

**SCITUATE PLANNING BOARD    MINUTES    December 3, 2020**

Members Present: Ann Burbine, Chairman; Benjamin Bornstein, Vice Chairman; Patricia Lambert, Clerk; Stephen Pritchard, Rebecca Lewis and Bob MacLean alternate.

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

Members absent:

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

Location of meeting: Selectmen's Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chairman Burbine called the meeting to order at 7:00 P.M. The meeting was conducted in compliance with the Governor's executive order modifying the Open Meeting Law regulations for remote participation during the COVID-19 health pandemic. The meeting was being recorded for airing on local cable television.

**Documents**

- 12/3/20 Planning Board Agenda

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

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**Roll Call to call the meeting to order:**

A roll call vote was taken to open the meeting.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes  
Mr. MacLean – yes

**Public Hearing – Site Plan Waiver for Widows Walk Golf Course – 250 Driftway**

**Assessor's Map/Block/Lot 59-1-1**

**Applicant/Owner: Town of Scituate**

**Documents**

- PDF Cover letter 11.3.20
- PDF Widows's Walk Reno\_ Plans and Elevations
- PDF Widows Walk Site Plan 11.3.20
- PDF Widows Walk Waiver Request
- Doc Transmittal Letter
- Email from Board of Health dated 11.19.20
- Doc DRAFT Motion

Attendees: Brendan Sullivan, Cavanaro Consulting, Engineer; Brian Dunkelberger, Architect, S3 Designs

Mr. Sullivan reviewed the site plan.

- Golf course is approximately 120 acres, 97 acres of upland
  - 18 Hole Golf Course, Restaurant, Pro-shop and Parking log
- Proposal from the Town
  - Add foyer
    - South westerly side of the building
  - Add restrooms
    - Northwesterly side of the building
  - Increase size of the dining room
  - Additional Deck - deck will be moved out, existing deck will be enclosed for additional dining space
  - Proposing additional handicapped access and parking spaces
    - 1995 Approval accounted for 155 parking space
    - Per the parking regulations 1.6 spaces is required per acre of golf course
      - Parking based on 97 acres X 1.6 is equal to 155 spaces
    - Proposing 156 spaces for the site – to do be done at a separate time under a separate application
    - Expansion of handicapped parking where it already exists today
  - Accessible walkway that goes around the front of the building and up to the Pro-Shop
  - New entry serviced by a stairway with a porch
    - Accessible ramp from the deck to the Pro-Shop
  - 2 Entrances to the Pro-Shop, 1 entrance to the restaurant/dining room
- Change made to the plan regarding the Floodplain, correct at elevation 16.
- Mr. Sullivan pointed out where the Floodplain is on the site plan
  - Basement floor of the garage area is actually elevation 15.6, the basement is into the floodplain.
    - Will be making the building flood compliant
- Soil testing has been done
  - Borings and Test Pits with the backhoe in the front and rear of the building and in the parking lot
    - Mostly sand
    - Hit some groundwater at the bottom of the parking lot, elevation 5 or 6.
- Infiltration systems have been modified with respect to requirements for the Water Resource Protection District – providing pre-treatment, separation of ground water, etc.
  - Additional notes provided with fabric in the bottom of the stone, fabric inside the chambers and a note there is to be 3' of separation with ground water
- Septic system has been inspected in the past
  - Original system over designed for the number of seats in the restaurant
  - Board of Health has approved the plans with proposed increase in seating
- ADA Parking has some additional requirements for spacing

Mr. Sullivan indicated there were minor discrepancies between the site plan, architectural plans and stormwater, but all will be made to be consistent; he opined they are minor in nature.

Mr. Dunkelberger reviewed the architectural plans.

- Southwest side of building stairway into a lobby/foyer
- Entrance into the Pro-shop and entrance into the restaurant
- Pro-Shop
  - Moving the door to be straight on center
  - Moving the desk area to be on center and create some retail area on the sides
  - Reworked office and storage areas to make more functional
- Restaurant
  - Increased the size of the kitchen
    - Make more attractive to outside vendors
    - Made more functional
    - Pulls the kitchen wall more into where the existing bar area is
  - Added new bar on the eastern side
    - Windows provide view down the river and onto the deck
    - Bar area added is where the existing outdoor patio is currently, part of the foundation so able to enclose
    - Will build new outdoor seating/deck
- Addition on back side of the building for restrooms
  - Goal so golfers could come off the 9<sup>th</sup> hole use the restroom without having to go through the entire restaurant area
  - New stairs on the back of the building

Ms. Joseph indicated the applicant has applied for a Site Plan Waiver, the Board needs to determine if the proposed work, site work or building work is minor or insignificant in nature of effect; the building use nor the property use are changing, the club house is an accessory use to the golf course which was permitted in 1995 with three special permits, a Planned Development District Special Permit, Site Plan Special Permit and Water Resource Protection Special Permit.

Ms. Joseph began to discuss the parking, but her sound was cut off due to technical issues.

Ms. Joseph indicated a letter from the Board of Health has been received, the septic has been inspected and there is plenty of capacity for an expanded restaurant.

Ms. Lewis asked if there was a handicapped ramp. Mr. Dunkelberger pointed out the ramp on the plan using the grade that gets to the front porch.

Ms. Joseph came back online and summarized what she had said; the use of the public building and the property will not change, the Board has to decide if the nature of the effect of the changes are significant or insignificant, the BOH has confirmed there is plenty of capacity in the septic system, the club house is an accessory use to the golf course which received three special permits in 1995.

Mr. Pritchard asked if the changes proposed here today would cause anything to not comply with the special permits from 1995. Ms. Joseph indicated no; there was always anticipated renovations to the club house. Ideally the renovations would have been done within the first three years as outlined in the special permit, but renovations were always in the plan.

Ms. Burbine said that she was part of the permitting years ago and it was always proposed that there would be renovations for a bigger function hall, etc. after 3 years but here we are 25 years out.

Mr. Pritchard asked about the parking lot being perused under a different application.

Mr. Sullivan said the requirement for the parking spaces is not going to change it will still be 155 spaces, 97 acres X 1.6 space. The proposal is for 156 spaces, he opined a Site Plan Review is triggered once the number of spaces is increase by 5 or more. He said since they are not increasing the parking by 5 or more spaces they could just repave and stripe the existing parking lot without Site Plan Review, the applicant does need to discuss with Conservation because the proposal is under their jurisdiction. The applicant needs to file with Conservation for the paving work.

Ms. Joseph indicated the paving was always in the special permit and there was drainage and landscaping in the special permit.

Mr. Pritchard asked if the paving of the parking lot changes the stormwater drainage. Mr. Sullivan said not existing, no. Part of the lot is paved and part is a hard packed gravel, millings from an existing paving job, when that is rolled out it acts as pavement; the parking lot is half hard packed gravel and half pavement so the drainage characteristics are not going to change from what is there today. He indicated the applicant is proposing to close one of the entrances and have only one entrance/exit for the parking lot.

Public Comment: No public comment.

*Motion:*

Ms. Burbine moved that the Planning Board finds the proposed building work of improving the clubhouse by expanding the footprint to provide a new entrance foyer, additional restrooms and expanding the size of the dining room over the existing deck and adding a new deck and site work of two underground infiltration beds, landscaping, adding an accessible walkway with a slope of less than 5%, grading for the proposed building additions and adding a bag drop area is minor in nature of effect as the use of the public building and property will not change. The proposed modifications to the structure will increase the foundation footprint by 24%. The proposed walkways and handicap ramps will provide improved access to the existing structure. No changes to the parking lot are proposed at this time.

Move to grant the site plan waiver for the Town of Scituate for improvements to the clubhouse at Widows Walk Golf Course at 250 the Driftway with the following conditions:

1. Construction shall comply with the improvements shown on plans entitled Site Plan Widow's Walk Golf Course Scituate, MA 02066 by Cavanaro Consulting dated 11/3/20 and architectural plans entitled Widow's Walk Renovation A102 First Floor Plan and A201 and A202 Exterior Elevations by S3 Design, Inc. dated 10/26/2020 submitted with the application.
2. Approval is contingent upon all local approvals being obtained from the Town of Scituate.
3. The Board waives the application fee of \$100.00 for the town entity.

Ms. Lambert seconded the motion, there was discussion.

Ms. Joseph indicted language to be added: *with revision through 12.3.20*

Ms. Lambert seconded the motion as amended; a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Minutes**  
**Documents**

- Meeting minutes 11.3.20
- Meeting minutes 11.12.20

Ms. Lambert moved to approve the meeting minutes for November 3, 2020 and November 12, 2020.

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

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Accounting**  
**Documents**

PO #2103804(\$890.00), PO#2104421(\$750.00), PO #2100510(\$3,143.50), PO #2104600 (\$525.00), PO #2104685 (\$36.31)

Ms. Lambert moved to approve the requisition of \$890.00 to Horsley Witten for peer review services of Seaside at Scituate, for \$750.00 to Merrill Corporation for peer review services of Deer Common, for \$3,134.50 to Harriman Associates for consulting services on the Master Plan, for \$525.00 to Merrill Corporation for peer review services of Benjamin Studley Farm, for \$36.31 to WB Mason for office supplies.

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

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein – yes  
Ms. Lewis - yes

**Continued - Public Hearing – Site Plan Administrative Review and Special Permit for Density and Tandem Parking in the Village Center and Neighborhood District – Greenbush Village Center Subdistrict – Greenbush Gateway District (GDG-GVC) - 18 Ford Place**

**Assessor's Map/Block/Lot 53-05-22**

**Applicant: Don McGill**

**Owner: JB Realty Scituate LLC**

**Documents**

- PDF 2020-11-11 OM
- PDF 2020-11-11 Planning Board - Revisions
- PDF 2020-11-11 Site Plan - 18 Ford Place
- PDF CB-Site Plan – Layout1
- Doc DRAFT Motion 18 Ford 5
- PDF DRAFT Motion 18 Ford 5
- PDF DRAFT Motion 18 Ford 6
- PDF 2020-11-11 Site Plan – 18 Ford Place – Stamped
- PDF 2020-11-11 CB-Site Plan – Layout1 - Stamped

Attendees: Bob Galvin, Attorney; Don McGill, Applicant; Paul Seaberg, Engineer;

Ms. Burbine began by discussing the public benefit discussion from the last meeting. The Board needs to decide what benefit they are willing to accept. She indicated the contribution to the Affordable Housing Trust (AHT) previously discussed is not an option, the Board cannot bind the AHT and a unit must be provided. There are two options for the public benefit:

1. \$25,000 contribution to a fund for pedestrian & traffic improvements in the greater Greenbush area and the Applicant offers to grade the entrance to the path at the Dunkin Park to be handicapped accessible
2. Improvements to the Town Park adjacent to the Dunkin as detailed on the submitted plan

Mr. McGill said he is happy to do either, whatever the Board feels with benefit the town more.

Ms. Joseph indicated the \$25,000 would go into a fund combined with funds from the Drew project and 14-16 Old Country Way to help potentially fund sidewalk improvements from Huey Road down Country Way to Greenbush. The Town has been trying to get Complete Streets funding for the sidewalk from Huey down into that area; perhaps if there was money in this fund the State may be more inclined to provide the town with some Complete Streets funding. This sidewalk would tie North Scituate through the Harbor to Greenbush. At this time the money would just go into a fund to be earmarked for sidewalk and traffic and pedestrian improvements in greater Greenbush.

There was discussion about what encompasses the “Greater Greenbush Area”. The Board has not put finite boundaries on “Greater Greenbush”. Ms. Joseph opined she would consider the area to go down all the way to Widow’s Walk and up Country Way, by the Rotary, basically the Village Center and Neighborhood (VCN) District.

There was discussion about timing of when the money would be deployed, i.e. next year or couple of years. Ms. Joseph opined there is a very good chance of the money would be used in the near future based on all the development going on in the area.

Ms. Lambert said she was in favor of the money instead of one particular piece of property; she is concerned it will not be maintained.

Ms. Lewis said she would also go with the money.

Mr. Bornstein said he is more in favor of a specific project to be earmarked; he worries that funds left up to the Town when there is an indefinite amount of time and undefined project that the funds are going towards at this time things will get stuck in limbo. His understanding of the bylaw is that the public benefit should go to a specific project in Greenbush. He opined there were not a lot of projects that rose to the top and the Board had to make do with what they could. He opined the proposal is a decent proposal, but he does not feel anyone is super happy about it. He prefers the more specific project, the park improvements, however he could go along with the funding if that is the direction of the rest of the Board.

Ms. Burbine said Planning Board, the Planning Director, the Town Planner and the Town Administrator; the Board will have input, it is not going into no man's land. There will be oversight on this money. The park has nothing here for maintenance and in two years could be back to the way it is today.

Ms. Burbine said she is for the money.

Mr. MacLean opined he likes what Mr. Bornstein said, but will go with what the rest of the Board.

Mr. McGill said with the money he also offered to regrade the ramp going into the path to make it handicapped accessible and will add some benefit to the area.

Mr. Galvin spoke about the Complete Streets Program; there is up to \$50,000 in technical assistance to develop a plan, the first round of Complete Streets funding is up to \$400K, based on the scoring system the more specific a project is the higher it is graded and the better it is rated when the State needs to make a decision; money set aside increases the probability of getting the complete streets money.

Ms. Burbine indicated the engineering for the sidewalk has already been completed.

*Public Comment:* No Public Comment.

*Motion:*

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

1. On May 12, 2020, the Applicant, Don McGill, filed an application for a Site Plan Review and Special Permit under Scituate Zoning Bylaw Section 580.4 and Section 760.8 (D) (2) and Site Plan Review under Scituate Zoning Bylaw Section 770. The Application included, but is not limited to, the following:
  1. Application Form, locus deed, proof of paid real estate taxes and narrative demonstrating compliance with Bylaw Section 770.6;
  2. Filing Fees and Abutters' List;

3. Site Plan, Assessors Lot 53-05-22, 18 Ford Place, Scituate, MA dated April 29, 2020 by Grady Consulting, L.L.C. consisting of 10 sheets;
  4. Architectural Plans for New Construction –Five Unit Condominium Building, 18 Ford Place, Scituate, MA dated 5/7/20 by SDA consisting of 5 sheets;
  5. Stormwater Permit Application and Stormwater Design Calculations with Operation and Maintenance Plan and Site Plans (see above).
2. The Property that is the subject of the Application is a 10,000 sq. ft. +/--parcel located at the corner of Ford Place, a public way and MacDonald Terrace, a private way in, Scituate, Massachusetts. The Property is currently improved with an existing single-family dwelling, existing detached garage and existing bituminous concrete driveway off of Ford Place.
  3. The Project is located in the new Village Center and Neighborhood (VCN) Zoning District, Greenbush-Driftway Gateway District (GDG) and the Greenbush Village Center Subdistrict (GVC) – VCN-GDG-GVC.
  4. The Project proposed by the Applicant consists of a multi-family building (MFB) with five (5) residential condominium units. The residential units each have two (2) bedrooms each for a total of ten (10) bedrooms. Eight (8) parking spaces for the units are proposed. A driveway is proposed on the Applicant's property; however, a shared access driveway with 6 MacDonald Terrace is desired as an alternative should 6 MacDonald Terrace receive a special permit modification. The Applicant has submitted a proposed plan depicting the Easement Area for a shared access driveway and a draft easement agreement. The Board approves the conceptual shared access driveway. If the Applicant is able to reach an agreement with the abutter and concurrence on a final Easement Agreement, the Applicant's Plan and Easement Agreement may be approved by the Planning Board without a further public hearing for this project.
  5. Eight (8) parking spaces for the units are proposed with seven (7) being located on the parking surface under the building overhang and one off of a driveway on Ford Place. Parking is proposed per Section 760.8 of the Scituate Zoning Bylaw for parking in Mixed-Use Districts (Table 2) with 1.5 spaces for a 2-bedroom unit in a multi-family building as the site is in the VCN District. 7.5 parking spaces are required and 8 are provided. No shared parking, off-site parking or stacked, valet and tandem parking are proposed. Section 760.7 does not apply as the site is proposed for residential use in the VCN.
  6. The property at 18 Ford Place does not include a requirement for a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw.
  7. In the VCN-GDG-GVC a multi-family building is an allowed use per Section 580.3 of the zoning bylaw and an allowed building type per Section 750 of the zoning bylaw.
  8. The base residential density in the GDG-GVC subdistrict per Section 580.4 of the zoning bylaw for a multi-family building is 12 units per acre by right and 24 units per acre by special permit. Two (2) units are allowed by right and up to five (5) units are allowed by special permit for this Project if certain Public Realm Improvements are made by the Applicant that will provide benefits to residents and businesses in the project and the VCN district and surrounding area. The eligible public benefit improvements 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. The Applicant proposes to provide a contribution of

\$25,000.00 to fund traffic and pedestrian improvements in the Greater Greenbush area. The Applicant shall provide such funds to the town prior to commencement of construction. The funds shall be placed in an interest bearing account with the expenditure of funds for this said purpose approved by the Town Administrator after consultation with the Town Planner, Director of Planning and Development, DPW Director and Planning Board, all of whom must concur. Additionally, the Applicant has offered and the Board has agreed to accept the Applicant's offer to grade the entrance to the path at the park owned by the Town of Scituate adjacent to Dunkin Donuts so that the drop to the path is eliminated and the path is more handicap accessible.

9. Section 580.4 also has minimum bulk standards for dwelling sizes. A two (2) bedroom unit is required to have 900 sq. ft. of usable floor area. Units 1 and 2 have 1,375 sq. ft., Units 3 and 4 have 1400 sq. ft. and Unit 5 has 1600 sq. ft. There are less than 24 units in the building. This requirement is met.
10. No Public Realm Standards or Affordable Housing Requirements are required for this development.
11. The Applicant met with the Design Review Committee ("DRC") and Planning Department Staff, to review whether the proposed Project meets the Design Review Standards of Section 580 and 750. Under Scituate Zoning Bylaw Section 750, the three-member, Design Review Committee is charged with making recommendations to the Planning Board on building and site design. Following discussions with the DRC and Planning Staff, the Applicant modified its original architectural plans to address compatibility of site features such as roof lines and parking with the building and its abutting properties. Based on the changes and as shown on the updated architectural renderings dated 10-8-20, the proposed Project meets the Design Review Standards of Section 580 and 750 (see also below) as the mass of the building is not proportionally out of scale with the neighborhood and public Realm Improvement/density bonus is required for the project as it exceeds its by right density and is seeking a special permit for the maximum allowable site density.
12. A MFB includes lot standards found in Section 750.5 & 6 including:
  - A minimum lot size is not required;
  - Street frontage of 80' is required. There is 100' of frontage on both Ford Place and MacDonald Terrace.
  - The front yard build-to-zone (setback) is 10' minimum and 30' maximum. 10' is provided on both Ford Place and MacDonald Terrace.
  - Minimum side yard is 15ft. 15 ft. is provided.
  - Minimum rear yard is 20 ft. 20 ft. is provided.
  - Outdoor Amenity Space Coverage required is 20% of the lot. 21% is provided. The permitted outdoor amenity space is per Section 752 of the bylaw is a Common Yard and Garden (PS) with a patio-stone patio. This has changed from a pervious paver in a previous submission. The patio is separated from the parking by a garden trellis and some planting. There are two benches shown for the patio. The requirement is met.
  - More than one principal building is allowed on a lot – Not applicable as one building is proposed.

- The building meets the setback and stepback standards of a maximum of 25' for 0-25ft from the right of way line.
- Building articulation standards have been met with buildings greater than 50 feet in width designed to read as a series of smaller buildings with varied articulation.
- Horizontal modulation and articulation is not required as the building is less than three (3) stories.
- Façade transparency is required for multi-family buildings. Windows shall be evenly spaced along the façade, windows shall be low reflectivity glass the façade glazing shall fall between two and 12 feet. The project meets this requirement with window spacing, façade glazing occurring between 3'-2" and 8'. Low reflectivity glass is proposed.
- The only roof pitches which meet the criteria of 6:12 minimum and 12:12 maximum are the dormers for the asphalt shingle gable roof. The standard is met.

*Comment: The standard is **NOT** met*

- Exterior treatments will be provided. Exterior treatments will be synthetic material intended to provide the look and character of traditional building materials i.e. cedar shakes. The windows will be operable. Architectural elements are continued from the front to the side. The proposed building has textures and patterns.

13. A MFB includes building design standards found in Section 750.6 including:

- The building height will conform to the height regulation set forth for an MFB at 26' to top of ridge which is less than 4 stories and 40' with the height measured from the average ground level to the average height between the eave and ridge for a building with a pitched roof.
- The minimum street facing wall width is 60 ft. and the maximum is 100 ft. 73.4' has been provided along Ford Place. 78.167' has been provided along MacDonald Terrace.
- A street facing entrance is required. One is located on Ford Place.
- A maximum building footprint is not applicable.

14. Development site standards include (Section 750.8):

- The development site consists of one building;
- The development site does not include any existing or proposed right -of-way;
- A multi-family building is a permitted building type in this district;
- A minimum of 50 feet of frontage on a public or publically accessible street providing access to the development is provided;
- Development block standards are not applicable;
- Site Landscaping is provided. Existing trees are not preserved as they are in poor condition and are an invasive species. Plantings are arranged to not obscure the vision of traffic.

- Parking must be located a minimum of 5 feet behind the front façade. Project meets this requirement. A street screen shall be required where parking is visible from a public street or sidewalk. The parking space from Ford Place is not screened. The Planning Board agrees to waive this provision. The parking area is not visible from MacDonald Terrace as a building wall and lattice screen the parking.
- A driveway servicing the site is shown off MacDonald Terrace. It is proposed as 20 feet wide. A shared driveway is desired with 6 MacDonald Terrace. No common driveway easement document has been provided.

*Comment: add language - DRAFT common driveway easement has been provided.*

- New public utilities are proposed as underground
  - Trash storage areas viewable from MacDonald Terrace and Ford Place are screened with a six (6) foot wooden stockade fence with gates.
15. Sustainable Site Design is required in the VCN District per Section 751 of the zoning bylaw. Stormwater management shall conform to best management practices described in the Commonwealth of Massachusetts Stormwater Management Handbook. Predevelopment hydrology is maintained by infiltrating, storing and detaining storm water in underground leaching chambers. The post construction 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. Minimization of impervious surfaces is partially provided by providing only the required parking; however, the project maximizes the development of the lot with building and parking. Impervious pavement is provided for the walk and the Board's consulting engineer has stated changing from pervious to impervious would not impact the stormwater peak rates. Subsurface retention facilities have been provided.
  16. A Landscape Plan shall be required for all submissions, except where waived by the Planning Board. To the greatest extent possible, native plants shall be maintained and no plants listed as Invasive or Prohibited by Massachusetts shall be used. Existing invasive plants shall be removed. A Landscape Plan has been provided. Existing invasive and prohibited Norway maple trees are proposed to be removed. Native landscaping is reasonably proposed. Lawn area in the front yard is minimized and fertilizer use is discouraged. The front yard contains a ~~pervious~~ impervious paver walk. This requirement has been met.
  17. 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. A multi-family building requires a site plan reviewed by the Planning Board.
  18. 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 a residential use and is proposed to be the same.
  19. 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 site is located at the corner of Ford Place and MacDonald Terrace. The project will consist of one Multi-Family Building with five (5) 2-bedroom units. The proposed development will have its own separate off-street parking meeting the requirements of Section 750.8. Access for one parking space will be from Ford Place. Access for the remainder of the parking and development will be from MacDonald Terrace, a private way. The owner has the right to use MacDonald Terrace for access and for utilities. There is currently minimal traffic volume on the existing streets, level grades and the Applicant maintains adequate sight distance. Driveways within 100 feet of the site have not all been shown. This standard is fully met.

20. Section 770.6.B 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 development will have its own separate off-street parking meeting the requirements of Section 750.8. Access will be from Ford Place and MacDonald Terrace. The main access off of MacDonald Terrace is 20' wide. The site as proposed will have sufficient access for service vehicles.

21. 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 for 18 Ford Place and connect to the water main located on MacDonald Terrace. There are currently fire hydrants located within 100' of the site on Ford Place and MacDonald Terrace. The DPW Sewer Division has indicated that the sewer line at this location has sufficient capacity and that the Waste Water Treatment Plant has limited capacity at this time. The Water Division indicated that the existing service to the property will need to be terminated and a new service provided. They recommend individually metered units.

22. 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 project consists of a subsurface galley infiltration system to attenuate runoff from the proposed building and driveways. The site is not located within the Water Resource Protection district. Snow storage areas are not provided and will not occur on the site due to limited space. The Board engaged Chessia Consulting Services, LLC ("Chessia") to evaluate the adequacy and accuracy of Grady Consulting, L.L.C.'s stormwater report and data as well as the efficacy and adequacy of the design. Chessia submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and Grady provided responses, revised reports where requested and updated the site plans. After further review by Chessia, the Applicant was determined to have adequately addressed his comments and recommendations if 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 before and after the completion of construction.

The Applicant has submitted an Erosion and Sediment Control Plan that has been reviewed by the Board's peer review consultant.

The review of the stormwater management system by the Planning Board's consulting engineer and their approval of this 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. Kevin S. Grady, 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 requirement 5met.

23. Section 770.6.F Site Plan Approval Standard F:

Finding: Not applicable as the site is not in the Water Resource Protection District.

24. 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 10,000 sq. ft. and minor grade changes are proposed; therefore, there is minimal cut and fill. Approximately six trees greater than 6" caliper are to be removed. Several of the existing trees to be removed are Norway Maples, an invasive and prohibited tree in Massachusetts.

25. 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 publically accessible locations and, therefore; the Applicant complies with this requirement.

26. 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 residential driveways with the majority of parking underneath a portion of the proposed structure, to the rear of the property, and not visible from the street. Shade trees are proposed throughout the site. There is currently street lighting on Ford Place. The main parking area is buffered from abutting properties by the building and lattice work thereby meeting the requirements of the Bylaw.

27. 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 Ford Place giving access to a Post Office across the street from

the project site. There is also a public walkway to the Greenbush Train station. There is not a bike rack on the site.

Based on these findings, the Planning Board finds the Site Plan Review and Village Center and Neighborhood District Special Permit meets the requirements under the Village Center and Neighborhood District Section 580 and 750 as the Project will be in harmony with the general purposes of this bylaw and 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 health and safety.

There was discussion.

Mr. Pritchard seconded the motion; a roll call vote was taken and was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein – yes  
Ms. Lewis – yes

#### **Decision:**

Based on the Findings of Fact and testimony provided at the public hearing, the Planning Board approves/does not approve the Site Plan Review and Special Permit in the Village Center and Neighborhood District for 18 Ford Place on December 3, 2020 with the following conditions:

#### **General Requirements**

1. All construction work shall be done in accordance with i) the plans submitted by Grady Consulting, L.L.C. entitled “Site Plan Assessor’s Lot 53-05-22 18 Ford Place Scituate, Massachusetts”, consisting of 8 sheets dated 4/29/19 with revisions of 7/6/20, 8/11/20, 8/25/20 and 9/21/2020, 10/14/20, 11/11/20 and stamped 11/11/20 plans and ~~any additional revisions needed to conform to the conditions contained herein~~ (the "VCN Special Permit "); ii) Architectural Plans by SDA consisting of a Cover, dated 10/8/2020, Sheet A201 Partition Plan Floor 1 dated 10/8/20, A202 Partition Plan Floor 2 dated 10/8/20, A203 Roof Plan with Ghost plan below typical dated 10/8/20; A203 Roof Plan Typical dated 10/8/20; A301 Elevations dated 10/8/20, A302 Elevations dated 10-8-20, A401 Building Sections dated 8/6/20; iii) Architectural Rendering received 8/31/20; ~~iv) Public Realm Improvement Plan by Grady Consulting, L.L.C. dated 10/14/20 with letter dated 9/2/20 from Galvin and Galvin describing the public benefit and cost estimate for public realm improvement received 10/15/20 and revised 11/24/20~~ v) Stormwater Report revised dated 10/14/20 vi) Operation and Maintenance Plan received 11/24/20 and any additional revisions needed to conform to the conditions contained therein. Building elevations must be approved by the Town Planner prior to issuance of a building permit for conformance to submitted material.

*Comment: iv) to be removed, reference to public realm improvement plan, take out double wording*

2. Where this Site Plan Review and VCN 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 Ford Place. 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. All conditions of approval shall be inscribed on the Site Plan Review and VCN Special Permit Plans.
4. The Applicant shall mean the current Applicant and all its successors in interest. This 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 five (5). All units will be two bedroom units. There will be no affordable units. The total number of bedrooms shall not exceed ten (10). A bedroom shall be defined in accordance with Title V of the State Sanitary Code. Massachusetts Architectural Access Board (“MAAB”) requirements must be met. All units will be under condominium ownership.
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.
7. The following items are to be submitted or added to the plans prior to endorsement:
  - Additional detail on grading including spot grades and drainage for the shared driveway easement area to show pavement pitch of 1% minimum
  - The Landscape Plan shall be stamped by the Landscape Architect
8. No vehicle washing is to occur on the site.
9. The units on the new building shall be numbered on the outside for identification, fire protection and emergency response purposes.

#### **Utilities, Parking, Traffic and Street Improvements**

10. Maintenance and repair of the driveway and parking areas, stormwater management system, snow removal, lighting and landscaping shall be the responsibility of the Applicant until a Condominium Association is formed and responsibility for the same has been transferred to the condominium association.

*Comment: capitalize Condominium Association*

11. All parking is limited to designated spaces as shown on the plan.

12. The twenty foot wide access driveway at the rear of the building shall be marked as a fire lane on the ground to discourage vehicles from obstructing access to the building or to any neighboring structures south of the building.
13. The twenty foot wide access driveway to the rear of the building of MacDonald Terrace is approved entirely on the Applicant's property. If a shared driveway is desired, a revised plan must be submitted with the common driveway easement shown on a separate plan to be recorded along with grading and drainage and an easement document provided.

*Comments: change "to the rear" should be "at the rear"*

14. No new underground irrigation systems shall be 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.
15. The Applicant shall consent to 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.
16. An independent inspector contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities. The inspector shall be approved by the Town Planner and DPW and shall work under the direction of the Town Planner. Written reports shall 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. Noise, dust and air quality control shall be in accordance with DEP regulations.
17. Construction of the proposed driveways, walkways, patio and 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, walkways, patio and 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, walkways, patio, 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 any building, a registered professional engineer shall inspect the exterior of each 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 Multi-Family Development Special Permit 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-Builts 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.

18. All materials for utility construction shall meet DPW construction standards.
19. A street opening permit will be required for each individual utility connection.
20. 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. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW. Any required upgrades, modifications or connections shall be at the Applicant's expense.
21. 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.
22. 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:
  - a. Newly constructed manholes shall be furnished with watertight covers and frames bolted down with a gasket.
  - b. Newly constructed manhole structures shall be vacuum tested paid for by the Applicant. The test must also be witnessed by the Sewer Division and/or by the town's approved independent inspector.
  - c. Newly constructed sewer lines must be pressure tested in accordance with Town test standards and the test must be witnessed by the Sewer Division and/or by the Town's approved independent inspector.
  - d. A street opening permit for the sewer line shall be obtained; police details, if required for traffic management and safety, shall be provided through the Scituate Police Department and shall be the responsibility of the contractor.
  - e. Sewer permits are required for the building. Any building with a sewer unit that hasn't received a betterment will owe a \$16,000 connection fee per sewer unit.
  - f. External cleanouts and viewports: Each building line shall have an external cleanout.

- g. 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 property owner.

*Comments: In A, B and C add language - Confirmation that newly....giving DPW confirmation*

- 23. The building, parking, walkways and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities if applicable.
- 24. 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 Ford Place and MacDonald Terrace, are designed, installed and maintained so as not to impede lines of sight. (2.5 feet in height)
- 25. 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.
- 26. The Applicant shall ensure that the property manager promptly removes snow windrows located within the sight triangle areas of the Project site driveway intersections with Ford Place and MacDonald Terrace that exceed 3.5 feet in height or that would otherwise inhibit sight lines. ~~Sight line plans must be included in the plan set submitted for endorsement by the Planning Board.~~

*Comment: remove last sentence, sight lines are included on the plan*

- 27. No snow storage is ~~proposed~~ on site. Snow will be removed from the site in compliance with all federal, state and local laws by the Applicant and then by the Condominium Association. The Applicant shall ensure all maintenance personnel are informed of this. MacDonald Terrace is a private way. The Applicant is responsible for making sure the private way is plowed so that there is access to the site.

*Comment: No snow storage is **allowed** on site versus proposed.*

- 28. Trash management shall be in the dumpster enclosures located and shown on the Site Plan. All dumpster enclosure locations shall allow for easy movement of trucks with minimal pedestrian conflicts.
- 29. All electrical, telephone, cable and similar utilities shall be located underground.
- 30. Except for the Town-owned segments of the sewer and water line from the property line outward, all utilities including the stormwater drainage system shall be maintained by the Applicant according to the Operation and Maintenance Manual for the Stormwater Drainage Systems, dated 10/14/2020 by Grady Consulting, L.L.C.

### **Erosion Control**

- 31. Erosion Control information has been provided. The construction sequencing must be on the plan prior to endorsement. If there is not adequate parking on site for construction vehicles, the Applicant shall provide legal off-site parking that is not street parking.

### **Environmental Conditions: Noise and Dust**

32. Site noise levels shall conform to the MassDEP 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.
33. 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.

**Landscaping, Site Amenities and Public Realm Improvement:**

34. The Applicant shall obtain the approval of the Planning Board for any material changes to the proposed plans. The Town Planner or the Board's inspector shall have the right to approve minor changes or deviations from the approved plans and/or any details needed for lighting, signage, paving materials, fencing or landscaping. Material selection shall be provided to the Town Planner for review for conformance to approved plans prior to installation.
35. 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.
36. A density bonus of three (3) units has been requested. The Planning Board may approve this additional density by special permit if the Applicant provides benefits to the residents of the project and VCN District. Finding #8 indicates that the Applicant has agreed to provide a contribution of \$25,000.00 to fund traffic and pedestrian improvements in the Greater Greenbush area. The Applicant shall provide such funds to the town prior to commencement of construction. The funds shall be placed in an interest bearing account with the expenditure of funds for this said purpose approved by the Town Administrator after consultation with the Town Planner, Director of Planning and Development, DPW Director and approval of the Planning Board, all of whom must occur. Additionally, the Applicant has agreed to grade the entrance to the path at the park owned by the Town of Scituate adjacent to Dunkin so that the drop to the path is eliminated and the path is more handicap accessible.

**Architecture/Design:**

37. 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.
38. The final building plans, stamped by a registered architect, shall be provided to the Planning Department prior to scheduling the pre-construction conference for review for consistency with the elevations and renderings described in Condition 1. If the plans appear inconsistent, approval by the Planning Board will be required. These plans shall include data on the roof gutter collection system.
39. The building sprinkler system should consist of a dry or anti-freeze sprinkler zone capable of covering the full area of the parking under what is shown in the plan as Unit #5. Care will need to be taken in the design of the sprinkler system to ensure that the fire department has clear access to the Fire Department Connection (FDC), Fire Alarm Control Panel (FACP) and Sprinkler Room.

*Comments: there was discussion about “anti-freeze sprinkler zone”, need to confirm with Fire Department what is intended. Mr. McGill said there would be no anti-freeze used to put out a fire it is just in the initial section of line to keep the heads from freezing. The system will have to be approved by the Fire Department. Mr. McGill said it is not an anti-freeze system it used all over the country in parking garages in cold climates. The Board wants to make sure improper materials are not being dumped on the ground in case of a fire.*

40. A certification shall be provided by the architect prior to a Certificate of Occupancy that the building as constructed is in substantial compliance with the approved plans.

**Required Prior to Scheduling the Pre-Construction Conference**

41. The Applicant has provided and Town Counsel has already approved draft condominium trust documents and master deed to include the proposed owners of the units in the residential building. The Condominium Master Deed and trust documents, in their final form, shall include:
- a. A statement that the driveway, parking areas, walkways, patio, drainage system, sewer, landscaping and other common areas shall be owned by the Applicant or the future unit owners organization (herein after the “Condominium Association”) and shall be maintained by the Applicant and Condominium Association and shall not be the responsibility of the Town to maintain. The driveway, walkways, patio, drainage system, landscaping, lighting, stormwater leaching system and other common areas shall be inspected, maintained and repaired by the Applicant or the Condominium Association. 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, walkways, and landscaping shall be in accordance with the Operation and Maintenance Plan 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, walkways, landscaping, lighting and other common amenities.
  - c. A table of the number and general location of parking spaces assigned to each unit.
  - d. The Operation and Maintenance Plan shall be provided to the Planning Board as a stand-alone document.
  - e. A requirement that after the Applicant completes the construction of all the units and the units receive final occupancy certificates the Condominium Association shall maintain an account always containing a reserve equal to one year’s cost for maintenance. A contractor’s estimate of this maintenance and proof of the available funds in the account shall be provided to the Planning Board with the agreement and annually on January 31 of every year.
  - f. A requirement that the Condominium Association notify the Planning Board of the name, address, phone number and email of the trustees within fourteen (14) calendar days of their election and to provide an annual report of the maintenance activities to the Planning Office by January 31 of every year.
42. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
- a. Copies of the recorded 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, patios 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. ~~If work is required by the Planning Board, a type and amount of security provided by the Applicant reasonably satisfactory to the Planning Board to cover the satisfactory completion of off-site infrastructure improvements on any Town property including the park adjacent to Dunkin Donuts on Driftway which is a Public Realm Improvement for a public benefit for increased density on the site. A separate surety is required for this work. The amount shall be based on the Applicant's contractors' estimates of the costs of these items, reviewed by the Town's consulting engineer and shall be approved by the Planning Board prior to the pre-construction conference.~~
- e. 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, 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.

#### **Required Prior to the Start of Construction**

- 43. 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.
- 44. 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.
- 45. 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**

46. 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. No construction shall take place on Sundays or legal state or federal holidays.

*Comments: language added – or dusk whichever is earlier for ceasing construction*

47. 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.
48. 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.
49. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
50. Any parking or unloading on Ford Place or MacDonald Terrace associated with construction shall not obstruct safe passage of these streets other than on a temporary basis. The Applicant shall contact the Scituate Police Department in advance of any parking or unloading greater than fifteen (15) minutes or otherwise impeding safe passage shall be approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access.
51. 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.
52. 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 Ford Place or MacDonald Terrace.

*Comments: this refers to the street*

53. 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.
54. 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.
55. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant is available at the water treatment plant for construction use during non-water ban times.
56. 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.

**Required Prior to Issuance of Occupancy Permits**

57. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the driveway, parking areas, walkways and patio and installation of necessary utilities is in full compliance with the approved plans and the special permit.
58. 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.
59. Following review and approval by the Planning Board, the Condominium Master Deed and Condominium Association Documents shall be recorded at the Registry of Deeds prior to the Building Department's issuance of any Occupancy Permits. Proof of Recording must be provided to the Planning Board.
60. ~~The off-site Public Realm Improvements at the park on the Town of Seitate land adjacent to Dunkin (Donuts) must be fully completed with no punch list items prior to any Certificate of Occupancy being issued.~~

#### **Administration**

61. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
62. This 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.
63. The Planning Board may in 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.
64. 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.
65. All plan sheets of the Site Plan Review and VCN Special Permit shall be recorded at the Registry of Deeds.
66. All construction work shall be done in accordance with the plans.

There was further discussion, Ms. Lambert seconded the motion as amended; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

#### *Motion:*

Ms. Burbine moved to close the public hearing.

Mr. Pritchard seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Discussion/Vote – 61A Intent to Sell – 143 Border Street  
Documents**

- PDF Lot 16-61A Notice of Intent to Sell
- Doc DRAFT Motion

Ms. Joseph indicated this is the Bleakie house that is being proposed to be taken out of 61A, it is 6 acres and already has the house on it; she opined there is no reason why the Town would need to purchase it.

Ms. Lewis asked if this is actually larger than 6 acres. Ms. Joseph indicated there is still a large piece of land on the same side of the road, but they are not asking to take that portion out of 61A.

Mr. Pritchard asked if land was could be further divided; Ms. Joseph indicated it already has a house on it with a common driveway going to it. She opined it would be difficult to be further developed on this piece of property.

There was discussion about the rest of the property. Ms. Lewis said there is more up for sale than the 6 acres. Ms. Joseph indicated the 6 acres is all the Board has before it; Lot 15 is staying in 61A and there is a small triangle piece that was taken out of 61A and sold to the neighbor.

There are properties both on the river side and the opposite side of the road; the property with the existing house is on the river side.

*Motion:*

Ms. Burbine move to recommend to the Select Board that the Town decline to exercise its rights under M.G.L. c. 61A to purchase 143 Border Street.

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

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Liaison Report**

**Charter Review Committee – reported by Ms. Lewis:**

- Moving along slowly

**Master Plan – reported by Mr. Bornstein:**

- Master Plan DRAFT comments are due December 11th

**Planning and Development – reported by Ms. Joseph:**

- Meeting December 10<sup>th</sup>
- Vote on Housing Production Plan
- Continued hearing on 48-52 New Driftway – Gas Backwards
- 6 MacDonald Terrace – Special Permit modification

**Documents**

- Email to the Board from Shari Young dated 11.25.20 with meeting agenda for 12.3.20 and DRAFT minutes for 11.5.20 and 11.12.20
- Email to the Board from Karen Joseph dated 11.25.20 with meeting materials for Widows Walk Golf Course and 61A Lion's Head Trust property at 143 Border Street and 18 Ford Place.
- Email to the Board from Karen Joseph dated 12.2.20 with meeting materials for 18 Ford Place.
- Email to the Board from Shari Young dated 12.3.20 with meeting link for Zoom
- Email to the Board from Karen Joseph dated 12.3.20 with meeting materials for 18 Ford Place

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 9:07 p.m. Ms. Lambert seconded the motion; the vote was unanimously in favor.

Ms. Burbine - yes

Mr. Pritchard – yes

Ms. Lambert – yes

Mr. Bornstein – yes

Ms. Lewis -yes

Respectfully submitted,

Shari Young

Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: December 3, 2020

