A. 3. b. Building Setback and Stepback Standards to allow a building height of 30.2' in the 12.5 foot to 37.5-foot zone along New Driftway where 30 feet is allowed resulting in a nonconformity of 0.4%. The Design Review Committee recommended to the Board that this difference was negligible. On the Old Driftway frontage, the average height is 33'-0" for 7.4% of the façade versus the required 30 feet. In the 12.5 foot to 37.5-foot zone. The DRC recommended to the Board that the design made sense in the context of the building as the main gable is extended forward for aesthetic reason and acts to shield some of the roof deck and utilities beyond. **The Board grants this waiver.**
13. A waiver is requested from Section 754.4 and 754.5 of the Zoning Bylaws to allow for the monitoring agent and other affordability requirements for the affordable units to be submitted after approval and prior to application for the first occupancy permit. **The Board grants this waiver.**

14. A special permit is needed under Section 750.5 B.2. d. to allow a building wider than 100 feet facing the street. The proposed building is 108 feet. **The Board grants this special permit.**

Utilities, Parking, Traffic and Street Improvements

15. Maintenance and repair of the driveway and parking areas, stormwater management system, site utilities, snow removal, lighting and landscaping shall be the responsibility of the Applicant.
16. All parking is limited to designated spaces as shown on the plan. Forty-one (41) surfaces parking spaces including two handicap accessible spaces are provided. Three (3) Electric Vehicle (EV) charging parking spaces are provided. Dead end parking by the building to be signed Residents Only except for handicap accessible and EV parking spaces. All parking is limited to spaces shown on the plan.
17. No underground irrigation systems are allowed to connect to the Town's water distribution system or in any manner use municipal water, in accordance with the policy made effective by the Board of Selectmen on October 8, 2014 and reaffirmed by the Scituate Water Commissioners on May 26, 2015. All irrigation systems installed in accordance with the policy must be supplied by on-site sources or private water suppliers at the expense of the property owner.
18. The Applicant shall allow members and town officials of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in the Special Permit Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
19. Independent inspector(s) contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations and as otherwise defined herein. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities. The inspector(s) shall be approved by the Town Planner and DPW and shall work under the direction of the Town Planner. The costs for these inspections shall be paid by the ~~Owner~~ Applicant. Written reports will be submitted to the Applicant and the Planning Board in a timely manner stating results of any and all required inspections during construction unless more frequent reports are needed. 48 hours' ~~notice~~ minimum advance notice is required for all inspections. All stormwater recharge structures require inspection of the bottom of the excavation by the consulting engineer/independent inspector. Noise, dust and air quality control shall be in accordance with DEP regulations.
20. Construction of the proposed driveways, parking areas, proposed drainage system, proposed water system and proposed sewer system shall be supervised by a registered professional engineer. Said supervising engineer shall certify in writing to the Planning Board and DPW at completion that the proposed driveways, parking areas, drainage system, water system and sewer system were constructed in accordance with the approved plans and that said systems are functioning in full accordance with the approved design.

The certification of the proposed driveways, parking areas and utilities shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and the supervising registered professional engineer. Prior to issuance of an occupancy permit for the building, a registered professional engineer shall inspect the exterior of the building as necessary and certify to the Planning Board and Building Commissioner with his signature and stamp on an as-built plan, that the grading and stormwater management systems conforms to that shown on the Site Plan Review and VCN Special Permit Plans and are functioning in accordance with design requirements and any variation in grade is immaterial and does not materially alter the performance of the stormwater system. The site development As-Built including building structures, topography, roadways, water, sewer, gas, cable, fiber optic, electrical and storm drainage infrastructure will be submitted in AutoCAD Format 2013 or higher or ESRI Interchange Format registered to the Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1983 compatible with the Town's system along with stamped and signed copies of said plans.

21. All materials for utility construction shall meet DPW construction standards.
22. A street opening permit shall be obtained for each individual utility connection.
23. A Curb Cut permit shall be obtained from DPW prior to the preconstruction conference.
24. ADA compliant ramps shall be constructed along New and Old Driftway at the proposed driveways, which ramps shall meet Town Standards and shall be in conformance with the Site Plans.
25. Signage and pavement arrows will be implemented to show circulation around the parking lot. One-way circulation cannot be changed without Planning Board approval.
26. The Applicant shall eliminate the existing driveway opening *at the existing site to New Driftway* ~~the adjacent commercial property to New Driftway~~ and add a sidewalk and a vertical granite curb to match and tie in seamlessly with the existing walk and curb, which work shall be in accordance with Town of Scituate DPW standards and Mass DOT Construction specifications. Saw cutting of the pavement and ADA accessible access is required. Cast iron tactile pads shall be used for the detectable warning strips in the Town right of way. This shall be completed prior to any occupancy permit for the site.
27. The Applicant shall conduct weekday AM and PM peak periods (7:00 to 9:00 AM and 4:00 to 6:00 PM counts of the site driveways for comparison with site trip generations submitted for this project within 6 months of achieving 90% occupancy for a week-long 5-day period. Should the counts be 10% or more higher, the Applicant shall conduct a capacity analysis at the Old Driftway/New Driftway intersection during AM and PM peak hours with comparison to the projected intersection operations used in the study. If signal improvements or timing changes are required, they shall be implemented within 6 months of submitting the traffic monitoring study.
28. The Applicant shall obtain all necessary approvals for the use of Town water prior to scheduling the pre-construction conference and any construction commencing. Any required upgrades, modifications or connections shall be at the Applicant's expense. Installation of all water mains and appurtenances shall be performed according to the specifications of the

DPW Water Division. Copies of all necessary approvals shall be furnished to the Town Planner by the Applicant.

29. A determination of adequacy of the existing water service/fire flow for the proposed use shall be provided by the Applicant to the DPW and Town Planner for their approval prior to scheduling the pre-construction conference. Prior to endorsement the plans must be revised as noted below:

- Separate connections for fire and domestic service to the existing 12" water main are required.
- The water service(s) that serve the existing building shall be identified on the plans. Notes shall be added to abandon the existing water service (s) by excavating, closing, and capping the corporation stop. If existing tees are found, they shall be removed and replaced with 12" ductile iron water main and solid sleeve couplings.
- The existing hydrant near the entrance on New Driftway shall be replaced. All new hydrants shall meet Town of Scituate standards.
- The size of the proposed domestic and fire water services shall be confirmed by the Applicant with the Town. Sizes for domestic and fire lines to be provided on a revised plan to Planning prior to application for a building permit.
- The Existing Conditions indicates there is one existing water service feeding the existing commercial structure at 61 New Driftway that is connected to the existing water main in New Driftway. The size and material of the existing water service shall be identified on the plan.
- The Applicant shall confirm the size of the existing water main in New Driftway as it passes in front of #61, as the records indicate that it is a 10" cast iron water main and transitions to 12" PVC water main at the intersection with Old Driftway.
- Fire flow conditions shall be calculated per the Weston & Sampson report. Flow tests and building type calculations shall be performed to ensure proper fire protection requirements.
- The Applicant shall provide a detail for the proposed 2-inch potable water service. All proposed 2" water services shall be either Type K copper or poly (CTS) tubing. All services 2' and smaller in diameter shall be installed with a curb stop. The Applicant shall include callouts to indicate the locations of the proposed curb stops and how the proposed potable water will be connected to the existing water mains (with corporation stop, saddle etc. The Applicant shall clarify on the plans how the remainder of the existing service not to be reused is abandoned or removed. Size and materials of existing water service shall be noted on plans. If the existing water service is less than 2 inches in diameter and/or made of a material other than copper or poly (CTS) tubing, the entire service shall be replaced.
- All units shall be individually metered. No master meters are allowed.
- The typical trench detail shall show the minimum required cover to be 5 feet for the proposed water main and services.
- The Applicant shall ensure that the proposed 4-inch PVC pipes connecting the gutter downspouts are installed at an elevation so as to not conflict with the proposed water service.
- The Applicant shall include callouts to indicate how the fire service will be connected to the existing main (with a tee or a tapping sleeve), and to identify the proposed gate valve.

30. The Applicant shall obtain all necessary approvals for the use of Town sewer prior to scheduling the pre-construction conference and any construction commencing. Any required upgrades, modifications or connections shall be at the Applicant's expense. Installation of all sewer mains and appurtenances shall be performed according to the specifications of the DPW Sewer Division. Copies of all necessary approvals shall be furnished to the Town Planner by the Applicant.
31. All replacement of, or connection to, Town sewer, drainage and the installation of water mains and appurtenances shall be performed according to the specifications of the Scituate DPW with an independent inspector contracted or employed by the Town to review the construction activity and assure compliance with the Town's rules and regulations. DPW personnel must be in attendance for any sewer, drainage and water infrastructure and appurtenance work in the Town rights of way and on the Project Site. In addition, the following must be addressed to the satisfaction of the Town Sewer Division prior to the commencement of construction with adequate notes added to the plans prior to endorsement:
- a. Confirmation that newly constructed manhole structures, if any, will be vacuum tested and such testing will be paid for by the Applicant. The test must also be witnessed by the Sewer Division and/or by the Town's approved independent inspector.
 - b. Sewer permit costs are in addition to connection fees at a rate of \$50 per residential and \$125 per commercial.
 - c. Expected Sewer connection fees have been revised to reflect existing betterment status. Any additional units connected to Town sewer shall incur privilege fees. The project is understood to be adding 21.5 sewer units consisting of 22 residential units (one 3 bed, eight 2 bed and 13 1 bed apartments) and seven retail spaces. The current sewer connection fees are \$16,000 per unit, with a 1 -bedroom apartment considered ½ a unit. The project will be assessed at \$344,000 in sewer connection fees for the additional units.
 - d. An External cleanout on the sewer service will be required within 10 feet of the building foundation. Cleanouts shall be provided on all bends.
 - e. All external cleanouts shall be furnished with metal protective covers.
 - f. Minimum slope of 2% is required for sewer services. Slopes shall be shown on the plan.
 - g. PVC sewer pipe shall be SDR 35.
 - h. The privately constructed sewer infrastructure will be owned and shall be maintained at all times by the Applicant. The sewer line from the property line in is owned by the Applicant.
 - i. Based on the noted inflows of 110 gpm during wet-well draw down testing, and the existence of FOG at the Herring Brook Pump Station, the Applicant is required to perform light cleaning and closed-circuit television (CCTV) inspection of the existing sewer lines between SMH STA 2 + 91 (Record drawing C-7, File No 143-59) and SMH STA 0 + 05E New Driftway (Record Drawing C1, File No. 143-65) to better define current conditions of these pipes.

- j. Existing sewer lateral must be cut and capped.
 - k. All joints in sewer mains, sewer services and sewer infrastructure shall be double-wrapped with a self-adhesive external PVC (10mil minimum) or EDPM rubber wrap (# mil minimum) tape, with a minimum width of 6". This is required for all 6-inch pipe (existing or proposed) from the Town right of way (approximately at the existing clean out) to the proposed building.
 - l. Applicant shall provide as-built plan to the Sewer division once constructed.
 - m. All sewer line work shall be done by a drainlayer licensed with the Town of Scituate.
32. The building, parking, walkways and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities if applicable.
33. The Applicant shall ensure that signs, landscaping and other features located within the sight triangle areas of the Project site driveways and the intersection of New Driftway and Driftway, are designed, installed and maintained so as not to impede lines of sight. (*no more than 2.5 feet in height*)
34. All signs and pavement markings to be installed shall conform to the applicable specifications of the Manual on Uniform Traffic Control Devices (MUTCD). All pavement markings in the public way shall be thermoplastic.
35. The Applicant shall ensure that snow windrows located within the sight triangle areas of the Project Site driveway intersections with New Driftway and Driftway that exceed 2 1/2 feet in height or that would otherwise inhibit sight lines are promptly removed.
36. Snow storage areas have been minimally designated on-site. The Applicant shall provide snow storage areas on the site plan **prior** to endorsement. The Applicant shall ensure all maintenance personnel are informed of snow storage locations. When on-site capacity is exceeded, an off-site location shall be used in compliance with all federal, state and local laws. Deicing and sanding agents can only be stored on site if they are covered or contained.
37. Trash management shall be internal to the building. A dumpster is proposed with a concrete dumpster pad. Trash removal shall occur as often as needed so debris is not placed outside the covered fenced dumpster, but at least on a weekly basis.
38. All electrical, telephone, cable and similar utilities shall be located underground.
39. Except for the Town-owned segments of the sewer and water line from the property line outward, all utilities including but not limited to the stormwater drainage shall be maintained by the Applicant according to the Post-Construction Phase Operation and Maintenance Plan Best Management Practices revised dated June 13, 2023 by Morse Engineering Co., Inc. and which are attached to this decision. The Post- Construction Phase Operation and Maintenance Plan Best Management Practices shall be provided to all property owners and property management people. The Post Construction Operation and Maintenance Plan shall be revised as a stand-alone document prior to endorsement and include snow removal conditions.
40. Porous Pavement areas must be vacuum swept and washed monthly. Infiltrative capacity must be checked after storms. Sand shall not be used on the porous pavement and salt use shall be minimized. An annual certification and report shall be provided to the Planning Office by a registered professional engineer that all components of the Post Construction

Phase Operation & Maintenance Plan Best Management Practices are being practiced and adhered to. The surface is never to be resealed with impervious materials in perpetuity.

41. If the drainage system is not performing as designed and conditioned or stormwater is observed going to abutting properties or to the street, the Stormwater Authority can require all necessary mitigation to permanently remedy the situation. This condition applies to all construction activities and survives the issuance of a Certificate of Completion to apply during all on-going operations of the building and site.
42. No separate Stormwater Permit is required as long as the Site is built according to the approved plans and stormwater calculations. This approval and conditions constitute the Stormwater Permit.
43. Inspection of all infiltration systems must be performed by the Planning Board's consulting engineer and the design engineer prior to any backfill or system component installation to confirm suitability of the soils.
44. Electric vehicle charging stations shall be provided for three (3) vehicles for use by residents of the development.
45. No gated entry is allowed now or in the future.
46. Flowable fill will be required for any excavation in Driftway and New Driftway.
47. Soil conditions at the bottom of the proposed infiltration area shall be inspected by the Town's Consulting Engineer prior to infiltration devices being installed and backfilled.

Affordability

48. All affordable units shall meet the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiative Program ("LIP") or other similar state-approved program in effect at the time of application.
49. According to Section 754 of the Zoning Bylaw, for projects receiving a density bonus, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. Five (5) affordable units are required for 22 units receiving a density bonus. The units are distributed throughout the proposed housing units. There are three one-bedroom units, one on each of the first, second and third floors. There are two 2-bedroom units, one on the third floor and one on the fourth floor. All of the affordable units are reserved for tenants with incomes at or below 80% of AMI.
50. The affordable units shall be constructed simultaneously with the market rate units. No Certificate of Occupancy will ~~not~~ be issued for any residential dwelling building without the affordable units ready for occupancy.
51. The Applicant shall be responsible for preparation of a LIP Local Action Units application to be submitted to the Executive Office of Housing and Livable Communities (EOHLC) formerly DHCD by the municipality (chief elected official). Assistance will be available from the Planning Office.

Erosion Control and Phasing

52. An Erosion Control Plan with preliminary sequence of construction has been provided. The plan shall be followed and if changes are necessary requested to the Planning Office. No major deviation shall occur.

53. Stockpiles shall be located as shown on the plans and must be protected with erosion controls including but not limited to silt socks and temporary seeding.
54. Phasing shall be per the phasing schedule indicated on the plans.
55. There shall be full unimpeded access for the fire truck and ambulance without backing out during construction.
56. The Board of Health (BOH) requires the property to be baited by a licensed exterminator two weeks prior to the demolition of the buildings and a report sent to the BOH.
57. The Construction Phase Operation & Maintenance Plan Best Management Practices shall be adhered to and added to the plans prior to endorsement.

Environmental Conditions: Noise and Dust

58. Site noise levels shall conform to the MassDEP's Division of Air Quality Control's Noise Policy. A baseline condition shall be taken and submitted to the Town Planner prior to the commencement of any construction activities.
59. The Applicant shall follow all regulations under the Massachusetts Department of Environmental Protection, 310 CMR 7.00: Air Pollution Control, 7.01 General Regulations to Prevent Air Pollution and 310 CMR 7.09 U Dust, Odor, Construction and Demolition. Per 310 CMR 7.09 U Dust, Odor, Construction, and Demolition water must be used to prevent excessive emission of particulate matter throughout the construction Project.
60. The Applicant shall not operate any concrete crushing machinery on the Project Site.
61. A dust control plan must be provided to the Planning Board and Board of Health for review and approval prior to the preconstruction conference.

Landscaping, Site Amenities, Density Bonus and Public Realm Improvement:

62. All changes to the proposed plans must be presented to the Town Planner for approval. The Town Planner or the Planning Board's inspector have the authority to approve minor changes or deviations from the approved plans and/or any details needed for lighting, signage, paving materials, fencing or landscaping. All other changes shall be approved by the Planning Board. Material selection shall be provided to the Town Planner for review for compliance with approved plans prior to installation.
63. A separate sign permit shall be required from the Building Department for any free-standing signs, unless otherwise exempted under the Zoning Bylaws. Signs shall be fully located on the Applicant's property and shall not block sight lines for traffic entry/egress from the Site. Any sign must be reviewed by the Design Review Committee prior to permitting.
64. The calculation for the by right density shall be added to the plan prior to endorsement along with the correct setback/stepback table from the zoning bylaw.
65. A density bonus of ten (10) units has been requested not including the affordable units for the project. The Planning Board can approve this additional density by special permit if the Applicant provides benefits to the residents of the project and VCN District and surrounding area. Finding #11 indicates the Applicant has agreed to provide a contribution of one hundred and thirty-three thousand dollars (\$133,000.00) to be used toward repair, maintenance, reconstruction and associated engineering of the pier in Driftway Conservation Park which needs repair and maintenance and is located in the area of the Project and included in the Town's 2018 Open Space and Recreation Plan. This contribution is made in

lieu of meeting physical requirements for a density bonus under Section 580.4 C of the zoning bylaw. The Applicant has agreed to stipulate in express written terms or conditions that funds may be expended as part thereof by the Planning Board without further appropriation. Use of the funds for specific pier improvements/maintenance in the Driftway Conservation Park require approval by the Town Administrator, Town Planner and Planning Board. If all of the funds are not needed for the pier, the Planning Board shall be requested to identify and approve a new purpose or use of the remaining funds in accordance with Section 580.4 C.2. of the Scituate Zoning Bylaw. The Applicant shall provide such funds to the Town prior to commencement of construction. The Applicant is also providing sidewalk improvements to Town standards for approximately 141 linear feet in accordance with plan 4 of 12 revised dated 6/28/2023 with an approximate cost of \$44,500 to constitute the full density bonus for the project. The walkway must be completed prior to an occupancy permit for the project. These density bonus improvements are made under Section 580.4 C of the zoning bylaw.

66. The Applicant has agreed to contribute the sum of ten thousand dollars (\$10,000.00) to fund traffic and pedestrian improvements/studies in the Greenbush-Driftway area as approved by the Planning Board. The Applicant has agreed to stipulate in express written terms or conditions of the contribution that the funds may be expended as part thereof by the Planning Board without further appropriation. Use of the funds for specific improvements require the approval by the Town Planner, Planning Board and Town Administrator. The Applicant shall provide such funds to the Town prior to the commencement of construction.
67. All proposed lawns and swale areas shall have a minimum of 6" of clean screened loam. A bill of lading shall be provided to the Town Planner during construction to show that the loam is clean.
68. Outdoor amenity areas must be shown by type, size in square feet and percentage of lot area and labelled on plan prior to endorsement. Landscape plan shall not be used for this purpose.
69. There shall be no lighting spillover to any abutting properties. Lighting fixtures shall be cut off/down lighting style. All fixtures shall be LED and no higher than 15 feet. Lighting Fixture details and specifications shall be provided on the plans prior to endorsement.

Ms. Joseph to verify the plans for 15 feet.

70. Street trees shall be a minimum of 3" caliper and 10 feet high with branching height above 6 feet.

Ms. Joseph to verify the plans for tree caliper.

71. The existing loam stripped for the project shall not be spread back on the site if it contains invasive species i.e. knotweed.

Architecture/Design:

72. The building shall be constructed in accordance with the architectural elevations and plans submitted for the Project. The quality of materials, construction and colors shall not substantially deviate from those as shown on the elevations and discussed during the public hearing without the review and approval of the Planning Board.
73. The final building plans, stamped by a registered architect, shall be provided to the Planning Department prior to a building permit being issued for review for consistency with the

elevations and renderings described in Condition 1. If the plans differ from the approved plans, approval of the changes by the Planning Board will be required.

74. Detailing of the exterior materials with emphasis on the brick and trim details and review of the locations of the utilities and mechanical equipment must be reviewed by the Design Review Committee with concurrence by the Planning Board prior to issuance of a building permit. There shall be a concerted effort on the part of the Applicant to design and install the majority of the HVAC equipment on the roof of the building.
75. Low reflectivity glass is required.
76. Any fencing on site is required to be 6 feet tall.
77. There shall be a minimum of two (2) benches and two (2) picnic tables located throughout the site which are to be field located during construction with approval of these locations by the Town Planner
78. Calculations for gutter capacity, downspout sizing and pipe sizing shall be submitted and approved by the consulting engineer prior to issuance of a building permit.
79. A certification shall be provided to the Town Planner by the architect prior to a Certificate of Occupancy that the buildings as constructed are in substantial compliance with the approved plans.

Required Prior to Scheduling the Pre-Construction Conference

80. As the units are rental units, the Applicant shall provide draft documents and a master deed review to include:
 - a. A statement that the driveway, parking areas, drainage system, sewer, landscaping, amenity spaces and other common areas shall be owned by the Applicant and shall be maintained by the Applicant shall not be the responsibility of the Town to maintain. The driveway, drainage system, landscaping, lighting, stormwater leaching system and other common areas shall be inspected, maintained and repaired by the Applicant. This shall also be stated in a note added to the plans prior to endorsement.
 - b. A requirement that: i) maintenance of the drainage system, parking, driveways, and landscaping shall be in accordance with the Post-Construction Phase Operation and Maintenance Plan Best Management Practices approved by the Planning Board's consulting engineer; ii) provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways has been provided; and iii) a description of the required annual maintenance of the driveway, parking areas, landscaping, lighting and other common amenities.
 - c. A table of the number and general location of parking spaces assigned to each unit.
 - d. The revised Post-Construction Phase Operation & Maintenance Plan Best Management Practices shall be provided to the Planning Board as a stand-alone document.
81. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
 - a. Copies of the recorded site plan review and special permit and plans;
 - b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum, inspections of Subdivision Rules and Regulations Section 9.0, for the

driveway, parking areas, walks, and stormwater management systems, water system, municipal sewage connection and sanitary sewerage line, new curbing and erosion and dust control measures, as well as any specific requirements contained herein which may require review and/or inspections by the Town. The specific amount shall be provided by the Planning Dept. based on the consulting engineer's estimate, shall be subject to amendment from time to time and shall be supplemented by the Applicant as requested by the Planning Dept.;

- c. A construction schedule including approximate dates for installation of erosion control and other site protection/stabilization, construction of the building, and all applicable items in Subdivision Rules and Regulations Section 9.0; and
- d. A type and amount of security provided by the Applicant reasonably satisfactory to the Planning Board to cover the satisfactory completion of site and infrastructure features shown on the site plan including landscaping, parking, utilities, drainage, signs, lighting and related conditions imposed by the Board. The amount shall be based on the Applicant's contractor's estimate of costs of these items, reviewed by the Town's consulting engineer and shall be approved by the Planning Board prior to the preconstruction conference.
- e. Provide contact data for the Site Contractor, General Contractor and 24-hour number for responsible party in the event of an emergency.

Required Prior to the Start of Construction

- 82. Within two calendar weeks prior to the Applicant's notification to the Town Planner that it intends to commence any work on the project site, a pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, the Town Engineer and other DPW representatives as necessary, the Police Department, the Planning Board's consulting engineer and other representatives of the Town as the Board feels are necessary. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board, DPW and Police Department. At least one telephone contact shall be available 24 hours per day in the event of an emergency.
- 83. The property lines of the subject Property shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of three business days prior to the start of construction. The property line shall be staked or pinned at all times during construction.
- 84. A stabilized construction entrance and silt fence/sock must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing. Construction fencing shall be required as necessary to comply with federal, state and local laws.

Required During Construction

- 85. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturday and shall cease no later than 7:00 PM or dusk whichever is earlier. No construction shall take place on Sundays or legal state or federal holidays.
- 86. The Board reserves the right to require the consulting engineer to visit the site weekly or as often as necessary during construction to observe and report on matters within the scope of the Planning Board's authority.

87. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures are in place and approved by the Town Planner or Town's Consulting Engineer. Such control measures shall remain in place until the Board's consulting engineer determines after consultation with the Town Planner, that the danger of erosion or sedimentation no longer exists. It is the Applicant's affirmative responsibility to ensure the maintenance and management of all stormwater control measures at all times during construction to ensure there are no increases in stormwater flow velocity or volume to abutting properties at any time.
88. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
89. No sediment (including silty water) shall be allowed to leave the site during construction.
90. No parking or unloading on Driftway, New Driftway or Old Driftway shall be permitted during construction unless approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access on-site.
91. All construction parking shall be on site unless otherwise approved by the Planning Board.
92. The Applicant shall notify the Scituate Police Department 48 hours in advance of any significant equipment and construction material arrival to the site which may cause a safety hazard or material disruption of the public way such that a police detail is necessary to ensure safe passage. Any Police detail required is at the expense of the Applicant and is required when the Police Department determines it is necessary.
93. The Applicant shall not allow any large construction equipment or trucks to stage or idle on public roads and shall not allow such equipment or trucks to idle onsite prior to 7:00 AM. Police details may be required for construction access or work within the layout of New Driftway or Driftway (Old).
94. The Applicant shall provide the Town with the route(s) construction traffic will use so that if a safety hazard or material disruption of the public way impedes safe passage, a police detail would be obtained by the Applicant at its expense.
95. Construction activities shall be conducted in a workman like manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down or other proper storage and disposal methods.
96. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant may be available at the water treatment plant for construction use during non-water ban times.
97. In an effort to reduce noise levels, the Applicant shall keep all equipment that emanates sounds from the structures or site in proper working order through regular maintenance.
98. Blasting, if necessary, shall be conducted according to all necessary permits and meet all of the requirements of the Scituate Fire Department.

Required Prior to Issuance of Occupancy Permits

99. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the building (s), driveway, parking areas, and installation of necessary utilities is in full compliance with the approved plans and the site plan review and special permit.

100. Prior to application for a Certificate of Occupancy, a copy of the contract for inspections and maintenance of the Stormwater System per the Operation and Maintenance Plan shall be provided to the Planning Office.
101. Prior to *applying for* an occupancy permit for the building on the site, the sidewalk in the right-of-way of Driftway must be constructed down to the Drew driveway.
102. Prior to applying for an Occupancy Permit, the Applicant shall provide:
 - a. A copy of an executed regulatory agreement between the developer, municipality and EOHLC to insure long-term affordability.
 - b. The proposed rental price of the affordable units;
 - c. A draft deed restriction to restrict the subsequent price of the affordable rental units to the applicable rental amounts for units at or below 80% of the area mean income (AMI) according to the Executive Office of Housing and Livable Communities (EOHLC) in perpetuity. The draft deed restriction shall be approved by Town Counsel and proof of recording provided to the Planning Board prior to the issuance of the Occupancy Permit for an affordable unit;
 - d. A plan showing the location of the affordable units for the Building and Planning Departments;
 - e. The name and contact information for agencies, companies or individuals who will conduct marketing, hold the lottery and perform the monitoring;
 - f. A draft affirmative marketing plan meeting the guidelines for approval of ~~DHCD~~ EOHLC. The marketing Plan must affirmatively provide outreach to area minority communities to notify them of the availability of the units and must demonstrate the need for local preference as well as insure there will be no discriminatory impacts as a result of using local preference criteria. If the plan does not meet ~~DHCD~~ EOHLC requirements for inclusion of the units on the Subsidized Housing Inventory, revisions will be required prior to an Occupancy permit.
 - g. Any changes to the affordability documents must be approved by the Town Planner.

Administration

103. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
104. This Site Plan Review and Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 120 days of expiration of the appeal period or such extension of that time period granted by the Planning Board following approval of this Special Permit. The Applicant shall provide proof that the Special Permit was recorded to the Planning Board.
105. The Planning Board may at its discretion waive or modify conditions of this Special Permit at a duly called meeting of the Board if the Board determines that such waiver or modification is insignificant and does not materially adversely affect the purpose of this special permit decision or is otherwise warranted.
106. This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with M.G.L. Chapter 40A, Section 9.

107. All plan sheets of the Site Plan Review and VCN Special Permit shall be recorded at the Registry of Deeds.

108. All construction work shall be done in accordance with the plans. Failure to comply with any condition of this permit shall cause it to be deemed invalid.

109. Any condition contained herein that varies from the plan supersedes the plan where different.

Mr. Pritchard seconded the motion for discussion;

There was discussion about the requirements for when the existing building it taken down; Ms. Joseph said the applicant has to follow BOH requirements.

Ms. Burbine seconded the motion as amended; a vote was taken and was unanimously in favor.

Ms. Burbine moved to close the public hearing; Mr. Pritchard second the motion; a vote was taken was unanimously in favor.

Ms. Lambert moved to take a 5-minute break, Ms. Burbine seconded the motion; a vote was and was unanimously in favor. Break from 8:24 – 8:30pm.

The Board reconvened the meeting at 8:30pm.

**Continued Public Hearing – Site Plan Administrative Review and Special Permit for 4 Multi-Family Buildings and Stormwater Permit in the Village Center and Neighborhood District – North Scituate Village District – Outer Village (VCN-NSV-OV) - 817 Country Way
Assessor's Map/Block/Lot 12-2-38-F
Applicant/Owner: Option C Properties, LLC**

Documents

- PDF 817 Country Way – Responses to comments -2023-10-10
- PDF 817 Country Way Stormwater Report – Rev 2023-10-10
- PDF 817 Country Way – Peer Review #4
- PDF Building Height Submitted 11.1.23 at DRC
- PDF Country Way Estates – Site Plan – Revised 2023-10-10
- Doc Letter to Planning Board 11-6-23
- PDF Letter – to – town -ii
- DOC Draft Motion Form 4th Continuance
- PDF OCT-2023 Rev-Building 2
- PDF OCT-2023 Rev-Building 3
- Email dated 10.23.23 from Kevin Grady – Revised Submittal 10-12-23
- Jpeg Render Overall - 10-6-23
- Jpeg Render Street View – 10-6-23 copy
- PDF Traffic Response
- PDF Traffic Written Response
- PDF 9620 Peer Review Response 102523

Attendees: William Ohrenberger, Attorney; Kevin Grady, Grady Engineering; Jamie Kelliher, Architect; Chris Bruce, Owner; Peter Ellison, Town's Consulting Engineer

Mr. Ohrenberger indicated the project has been to one DRC meeting with the revised plan for the development. He said this has become an as-of-right project, there are 34 units, three buildings, they have dropped a building, they are not seeking a density bonus or Special Permit. The project is still proposed as rental units, there are now 6 three-bedroom units, there are no age-restrictions, there is more parking than is required, there is more septic capacity than required, green space has been increased.

Mr. Grady provided a brief overview of the project.

- Buildings have been reduced from 4 to 3
- Reduced number of units from 52 to 34
 - Removes the need for a Special Permit
- Reconfigured the driveway with regards to Peer Review Comments
 - Slope of the entrance driveway and parking along it
 - Eliminated the slope by adding parking between Buildings 1 and 2
 - 9 spaces with a turn around
 - Slope is at 8%
- 53 parking space required, providing 63 parking spaces
- Accessibility between buildings and parking lots
 - Accessible parking at each building
 - Accessible route for Building 2 is directly up a ramp to the front entrance
 - Flat entry provided to the rear entrance
 - Accessible route around the buildings was pointed out
- Stormwater
 - Some peer review comments to be addressed
 - Configuration is the same all subsurface drainage
 - System behind Building 3
 - System between Buildings 2 and 3
 - Infiltration in front of Building 1
- Septic System
 - Maintaining existing septic system for Building 1
 - Using South side of the property for septic
 - Each building has its own septic tanks
 - Pump chamber from Building 2 to get to the system
- Amenity space
 - 21,000 sq. ft. of space distributed around the property

Mr. Grady said there are some additional Peer Review comments that need to be addressed, but nothing seems insurmountable.

Ms. Lewis asked about parking for Building 1; Mr. Grady pointed out the parking for Building 1 on the plan.

Ms. Lambert asked how far back Building 3 is from the street; Mr. Grady said almost 400'.

Ms. Burbine commented on the distance from Buildings 1 and 2 to get to the trash receptacle and asked the applicant try to address that. She also asked if there is a way to put some stairs down from the parking lot behind Building 1 into the green space so people don't have to walk so far around to the front of the building. Mr. Grady said that is something they can look at doing.

Mr. Grady pointed out the Peer Review had questioned a section of wall needing fall protection, he said they will be adding a decorative fence to address the comment.

Mr. Ellison the Town's Consulting Engineer, opined the plan is an improvement over the previous version; one of the buildings has been eliminated and green space has been added to the plan. He said there are still several technical issues that need to be addressed on the stormwater and civil piece of the design. He discussed several issues from the review

- Accessible path and route around the building
 - Complex design and something the ADA Officer/Building Commissioner for the Town should opine on if it is to code and acceptable to the Town
- Additional detail needed on the retaining walls around the edges of the site
 - Some areas look to be over 4' tall
 - Questions if the walls are considered a structure, if so would there be a setback required for the wall to the property line
- Traffic
 - Generally, agree with the scope and the way in which the Traffic Study was prepared
 - Reviewed the study area and the intersections included and agreed with them
 - Data appears to all be collected properly
 - Study prepared with conformance to industry standards
 - Site trip generation calculations looked appropriate
 - Land use code for Multi-family housing was used
 - Issue and outstanding comments are with the intersection of the proposed driveway and Country Way
 - Traffic Impact Study states the applicant is meeting and exceeding the required stopping site distance
 - Peer Review feels the measuring of the stopping site distance from the driveway is incorrect.
 - Applicant is measuring 9' back from the edge of the road
 - Standard is 14.5' back
 - May be a challenging safety issue to overcome
 - Existing retaining wall to the south obstructs the view and prevents them from being able to get the required minimum stopping site distance at the driveway
 - Peer Review suggests meeting the Town Staff and applicants' team on site to review and come to consensus on the issue
 - Mr. Grady said they would be amenable to that; they did respond to the comment, but they agree it is a good idea to get all parties together on the site

Mr. Kelliher provided a brief update on the architectural for the project.

- The basic building design has not changed
 - Some window sizes and locations have changed due to units being reconfigured
- Mr. Kelliher reviewed an aerial view of the proposed project
- Mr. Kelliher reviewed the street view
 - Building 3 is essentially hidden from the street
- Unit counts have been changed
 - Building 2 – 10 units
 - Mix of 1 and 2-bedrooms, with some 3-bedroom on the top floor
 - 2 one-bedrooms
 - 6 two-bedrooms
 - 2 three-bedrooms
 - Building 3 – 16 units
 - Mix of 2 and 3-bedrooms, with a single 1-bedroom on the first floor
 - 11 two-bedrooms
 - 4 three-bedrooms
 - 1 one-bedroom
- The front building gets a re-skinning to tie into the other buildings
 - Bedroom count for Building 1 does not change
 - Retaining wall that exists now will be made more decorative

Ms. Burbine said she would like the applicant to put in a sidewalk; she understands they do not have to, but it would be a plus for the project. Mr. Grady said they have looked at that and there is an issue as you get closer to the Cohasset Town line there is not enough room to put a sidewalk in on the public way and it can't go on private property. He said there are also some mature trees, a catch basin and stonewall and maybe that is why there isn't a sidewalk there now. Mr. Grady said there is no room. Ms. Lambert said that is something that should be looked at when the group site visit occurs.

Ms. Lewis asked if there is a sidewalk from this building to the train; there is a partial sidewalk to the train, but it does not go all the way.

Ms. Joseph provided some additional comments; she did opine the project has improved from the last submittal.

- Plans need to be reviewed to ensure everything is accurate, several discrepancies found
- Water study required
- More peer review engineering money will be needed
- Snow storage needs to be shown on the plans
- Number of bicycle spaces needs to be identified
- More information is needed on fill
- Landscape plan should be stamped by Registered Landscape Architect, plants need to be identified
- Walls need more detail, top and bottom, i.e. fencing, etc.

- Privacy fence showed at 5' – really need 6'; plans need to show split rail fence vs. privacy fence
 - Clarify fencing and locations
- Design Review Committee asked for sections going through the property at the Cohasset town line
 - Show how the proposed wall interacts with the existing vegetation, privacy fence, landscaping and waterline
- BOH - septic system has not been reviewed yet
- Parking exceeds the requirements
 - Is the Board okay with 10 additional spaces, Board should provide feedback
- Building Commissioner looking at the plan for ADA compliance of walkways, etc.
- Lighting spillover into Country Way and adjacent residential properties
- Existing building is over 100'; Ms. Joseph opined it needs a Special Permit
- Details need to be reviewed to make sure they pertain to this project
- Number of Affordable units – how many are there?
- Construction sequencing, dewatering, how is this going to be constructed
 - Is it all one phase?

Mr. Ohrenberger responded and said there is no light spillover. He also addressed the front building and said there is no Special Permit needed for the front building; he said he discussed it with the Building Commissioner it is pre-existing non-conforming under 48 Section 7 of State law, it is grandfathered so there is no Special Permit needed.

Mr. Grady responded to several of Ms. Joseph's call outs.

- Snow storage is shown on the erosion control sheet
 - Ms. Joseph said it should not be shown on that plan, it needs to be on a legible plan
 - A separate snow storage sheet will be created
- Bicycle data will be added to the first sheet under the parking calculations
- Fill plan will be submitted
 - Approximately 5,700 yards
 - Almost no cut
 - Septic system and separation to ground water is causing the elevation
- Landscape plan
 - Registered Architect did prepare the plan
 - Did not go to fine detail on the plan for this meeting, wanted feedback from the Board first
 - Plan will be improved with next submittal
- Fencing plan will be created
 - Stockade fence all around the property, will be adjusted to 6' fence on the plan
 - Review with Ms. Joseph sections and what is needed
- BOH was asked to hold off until the Planning Board meeting
- Parking, they meet the requirements
 - Need to have conversation with Board as to what they want
- ADA compliance of pathways, will speak with the Building Commissioner

- Lighting spillover - will look at again
 - 2 areas where there was some spillover that will be blocked by fencing
 - Spillover onto Country Way is from bollard lighting, no large lighting that will impact Country Way
- Will provide detail on pervious pavement
- Affordable housing
 - 5 units
- Will improve upon construction sequencing

Ms. Burbine opined that 10 parking spaces for guests is too many; Ms. Lambert agreed that it may be too many. Mr. Pritchard said it should be balanced with the needs of the septic system, walkways, etc. Mr. Grady said that the extra parking does help with snow storage.

Ms. Joseph said the Board should give them an idea of how many is acceptable; Ms. Burbine said 5, meet in the middle. There was some discussion as to where the spaces are located on the site. Mr. Grady will review and see if 5 spaces can be removed he will also look at accessibility, snow storage and moving of one of the dumpsters towards the middle of the site. Ms. Lambert said 5 is not a drop-dead number for the Board.

Mr. Ohrenberger discussed the Water Study and said that maybe the report could be in tandem with a project at 809 Country Way that has yet to come before the Board so they could share the expense. He also said they were told that the Board is waiving the Traffic Study for the potential project at 809 Country Way next door because they are a non-profit. The Board said nothing has been filed/submitted so that is just a rumor. There was discussion that the criteria are the same as what was done on the project on New Driftway that Mr. Ohrenberger represented. He said they have the criteria and Mr. Grady is aware of it.

Mr. Ohrenberger said this is the last best thing that can be done under this bylaw; he said they will address all the items discussed, but in a nutshell, they are adding 26 units, the front units already exist. He said they really took heed of all the discussions, they eliminated a building, there is no age-restriction. He said it would be nice to get some feeling if the Board thinks this is a good project, he said there is not a lot more they can do.

Ms. Lambert said right now the devil is in the details; she said she appreciates that a building was taken out, she does not think it is unattractive and that is why she asked how far back the building is from the street, which was a DRC concern. She said she doesn't really have an issue with it. She said she very much appreciates the redesign.

Ms. Burbine said she also appreciates it, but has concerns about all the pavement and access from the parking lot above Building 1 and asked the applicant look at the sidewalk.

Ms. Lambert said that because this is the first of this type it might take longer; the Board has to get it right.

Public Comment:

Ms. Kathy Desjourdy resident at 429 South Main Street, Cohasset, said they live directly adjacent to this property, she said she did submit a letter to the Board. Ms. Joseph indicated the letter was

forwarded to the Board. Ms. Desjourdy said looking at the plan it is difficult to understand the impacts to her property, some which have been pointed out tonight including the wall. She said they are happy they took out a building, but now they have added parking right next to their property, they are concerned about landscaping, noise and all the typical things associated with a parking lot. She hopes the landscape plan will be beefed up. She questioned the lighting for the ADA walkway is not on the plan at all a how will it impact them. She questioned the validity of the ADA pathway through the site and referenced the peer review comments. She said the slope is still an issue it is still 8%; they deal with it from their property and it is no joke.

Mr. Bruce Arbonies resident at 23 Gannet Pasture Lane asked about sewer capacity and if it will be expanded to accommodate this area. Ms. Joseph said this project is on septic, but they are putting in a line to be able to connect to sewer if/when it comes. She said it is the Town's stance that sewer is 3-5 years away.

Ms. Olivia Falk resident of 3 Gannet Pasture Lane Extension, Cohasset, said she lives behind the proposed development and is pleased to see the number of buildings has been reduced to three. She asked about the height of Building 3 being over 40'. Mr. Kelliher said the height of the building is measured to the mid-point; he believes the height to be 38'1".

Mr. Michael Buettner resident at 56 Mordecai Lincoln Road said he is delighted that the project has been scaled down. He asked if the whole tree line that exists between the properties could be left alone. He also commented on the sidewalk, it would bring residents of this development to the train station and the stub that goes into Cohasset is very short and if it is prohibitive do it that direction it is best to go south to get people safely to the train station. He also asked what can be done to make sure that the trees that are newly planted don't die, he provided an example of trees planted in the MBTA parking lot that have all failed.

Ms. Lambert said the Board is much more vigilant about trees than the MBTA.

Mr. Robert Beaulieu resident at 38 Mordecai Lincoln Road questioned the number of units at 52; he was correct that there are now 34 units. He opined the number of parking spaces at 63 is counting almost 2 cars per unit.

Ms. Desjourdy spoke about the sidewalk in front of the development she commented that the sidewalk does not have to come all the way up to the stonewall and there may be options to work around it, but the wall is recognized by the Town of Cohasset and MCRIS as historical. Ms. Lambert said the Board is aware and it is a work around.

Mr. Ohrenberger said the applicant is in a no win situation.

Ms. Burbine said the Board is going to do the very best they can for everyone.

Mr. Grady reviewed the site plan to show the issues with the sidewalk. He said he does not have a great solution, really the road needs to be centered or there needs to be a taking and it should be something the Town does not a private developer.

Motion:

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for 3 Multi-Family Buildings and Stormwater Permit in the Village Center and Neighborhood District – North Scituate Village District – Outer Village (VCN-NSV-OV) until January 25, 2024 at 7:00 pm and to continue the time for action for filing with the Town Clerk until March 29, 2024.

Ms. Lewis seconded the motion; a vote was taken and was unanimously in favor.

Discussion/Vote – Re-appointment of Paulette O’Connell to DRC

Motion:

Ms. Burbine moved to re-appoint Paulette O’Connell to a three-year term on the Design Review Committee for a term running from November 9, 2023 to November 9, 2026.

Ms. Lewis seconded the motion; a vote was taken and was unanimously in favor.

Discussion – MBTA Communities Update

Ms. Joseph indicated there had been another meeting with the Consultant and another one has been scheduled, the Town will definitely be able to propose the 15 units/acre, we will apply for the two mixed-use districts, will do a parking change and affordability change and some definitions may be added. We have confirmed with Town Counsel that MBTA Communities stuff will be under one article for Town Meeting. Final wording and changes should be ready for the December 7th public workshop.

Minutes

Documents

Ms. Burbine moved to approve the meeting minutes from October 26, 2023.

Ms. Lewis seconded the motion; a vote was taken, and was unanimously in favor.

Ms. Lambert did not vote as she was not present for the meeting.

Accounting

Documents

PO #2404144 (\$210.00), PO #24041145 (\$140.00), PO #2404146 (\$350.00), PO #2404147 (\$230.00), PO #2404093 (\$34.82), PO #2404068 (\$400.00)

Ms. Burbine moved to approve the requisition of \$400.00 to TEC, Inc. for peer review services for 817 Country Way, for \$34.82 to WB Mason for office supplies, for \$230.00 to Chessia Consulting for peer review services for 19 Ford Place, for \$350.00 to Chessia Consulting for peer review services for 533 Country Way, for \$140.00 to Chessia Consulting for peer review services for 61 New Driftway, for \$210.00 to Chessia Consulting for peer review services for the Country Way Residential Compound.

Ms. Lewis seconded the motion; a vote was taken, and was unanimously in favor.

Liaison Reports

Planning and Development – reported by Ms. Joseph:

- Next meeting will be Water Treatment Plant and an Accessory Dwelling
- Park at Pier 44 will have a shade structure and board walk
 - Board is requiring a Site Plan Review
 - ENF is available
 - Chapter 91 will be needed
 - Project may be phased

There was some discussion about the status of 7 New Driftway. There is another year on the permit and there is some thought that property is being shopped around. Stockbridge Road affordable units are tied to this project.

Documents

- Email to the Board from Shari Young dated 11.3.23 with meeting agenda 11.9.23 and materials for 817 Country Way
- Email to the Board from Karen Joseph dated 11.3.23 with meeting materials for 61 New Driftway and 817 Country Way.
- Email to the Board from Shari Young dated 11.6.23 with DRAFT meeting minutes from 10.26.23
- Email to the Board from Karen Joseph dated 11.8.23 with meeting materials for 817 Country Way and 61 New Driftway

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 9:40 p.m. Ms. Lewis seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Clerk
Date Approved: November 16, 2023