

SCITUATE PLANNING BOARD MINUTES April 12, 2018

Members Present: Stephen Pritchard, Chairman; Ann Burbine, Vice Chairman; Benjamin Bornstein, Clerk, William Limbacher, Richard Taylor and Alternate Member Patricia Lambert.

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

Members absent: None

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 Pritchard called the meeting to order at 7:00 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 4/12/18 Planning Board Agenda

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

Continued Public Hearing – Residential Cluster Special Permit – 56.074 acres between Hatherly and Tilden Roads, 13.33 acres east of Hatherly Rd. and 38,535 sq. ft. east of Oceanside Dr. – Seaside at Scituate

Applicant: Toll MA Land III Limited Partnership, c/o Toll Bros, Inc.

Owner: Suburban Realty Trust, Benjamin Goulston, Trustee

Document

- Document of Findings of Fact and Draft Conditions
- Document of proposed Conditions dated 3.20.18 from Applicant's Attorney ODH
- Letter from ODH with ESE Consulting Engineers Survey dated 4.12.18
- Letter from Abutter dated 4.10.18
- Document of Finding of Fact and Draft Conditions from ODH dated 4.12.18
- Document of Finding of Fact and Draft Conditions from Karen Joseph dated 4.11.18

Attendees: Bill Ohrenberger, Attorney; Jeff DeLisi, Attorney; Dave Bauer; Toll Brothers; Scott Miccile, Toll Brothers; Kevin Klein (Stantec), Jim Ash, Erin Furdette, Janet Bernardo of Horsley Witten as the Town's consulting engineer.

Mr. Ohrenberger indicated that all conditions have been reviewed and the applicant accepts 57 plus as written. Mr. Pritchard indicated there may still be comments from the Board.

List of conditions presented to the Board that Applicant agrees to as written:

SEASIDE AT SCITUATE
LIST OF THOSE CONDITIONS OF THE PLANNING BOARD'S FIRST DRAFT CONDITIONS
WHICH ARE ACCEPTABLE TO THE APPLICANT AS WRITTEN:

2	68
3	72
4	73
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TOWN OF SCITUATE
 APR 12 2018
 PLANNING BOARD

at meeting
4/12/18, 7pm

Mr. Ohrenberger further indicated that the applicant will accept all of the Findings of Fact, with exception of finding 2 with some acreage differences. Mr. Ohrenberger said the survey is accurate, but the Land Court procedure has caused the parcel sizes to vary slightly. Mr. Pritchard said the Land Court plan must have changed the boundaries if the acreage is different. Mr. Ohrenberger indicated it is 70 acres vs. 70.04 acres; computers causing different discrepancy with different points held by Land Court.

Ms. Joseph indicated that the main parcel is different from the ANR. She indicated Land Court will tell the applicant what needs to be held and what doesn't need to be held and that is why the calculations are different.

- Difference is 4 acres
- Property west of Hatherly, the 142 units, the entire parcel is not Land Court
 - Piece of land at end of Road F is Recorded Land, was not on the ANR
 - ANR only split up the Land Court piece
 - What is on the site plan is pretty accurate
- Updated calculations provided from Applicant, stamped from Surveyor
- ANR will be updated to match Land Court

Ms. Joseph indicated additional information submitted:

- Letter from ODH regarding acreage
- Letter from Mr. Jacobucci, of 29 Norwell Ave

Ms. Joseph indicated that the Board does not have to read each one of the findings for the record. She said the Board can summarize what is in the Findings of Fact (FOF); the Board has to find what is in the zoning bylaw and the Board could say the FOF lead to the conclusion. She indicated the Board could just then read the conclusion of the FOF.

Mr. Ohrenberger indicated that applicant would stipulate they are in agreement with the FOF, except for the acreage discrepancy and a few typos.

Mr. Pritchard wants to make sure the Board adequately characterizes what is in the Finding of Fact. The Board discussed summarizing the project in finding #2 and the findings #4.

Revised Findings of Fact and Draft Conditions 4-11-18

Findings of Fact:

The following findings of fact based on information submitted by the Applicant and the testimony given during the Public Hearing were approved on XXXXXXXX:

1. Toll MA Land III Limited Partnership, c/o Toll Brothers, Inc. (the "Applicant") filed an application for a Residential Cluster ("RC") District Special Permit under Scituate Zoning Bylaw Section 510 on May 12, 2017 along with an application for a Stormwater Permit under Town of Scituate General Bylaw Section 32050 and its implementing regulations dated 4/29/2010 (together, the "Applications"). The Applications included, but are not limited to, the following:
 - a. Plans by ESE Consultants and Stantec entitled Seaside at Scituate, Site Development Plan for Senior Residential Community, Town of Scituate, Plymouth County, Massachusetts, dated March 24, 2017. The most recent set of revised plans were revised on 2/9/2018 and consist of 70 individual sheets;
 - b. Draft Release Abatement Measure Plan Modification by GEI Consultants, Inc. dated December 2017;
 - c. Stormwater Report, Seaside at Scituate, Residential Development, Hatherly Road and Tilden Road, Scituate, Massachusetts, prepared by Stantec Consulting Services, revised October 31, 2017; and
 - d. Architectural elevations by Toll Architecture dated 8/31/2017 showing residential units Andover, Bethel, Bristol, Bryn Athyn, Bucknell, Strathmere elevations and undated residential units' architectural elevations received by the Planning Office on 9/5/17 showing unit groupings of Bristol-Strathmere-Bristol, Bethel-Andover-Bristol and Bryn Athyn-Strathmere-Andover-Bristol.
2. The property that is the subject of the Applications is a 70.04 acre parcel located off of Hatherly and Tilden Roads. 51.428 acres of the property ("Townhome Property") is located between Hatherly and Tilden Roads where the Applicant has proposed to build 142 age restricted townhomes. The Townhome Property is in the Residence R-3 District and Residential Cluster District (RC) and is the subject of the RC Special Permit. One Form A lot of approximately 1.07 acres was split off from the Townhome Property and approved by the Board and also lies west of Hatherly Road. 13.33 acres of the parcel lies east of Hatherly Road (the "Eastern Property"). Of this Eastern Property, approximately 5.66 acres were divided into nine buildable Form A lots ("Single Family Homes Property") and two unbuildable lots with approximately 7.67 acres (the Marshland Property). The Eastern property is in the Residence R-3 District, Residential Cluster District and partially in the Floodplain and Watershed Protection District. Although, the ten buildable Form A lots are not part of the RC Special Permit, they are included in the Stormwater Permit. The stormwater management system for the entire Project includes the Form A lots. The Board finds that the Town's stormwater General Bylaw and regulation requirements will be met by issuing the RC Special Permit and Stormwater Permit.

Comments during the public hearing are in italics:

- *Acreage to be resolved*
 - *Discrepancy between 55 acres and 51 acres*
 - *51 acres on the front page of the drawings, also different from the ANR*
 - *Applicant indicated it is 55 acres as provided by Surveyor letter today*
 - *Applicant is 90% through Land Court process - should be no changes going forward*
 - *Applicant indicated the unregistered parcel is included in the 55 acres*
 - *ANR plan did not include because it is not being subdivided*
 - *Continue to work on this issue with the applicant*
 - *Everything should reconcile to the drawings*
 - *All numbers will be consistent*
 - *ANR numbers will be on page one of the RC Special Permit*
 - *Documents will be consistent throughout*
 - *There has been no moving of property lines, it is just the way it is being calculated*
3. The uses permissible by RC Special Permit include detached single family units and /or attached town houses and uses and buildings accessory thereto as well as recreational uses related to the residence in the Residential Cluster (RC) District. The Applications propose to build 142 attached town houses, a clubhouse and associated recreational facilities including an outdoor pool, Bocce court, Pickleball courts and trails. The Form A lots will comply with the Residential R-3 district requirements and therefore meets the requirements of Section 510.3.
4. As required by Scituate Zoning Bylaw Section 510.4, Design Standards and Requirements, the Planning Board has considered the extent to which the proposal satisfies the Design Standards detailed below:
- A. Standard: The project shall contain a minimum of twenty acres of lot area. Finding: The proposed property is 51.428 acres and, therefore, meets the requirements of Section 510.4 A.
 - B. Standard: The Bylaw requires a maximum of one unit per ten thousand square feet of lot area, but in no event more than four units per acre. Finding: One hundred forty two units are proposed on 51.428 acres. The Applications indicate that the proposed density is 2.76 units per acre and, therefore, complies with the requirements of Section 510.4 B.
 - C. Standard: Any land given to the Town for recreational, municipal or school use shall be included in the lot area. Finding: The area east of Hatherly Road has not been included in the lot area for the residential cluster development as the lot area of that land satisfies the lot area and density requirement without it and, therefore, meets the requirements of Section 510.4.
 - D. Standard: The height of the buildings in the RC District shall not exceed two and one half stories and /or 35 feet in height measured from the average finished grade of the ground adjoining the buildings to the ridge. Finding: The Applications indicate that all buildings will have a height less than 35 feet measured in accordance with this standard and, therefore, meets the requirements of Section 510.4 D.
 - E. Standard: All residential structures and accessory uses within the project shall be setback from the boundaries of the development by a buffer strip of at least sixty feet

in width, to be kept in a natural or landscaped condition, except in relation to roads existing at the time of adoption of this bylaw where such strip shall be sixty feet.

Finding: No residential structures or accessory uses buildings for the RC development are in the 60 foot buffer strip. There are underground utilities and natural walking trails in the buffer area which are accessory uses to the residential structures that, upon completion, will be restored to a landscaped condition in accordance with the Applications. A portion of the cul-de-sac of Road B, the hammerhead for Road F and a significant portion of Road F are in the sixty foot buffer area. The Board has balanced the limited intrusions of these specific roads into the sixty foot buffers with the following: i) the roadways are designed to minimize the possibility of substantial through traffic between existing ways as there is only one primary throughway (between Hatherly Road and Tilden Road), one secondary connection (to Ermine Street), and all other roads have been designed as cul-de-sacs, effectively limiting other connections to existing ways; ii) by minimizing the throughway connections to existing roads, the layout also works to minimize the total paved areas in the development; iii) the buffer areas will be restored to a landscaped conditions in all areas where the roads are not located and the landscaped conditions in the areas immediately adjacent to these limited roadway intrusions are not specifically designed to provide landscaped screening to augment the buffer areas; and iv) landscape plans have been provided showing landscaping to augment the buffers. Therefore, the Project meets the requirements of Section 510.4 E as all residential and accessory use buildings are outside the 60 foot buffer and only limited areas of the roadways are in the 60 foot buffer which serve to conform to other conditions of the bylaw (G and N5), and all buffers will be left in either a natural or landscaped condition.

- F. Standard: There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways and parking. Parking facilities shall be provided in a ratio of two and one-half spaces per dwelling unit, covered or uncovered. There shall be no parking in the buffer strip referred to in 510.4.E. Findings: The Applications provide sidewalks and trails throughout the site allowing for safe, convenient pedestrian circulation. Roadways and driveways are safely arranged. There are two garage spaces per dwelling unit and two outside driveway parking spaces per unit. No parking is designed or allowed in the sixty foot buffer area. Visitor parking and clubhouse parking have been provided. Therefore, the proposal meets the requirements of Section 510.4 F.
- G. Standard: The Planning Board shall give preference to a layout which minimizes paved areas. Findings: The Applicant demonstrated that the units have been clustered together resulting in less roadway, driveways, sidewalks and impervious surface than an alternative as-of-right site development for single family homes. There is more total open space as less land is devoted to the above uses and this open space will be protected in perpetuity by a Condominium Trust. Onsite amenities for the private use of the residents include an outdoor pool, Bocce, Pickleball courts and trails. The clustered design provides for less grading and fill than would be required under an alternative single family home layout. The proposal meets the requirements of Section 510.4 G.
- H. Standard: All residential units shall be connected to all public and private utilities, at the developers' expense and in accord with the rules and regulations of the Town of

Scituate Department of Public Works (DPW). Finding: i) All residential units and accessory structures will be connected to Town of Scituate water and sewer and will meet the rules and regulations of the Town of Scituate DPW. ii) The stormwater management from the RC development will be collected, treated and retained onsite so that there will be no increase in rate or volume of stormwater offsite. The predevelopment stormwater runoff towards Sixth Avenue has been further decreased post-development to accommodate runoff from two of the Form A lots. In addition, the Applicant has agreed to install catch basins, a drainage channel and a closed pipe system along the Hatherly Road frontage on the west side of the property discharging to the Sixth Avenue storm drain line to help alleviate an existing flooding situation at Sixth Avenue. The predevelopment impervious area on the Form A lots along Hatherly Road has been decreased under post development conditions and the stormwater management of these lots also meets the rules and regulations of the Town of Scituate; and iii) Gas, telephone, cable and electric utilities will be installed underground and connected to their respective private utility service. Therefore, the proposal meets the requirements of Section 510.4 H.

- I. Standard: The developer shall grant to the Town such easements as it may request for the proper maintenance, testing or repair of any public utilities. Findings: The Applications show that easements will be given to the town for any public utilities and are shown on Sheet 50 of 70 of the Applications. Therefore, the proposal meets the requirements of Section 510.4 I.
- J. Standard: Quality of construction design standards for roads and utilities shall generally conform to those contained in the Planning Board's Regulations for Subdivision Control and/or Design guidelines for Site Development insofar as reasonably applicable, but the board may vary those standards to meet the needs of the RC District or general area. Findings: Roadway cross sections and grades are in general conformance to the subdivision regulations. Adequate sight line distances have been provided for traffic safety. The roads in the development will be private in perpetuity as they are not subdivision roads but part of a residential cluster development and they generally conform to many of the Town of Scituate Rules and Regulations Governing the Subdivision of Land, except that the Board supports the following variations to those standards: i) Road B and G are longer than 600 feet; ii) main and ancillary roadway curb to curb widths are narrower than the standard at 22 feet and 20 feet respectively to meet purposes of the bylaw; iii) the roadway curbs are to be constructed on both sides with Belgian block curb; iv) the roadway sideway systems will be constructed with a five foot grass strip and five foot sidewalk on one side of the roadway as details in the Applications; v) The pavement cross section is 2.5' of binder and 1.5' of finish/wearing course; vi) utilities are underground; vii) the Fire Department agreed that the hammerheads and cul-de-sacs at the ends of some roads are acceptable for public safety; and viii) the drainage system is in general conformance to the subdivision regulations with the exception that high density polyethylene pipe (HDPE) will be used on the development in place of reinforced concrete pipe (RCP) except for the drain line leading toward Sixth Avenue and in any Town roads (RCP) pipe will be used.

*Mr. Ohrenberger indicated a typo in paragraph J, should be (") versus ('), inches versus feet. V)
The pavement cross section is 2.5" of binder and 1.5" of finishing/wearing course;*

- K. Standard: Land not devoted to dwelling units or permitted accessory uses shall be set aside as common open space for the use of the residents. Findings: A Condominium Association Trust will be formed to own and maintain the open space in accordance with trust and maintenance documents filed during the proceedings. Trails within the development will connect the open space with roads and dwelling units and accessory uses within the development. The deed restriction will be recorded providing that the open space be kept in its natural state in perpetuity and not developed for residential use or for its accessory uses. The deed restriction will also provide for maintenance of the common land in a manner which will ensure its suitability for its function, appearance, cleanliness, proper maintenance of drainage, sewer pipes and the like. Therefore the proposal meets the requirements of Section 510.4 K.
- L. Standard: The board shall insure proper siltation control and site stabilization during construction. Findings: Erosion and sedimentation control plans have been included in the Applications and are part of the overall site plan and shall be followed. A construction sequence has been included in the Applications and shall be followed. The Applicant has committed to file, prior to the start of any construction, an subsequently conform with an Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Construction General Permit Notice of Intent with a Storm Water Pollution Prevention Plan (SWPPP). Therefore the proposal meets the requirements for Section 510.4 L.
- M. Standard: The Planning Board may grant a density bonus for developments that provide affordable housing. Findings: The Residential Cluster does not include any affordable housing and, therefore, no density bonus will be granted for the development. The proposal meets the requirements for Section 510.4 M.
- N. Standard: Other design provisions for the RC District include:
1. Standard: No more than two residential units may share a common façade line without having an offset of three feet for an adjoining unit. Finding: The proposal meets this requirement.
 2. Standard: No building shall be more than one hundred fifty linear feet in length nor contain more than seven units. Finding: All residential buildings are grouped in either three or four units and do not exceed one hundred and fifty feet in length. The proposal meets this requirement.
 3. Standard: Buildings in the district shall be separated from each other by a distance of no less than thirty five feet. Finding: Each residential building is separated from each other by approximately forty feet. Therefore, the proposal meets this requirement.
 4. Standard: Public bikeways and pedestrian walkways may be required by the Board to provide circulation to community facilities. Findings: The Board has required that a pedestrian crosswalk with a pedestrian activated warning device be installed at the Hatherly Road entrance in order to facilitate pedestrian crossings of Hatherly Road and allow for beach access. A sidewalk is provided on one side of the road connecting to trails throughout the site and providing pedestrian access throughout the site. Therefore, the proposal meets this requirement.

This finding will be re-written to include the word "resident" before pedestrian in the second to the last line.

5. Standard: The Planning Board shall give preference to a design that minimizes the possibility of substantial through traffic between existing ways. Findings: The project layout and the design and width of the roads in the development minimizes the possibility of through traffic. A rumble strip at Ermine Street will discourage through traffic and allow for emergency access. A "Do Not Enter" sign will also be installed. Therefore, the proposal meets this requirement.
- O. Standard: Section 510.5 2. a. requires that the plan complies with the requirements under Section 770.2 of the Zoning Bylaw, Site Plan Administrative Review. Findings: The requirements for this section have been met by the site plans and architectural design elevations and building layout materials submitted. Therefore, the proposal meets the requirements.
- P. Standard: Section 510.5 2. b. requires impact studies to be submitted. Findings: The following impact studies were submitted and reviewed: i) traffic impact study; ii) fiscal impact analysis including an impact analysis on the public schools; and an iii) engineering report including water, sewer and road impacts as well as impacts on transportation facilities, shopping facilities and local businesses. Therefore, the proposal meets the requirements.
- Q. Standard: Section 510.5 2. c. requires other data by other regulations of the Planning Board. Findings: Additional water and sewer studies were done by the Town's consulting engineer, Weston & Sampson to verify that each of the Town's physical piping systems have adequate capacity for the development. Therefore, the proposal meets the requirement.
- R. Standard: The Planning Board shall require the construction of ways, installation of utilities, and construction and installation of all other amenities required by the Special Permit and bylaw, as well as possible restoration of the site, be secured by a type and amount of security satisfactory to the board. Finding: The Applicant will provide a security. Therefore, the proposal meets the requirement.
- S. Finding: The project will cleanup and remediate a site which has been unresolved for many years. The Applicant has agreed to notify the MassDEP of the last test results and has developed a site remediation plan for the near-term remediation of contamination.
- T. Finding: The Applicant's Fiscal Analysis indicates the age restricted residential cluster development is projected to provide a positive source of revenue for the Town. The Applicants analysis indicates the proposed RC development will have no impact on the Town's school system and the Town should anticipate annual net positive revenue of approximately \$ 795,000 per year.
- U. Finding: The Applicant indicates that building permit fees and construction jobs will help boost the economy during construction. The Applicant's analysis indicates that the total building permit fees are expected to total approximately \$ 842,956 per year for a three year build out and the total/peak construction jobs will be 355 construction jobs and 105 local jobs.

- V. Finding: Mitigation will be provided through the Board of Selectmen to help fund select community projects enhancing the town as a whole, that may include a comprehensive water and wastewater capacity study that will develop a detailed methodology for the assessment of the Town's water and wastewater systems to meet new capacity requests while preserving and enhancing the performance of the systems for existing users.

Based on these findings, the Planning Board finds the Residential Cluster District Special Permit meets the requirements under the Residential Cluster District, Section 510 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 plan, is designed with consideration for health and safety and is superior to a conventional plan in preserving open space, minimizing environmental disruption and allowing for more efficient provision of services.

Comments:

Mr. Taylor noted there was nothing that addressed the recommendations/comments from the Design Review Committee (DRC). Ms. Joseph indicated there is a condition that refers to the DRC recommendations.

Ms. Lambert said that often people approach the Planning Board asking why the Board approves projects when there is no water. Ms. Lambert indicated the Planning Board is not in control of the sewer and water this is under the Board of Selectmen; the Planning Board does not have any relevant say in how the water is dispersed. Mr. Pritchard said that with this particular proposal the Board has reviewed all the water and sewer and engineering reports along with support of the town professionals it has been concluded that there is adequate service. He opined that is also why the Board as included item "V", that there is a well-defined and well thought out methodology for the future to address incoming development.

Mr. Bornstein noted in standard N, #4 the bylaw is somewhat vague as to who the bikeways and pedestrian walkways are being provided for. He questioned should there be anything to specify these are private. Mr. Pritchard asked if there would be limits placed on the public for access to the walkways, etc. Mr. Bauer indicated the intention would be to let the Association have control over it, but it is a private community/private property. He said in their experience the Association has maintained the property as private and that should be the expectation. Mr. Bornstein opined that kids from the ANR homes on Hatherly or the Avenues neighborhood would have to walk around the entire development to access Wampatuck School. He opined it may not meet the standard of N, #4 bylaws. Mr. Pritchard indicated that is what happens now, so it would not change anything. He said this issue has been addressed before and the alternative of a gated community was not favorable. Ms. Joseph said there will be public use of the crosswalk and sidewalk that is on Hatherly Road. Mr. Bauer said privacy is an important marketing issue.

Ms. Burbine said there are also signs that say "private property". Mr. Bauer indicated initially they do not put up signs, but are typically put up by the Residents.

The finding for N, #4 will address the word "resident pedestrian" in final document.

No Public Comments.

The Board did not make a decision on the Finding of Facts. A clean edited version of will be provided at the next meeting.

Mr. Pritchard indicated a draft set of conditions has been provide with the applicant having just provided a list of conditions that they will agree to as written, but the Board should address items as necessary.

Decision:

Based on the Findings of Fact, the Planning Board approved the Residential Cluster District Special Permit for Seaside at Scituate on April , 2018 with the following conditions:

General Requirements

1. All construction work shall be done in accordance with the plans submitted by ESE Consultants, Inc. and Stantec entitled Seaside at Scituate, Site Development Plan, for Senior Residential Community Town of Scituate, Plymouth County, Massachusetts, dated 3/24/2017, as revised through 2/9/2018, with any additional revisions needed to conform to the conditions contained herein (the "Residential Cluster Special Permit – RC Special Permit"); Draft Release Abatement Measure Plan Modification by GEI Consultants, Inc. dated December 2017; architectural elevations by Toll Architecture dated 8/31/2017 showing Andover, Bethel, Bristol, Bryn Athyn, Bucknell, Strathmere unit elevations and undated elevations showing unit groupings of Bristol-Strathmere-Bristol, Bethel-Andover-Bristol and Bryn Athyn-Strathmere-Andover-Bristol. These unit groupings show carriage style garage doors. Final elevations shall be approved by the Town Planner prior to application for a building permit for conformance with submitted materials. The Planning Board may require buildings to conform to the elevations or renderings at their discretion.

Comments during the public hearing are in italics:

Last two sentences redundant also stated in #47. Mr. Bauer proposed to submit a Master Set of plans for each unit type for review. Language to be reworded to include Master Plan Set of buildings submitted to Town Planner prior to building permit.

2. Where this RC 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 RC Special Permit, including but not limited to the Board of Selectmen's and the Department of Public Works approval of work in all public right-of-ways including Hatherly Road, Tilden Road, Ermine Street and Sixth Avenue. Construction shall meet all applicable federal, state and local laws and regulations including, but not limited to, those of the Town of Scituate's DPW, Fire Dept. Building Dept., Board of Health, Conservation Commission and Planning Board as well as the Massachusetts DEP and the Massachusetts State Building Code. All necessary permits and approvals must be received prior to commencement of construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw. All conditions of approval shall be inscribed on the RC Special Permit plan.
4. The Applicant shall mean the current applicant and all its successors in interest (the "Applicant"). 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.

5. The total number of residential dwelling units on the Townhome Property shall not exceed 142 age (55 years and older) restricted townhouse units. The total number of bedrooms in the 142 dwellings shall not exceed 310 (116 two bedroom dwellings and 26 three bedroom dwellings). ~~A deed restriction shall be recorded limiting occupancy to residents age fifty-five years or older for the 142 dwelling units. The Condominium Association Trust shall enforce the deed restriction.~~

Comments:

Language is contradictory, this is taken in to account in the HOA.

Only on member needs to be 55 yrs. old.

Discussed in #89. Master deed deals with enforcement.

Language will be re-written for final draft, strikethrough will be removed

6. One single family dwelling unit is proposed on the Form A lot that was split off from the Townhome Property on the west side of Hatherly Road and nine single family dwelling units are on the Single Family Homes Property east of Hatherly Road.

Comments:

Confirm if covered in Finding of Fact; if is eliminate.

Roads

7. Access to all building shall be over the proposed private roads. There shall be no further extension of roads or attachments of any other roads or common driveways to the proposed private roads.
8. The roads in the development shall remain private in perpetuity as they are not built to subdivision standards. The Seaside at Scituate Condominium Trust shall maintain the roads in perpetuity.
9. The Applicant shall maintain all streets and utilities within the development until such time as maintenance becomes the responsibility of the Seaside at Scituate Condominium Trust, which Trust shall then maintain all streets and utilities.
10. The Applicant shall obtain the endorsement of the Planning Board on the RC Plan within 180 days of expiration of the appeal period and this decision becoming final.
11. 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 RC Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.

12. An easement shall be provided allowing the Seaside at Scituate Condominium Trust access to drainage and stormwater management systems which will be privately maintained to allow inspection, maintenance and repair, and allowing the town access in case of an emergency, or to test water quality if this is deemed in the public interest.

The Applicant shall also grant to the Town of Scituate, a right and easement to construct, repair, replace, extend, operate, use and forever maintain all streets, water mains, sewer mains, and all surface and subsurface storm water drains in, through or under the streets and easements as indicated on the RC Plan. The above shall not be construed to relieve the Applicant, and his successors in title, to the ownership of a portion of the land or any street within the subdivision, nor diminish in any way, his responsibility to complete all construction as required by the Applicant's agreements with the Town and to thereafter maintain all streets and utilities in satisfactory condition.

13. An independent third party inspector 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 third party inspector shall be approved by the Town Planner and DPW and shall work with the Town Planner. Noise and air quality monitoring shall also be required. Weekly written reports, if any, shall be submitted to the Applicant and the Planning Board stating results of any and all required inspections.

Comments:

Agreed to monthly inspections, unless something happens that requires more frequent reports. Language will be re-written for final draft.

14. Construction of the proposed roads, 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 roads, drainage system, water system and sewer system were constructed in accordance with the approved plans and that said systems are functioning in accordance with the approved design.
15. The certification of the roadway construction 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 any occupancy permits, a registered professional engineer shall inspect each building and certify to the Planning Board and Building Commissioner that the grading and stormwater management systems conforms to that shown on the RC Plan and are functioning in accordance with design requirements.

Comments:

#90 covers this condition

Reconcile #90 and #15 combined together for final draft

16. At least one speed bump shall be required on Road F and Road A to keep speeds in the Townhome Property under control.

Comments:

Recommendation is from Police and Fire Departments as a helpful enforcement issue for community safety purpose as Town of Scituate will not enforce in the private community.

Issue for snowplowing, could do removable speed bump.

Applicant - language be that Condominium Association will install 15 mph signs and enforce fines for violations.

Language to be re-written for final edit.

Utilities, Drainage and Traffic

17. Maintenance and repair of the road, stormwater management system and Belgian block curb at the entrance in the Hatherly Road, Tilden Road and Ermine Street rights-of-ways, shall be the responsibility of the Applicant in perpetuity.
18. Maintenance of the drainage line and swale adjacent to Hatherly Road and the paved channel to direct runoff from Hatherly Road to the swale shall be performed by the Applicant unless and until the Seaside at Scituate Condominium Trust becomes responsible.
19. Underground irrigation systems are prohibited from connecting to the Town's water distribution system or in any manner use municipal water. All irrigation systems installed must be supplied by on-site well sources at the expense of the homeowners' association for the Townhome Property and the individual homeowner for the Single Family Homes Property. Violations of this policy shall result in a fine to the property owner, with an equal fine levied on the installer of the system. Sprinkler connections to hose bibs supplied with domestic water provided by the Town are also prohibited. All irrigation wells shall meet the requirements of the Board of Health.
20. All electrical, telephone, cable and similar or other utilities on the project site shall be located underground.
21. Working in coordination with the DPW, the Applicant shall examine the condition of the existing sewer lines along Ermine Street, Longley Road, Hatherly Road from (Longley Road to Fifth Avenue), Fifth Avenue and Sixth Avenue. Such examination shall be via CCTV inspections during the wet season and the Applicant shall alert the DPW to any immediate findings at the time of inspection (such that the DPW may view the problem while being inspected) and provide electronic video copies to the Town of Scituate Department of Public Works and the Sewer Division. It shall not be the responsibility of the Applicant to repair or otherwise address any issues discovered by this inspection.
22. The existing sanitary sewer manhole located at the end of Ermine Street shall be cleaned and rehabilitated by the Applicant to make sure it is fully functional and water tight at the time of connection.
23. All replacement of, or connection to, Town sewer, drainage and the installation of water mains and appurtenances on Town of Scituate property shall be performed according to the specifications of the Scituate DPW with a third party inspector employed to review the construction activity and assure compliance with the Town's rules and regulations.
24. As-built drawings of utilities installed including existing utilities that have been rehabilitated, capped, abandoned in place or relocated shall be provided to the Town Planner and Town Engineer at completion of the work during Phase 1 and Phase 2, in each case such as-builts shall be provided prior to any home occupancy in the respective Phase.
25. The Plans require the Applicant to perform certain infrastructure work and connections not on the Project Site. All areas where work occurs off the Project Site must be returned to substantially the same condition as existed prior to such work. However, the work shall be in accordance with Town of Scituate DPW street opening permit application and checklist.

26. A utility easement in accordance with the Overall Easement Plan revised dated 2/9/18 must be provided to the Town of Scituate for maintenance of all stormwater, sewer and water infrastructure.
27. Existing catch basin within Hatherly Road across from Lot 151 shall be replaced if it cannot be sufficiently restored.
28. A granite cobble rumble strip and Do Not Enter sign shall be placed at the site access point of Ermine Street.
29. Except for the sewer and water line, all utilities including the drainage system shall be maintained by the Applicant and the Seaside at Scituate Condominium Trust ("Condominium Trust") according to the Operation and Maintenance Manual for Stormwater Drainage Systems, dated October 2017 with revisions through February 2018 by Stantec Consulting Services, Inc.
30. Following the completion of offsite work on Hatherly Road, the Applicant shall grind and provide an overlay asphalt coating to the road and the adjacent sidewalk. This work shall be in accordance with the DPW street opening permit for the project.
31. Under the Stormwater Permit for the ten Form A lots, erosion and sedimentation control is required at the limit of disturbance and around any stockpiles. Stabilized construction entrances are required for each lot and ~~all roof top runoff shall be infiltrated into subsurface recharge systems which shall be installed at least two feet above the seasonal high water table.~~ NPDES and SWPPP requirements identified in condition 62 must be met for the Form A lots.

Comments:

62 should be 63

Stormwater system has been reviewed and approved. Ms. Bernardo confirmed they are meeting the Stormwater requirements, Form A loads have reduced their impervious cover so stormwater meets requirements

Language to be re-written for final draft

32. No heavy equipment shall be used inside stormwater basins once they are constructed.

Comments:

Exception for equipment to clean the basins, Skid Steer. Ms. Bernardo comfortable with this equipment

33. In lieu of looping the watermain on Road "F" by units 45-54, the Applicant shall install 350 feet of 8" ductile iron water pipe on Ermine Street and transfer those abutting services to the new line.

Comments:

Condition be deleted per the Board. Applicant does not agree to this either.

34. The Applicant shall request that the stop signs from the Townhome Property at Hatherly and Tilden Roads be adopted by the Town so that signage can be enforced by the police department.

Traffic

35. Prior to a certificate of occupancy for the clubhouse, the Applicant shall install a bicycle rack at the clubhouse area.
36. Prior to commencement of work or as soon as practical, a street sign shall be erected with a street name approved by the DPW, Police Department, Fire Department and Planning Board.
37. The Applicant shall install a LED enhanced, MUTCD-compliant pedestrian actuated warning device at the Hatherly Road crosswalk as a ~~rectangular rapid flashing beacon (RRFB)~~ system. The Applicant shall install two digital speed signs on Hatherly Road and two digital speed signs on Tilden Road. Such mitigation shall be completed prior to the completion of all offsite work, including the pavement overlay on Hatherly Road. Exact locations to be confirmed with the Town Engineer and Police Department prior to occupancy of the first building.

Comments:

*RRFB approval has been rescinded, due to patents, no longer blanketly approved in MA
Alternate flashing beacon is included in the plan- single circular light, a yellow light that flashes when it is pushed*

Language to be re-written in final draft - Pedestrian Action Warning Device

38. A Transportation Demand (TDM) Program consisting of the following measures shall be implemented:
 - Provide public transportation schedules and fare information in a central location or otherwise make available to residents of the project.
 - Coordinate with the Scituate Council on Aging (COA) to provide information to residents on transportation services that are available through the COA.
 - Encourage residents to participate in MassRIDES' NuRide Program, which rewards individuals that choose to walk, bicycle, carpool, vanpool, or that use public transportation to travel to and from work
 - Make residents aware of the Emergency Ride Home (ERH) program available through MassRIDES, which reimburses employees of a participating MassRIDES employer partner worksite that is registered for ERH and that carpool, take transit, bicycle, walk or vanpool to work.
 - Provide a mail drop at a central location.

Environmental Conditions: Noise, Dust, RAM

39. The Applicant shall provide a new Release Notification to the Massachusetts Department of Environmental Protection (MassDEP) based on contaminant concentrations above Massachusetts Contingency Plan (MCP) Reportable Concentrations that were detected in soil samples collected during the April 2014 ASTM Phase II Environmental Site Assessment by CHA Consulting, Inc. on behalf of Toll Brothers. The Release Notification shall be provided to MassDEP in accordance with MCP requirements not more than 120 days following the conveyance of the property to the Applicant and prior to commencement of work on the site.

40. Remediation shall occur as described in the draft Release Abatement Measure Plan Modification (RAM Plan) for MassDEP RTN 4-18143 dated December 2017 by GEI Consultants, Inc. with the additional conditions and clarifications below;

- a. No later than one month prior to any land disturbance associated with site remediation, groundwater samples shall be taken in the areas proposed for remediation. Samples shall be analyzed for the appropriate parameters to confirm that contaminants in the soil that will be excavated have not migrated to groundwater at a concentration that exceeds the Massachusetts Contingency Plan (MCP) groundwater standards that are appropriate for the property. If contaminated groundwater is detected in the samples, above MCP standards, the Applicant will provide a plan and schedule to remediate contaminated groundwater for approval by the Town prior to the commencement of any onsite remediation activities. This should include an update to the dewatering procedures in the RAM Plan as needed to address any newly identified contamination.
- b. The Applicant shall install a six foot high metal fence secured to the ground around the perimeter of all such remediation areas prior to any work thereon so as to ensure that workers do not disturb any of these areas while remediation is ongoing.
- c. Contaminated soil removed during remediation activities will be live loaded only. No storage of excavated contaminated materials shall be allowed. Any necessary dewatering needed to access contaminated soil will be managed as described in the RAM plan.
- d. The confirmatory soil samples collected prior to excavation to document the vertical and lateral boundaries of the four areas of contamination must be provided to the Town's License Site Professional for review at least two weeks prior to the beginning of any remedial action.
- e. Regular site inspections by the Town or its representative must be allowed as areas are cleared for construction to confirm that no additional contamination remains at the site.
- f. The Applicant's Licensed Site Professional (LSP) is to notify the Town when scheduling site visits to allow the Town or its representative to visit the site concurrently.
- g. If potential contamination sources are identified by the Town, the Applicant will be notified and the Town will provide recommendations on additional soil and/or groundwater testing to confirm the presence or absence of hazardous materials. The Applicant will follow these recommendations or proposes an alternate approach, acceptable to the Town, to evaluate the presence or absence of hazardous materials.
- h. Remediation shall be complete prior to any infrastructure installation or building construction on the site. No occupancy permits will be issued until all remedial activities are completed.

Comments:

*Applicant wants multiple things going on simultaneously, nothing in the proximity of the remediation Applicant to put up fencing along the remediation areas, noted in the conditions
Applicant asking for 1st sentence to be stricken*

Language - At no time shall construction activities impede remediation, no occupancy permits will be issued until all remedial activities are complete

- i. Groundwater monitoring wells shall be tested prior to their removal.

Comments:

Applicant suggest to be stricken – Mr. Ash addressed

Applicant agreed to collect samples of groundwater in the remediation areas

Wells throughout the site, condition is unknown – applicant feels no need to test

Previously agreed to for the protection of the Abutters, before they are removed

Applicant wants testing on wells in proximity of the remediation, not every well installed on site

Ms. Bernardo indicated testing to be done where remediation taking place and the outskirts

Identify perimeter wells; test them if good remove, anything beyond the perimeter is okay to remove

Mr. Ash in agreement

Language to be re-written for final draft

Mr. Bornstein opined there could be a non-detect well, what is certainty that anything has not migrated to another area. More rigorous analysis would help with product for the community.

Mr. Ash indicated wells have been sampled multiple times over the last 10 yrs.

Concept of a plume does not exist on this site

Soil samples are relatively insoluble

No change in conditions that would result in migration

No new activities

Wells down gradient will be tested if warranted; no down gradient wells will be removed until up gradient wells are finally tested and retired

All protocol for removing wells will be followed from RAM plan

Language to be re-written for final draft

- j. Air Quality monitoring will be conducted during remediation in the manner specified in the RAM Plan. The Applicant shall also conduct continuous real-time monitoring for particulates (dust) and total VOCs (TVOCs) at the property boundary with the Wampanoag School for a period of 30 days following the initial commencement of earth moving activities in the vicinity of the school during Phase Two construction sequencing. The Phase Two air monitoring system will consist of three real-time air monitoring stations that transmit measurements to a data acquisition system. Two of the stations will be positioned along the property boundary with the school and the third will be positioned in an upwind location to establish background conditions. The system will include a paging system to notify the engineer of any exceedance of any alert level or action level established in the RAM Plan. The Town shall be notified immediately if there is an exceedance of any alert or action level.

41. Site noise levels shall conform with the MassDEP's Division of Air Quality Control's Noise Policy and the source of sound will be considered to violate the MassDEP's noise regulations (310 CMR 7.10) if the source increases the broadband sound level by more than 10 dB(A) above the ambient, or produces a "pure tone" condition when any octave band center frequency sound pressure level exceeds the two adjacent octave bands by three (3) or more decibels. A baseline condition is advised to be taken prior to the commencement of any construction activities. Should the Applicant choose not to obtain a pre-construction baseline and it becomes necessary to establish a baseline condition for the purpose of measuring

conformance with the Noise Policy, all construction activity on the project (and any associated Form A lots) will be shut down in order to acquire a non-construction baseline.

Comments:

Applicant wants to use the 310 CMR 7.10 MassDEP for policy to govern the project

Applicant wants to delete all language after (310 CMR 7.10), would like to refer to the policy not excerpts from the policy.

Board indicated if there is an issue and no baseline is set now, construction will be stopped so that baseline can be set.

Language to be re-written for final draft

42. Tree clearing is prohibited until all demolition activities are completed with the exception of localized clearing necessary for remediation activities or for the installation of erosion control measures.

Comments:

Need to get into site - will need to cut trees

Applicant wants to be able to mobilize and be efficient as possible

Applicant has to comply with OSHA

No tree clearing near remediation

Some level of screening would help in this process

Board would like baseline for noise to be established, with amount of tree clearing proposed

Applicant does not have consultation on the Noise aspect

Review this point at next meeting

43. The Applicant shall not operate a concrete crushing machine on the site of the project.

44. Remediation of the four identified areas of concern shall be started and carried through to completion without interruption.

Landscaping

45. The Applicant shall obtain the approval of the Planning Board through the Town Planner if minor changes from the plan and/or details are needed for lighting, signage or landscaping. The color of the luminaries shall be submitted to the Board for final approval prior to installation.

46. Up to fifty (50) additional shade trees or evergreen trees may be added by the Planning Board under the direction of the Town Planner to enhance the screening within the sixty foot buffer. Minimum sizes shall be as indicated on the plan for street trees and evergreen trees.

Comments:

Safeguard to the buffer zone, especially along Road F

Planner to walk site when ready to do plantings

Planning Board review of what is built and ability to supplement if needed

Applicant agreed to add up to 50 new trees

Architecture/Design

47. The unit types and buildings shall be as represented on the architectural elevations submitted for the project. The Board understands that combinations of types of dwellings are intended

to be interchangeable at the discretion of the ultimate buyer. The quality of materials, construction and colors shall not substantially deviate from those as shown on the elevations and discussed during the public hearing. Carriage style garage doors of the two door configuration shall be provided for all garages. Stone foundations provided shall contain some diversity to reflect concerns of the Design Review Committee and Board. Fencing and walls shall be according to the site plans. Stone walls at the entrance at Hatherly Road shall appear like "real" stone walls despite being veneer. Fence capping shall be similar in design throughout the site to achieve uniformity in design. Roof shingles shall be GAF Architectural shingles or approved equivalent. Light fixtures shall be installed as shown on the plans with the street lights being Domus series or approved equal. Signage shall be as shown on the plans. All temporary signage shall be removed at the completion of the project, unless approved by the building inspector to remain.

48. The location of the dwellings shown on the Plans are representative and are intended to show the general orientation and grading of the dwelling in order to conform to the stormwater system design and minimize impacts to the neighboring dwellings. Any material deviations from the plans shall require notification of the Town Planner and the impacts of such proposed deviations shall be addressed prior to the issuance of any building permits. Material deviations include but are not limited to the moving of a dwelling by more than four feet and/or any portion of a dwelling including decks being pushed into the 60 foot buffer zone.
49. The RC development shall not become a gated community.
50. Driveways to individual units should be a minimum of 21 feet long measured between the garage door and the far edge of the sidewalk (edge closest to the residence) where a sidewalk is provided and 23 feet measured between the garage door and the edge of the traveled way in locations without a sidewalk.

Comments:

#50 to be deleted – based on comments provided by Town's consultant Vanasse Associates and acceptance of driveways previously discussed

51. The outdoor pool shall require permits and inspections through the Department of Public Health and Board of Health. No town water may be used to fill the pool.
52. All proposed uses and functions of the clubhouse shall be approved and inspected by the necessary town departments and boards including but not limited to Board of Health, Fire Department and Building Department.
53. Low flow plumbing fixtures shall be used for water conservation and shall not be replaced with higher flow fixtures.

Comments:

Applicant indicated majority of fixtures are low-flow choice offered in base design, some are not, but allow customers to upgrade and select fixtures.

Language to be re-written for final draft, to encourage low flow plumbing fixtures, standard specification offering

Phasing

54. The phasing of the project shall be according to the Applicant's proposed phasing schedule and phasing plan except as conditioned herein. The phasing is designed so that actions may occur simultaneously.
55. The project shall be accomplished in two phases (Phase 1 and Phase 2) according to the Applicant's Phasing Plan. In each phase, prior to issuance of any occupancy permit in such development phase, the infrastructure, including utilities, roadways and drainage shall be completed in accordance with the approved plans to allow safe access and egress to and from the proposed buildings and units in a like manner to that required with dwelling units in a conventional subdivision. The roadway shall be deemed sufficiently complete in each phase when the binder coat is completed with drainage and utilities installed.
56. Prior to any tree clearing included in Phase 2, the Applicant must notify the Planning Board in writing and come to a meeting to update the Board on the progress of Phase 1 and request any necessary approvals to begin Phase 2. No more than 25 feet of disturbance for stabilization of grading and stormwater management can occur in the Phase 2 area without this meeting.
57. The establishment of a haul road for purposes of off-site construction of a field on the adjacent Wampatuck School property during Phase 2 shall be reviewed and permitted by the Board.

Required Prior to Release of Special Permit to Applicant for Recording

58. The legend on the Overall Operation and Maintenance (O & M) sketch included with the O & M Plan must be revised to include all drainage structures symbols.
59. The vegetated conveyance channels must be labeled on the O & M sketch included with the O & M Plan.

Required Prior to Scheduling the Pre-Construction Conference

60. The final building plans, stamped by a registered architect, shall be provided to the Planning Department for review for consistency with the elevations and renderings described in Condition 1. If the plans appear inconsistent, review and approval by the Planning Board will be required.
61. The Applicant shall obtain all necessary approvals for the use of Town sewer prior to scheduling a pre-construction conference. Copies shall be furnished to the Planning Board. Installation of all sewer mains and appurtenances shall be performed according to the specifications of the DPW Sewer Division.

Comments:

Need to confirm if a physical permit is needed from DPW for both sewer and water

62. The Applicant shall obtain all necessary approvals for use of Town water prior to scheduling a pre-construction conference. Copies shall be furnished to the Planning Board. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Any required upgrades, modifications or connections shall be at the Owner's expense.
63. 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. Copies of the NPDES Permit including its Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must be submitted to the Planning Board and Conservation Commission at least fourteen (14) days prior to any land disturbance;
- c. A check to cover the cost of inspections to be conducted by the Town's consulting engineer. These shall include, at a minimum, inspections of Subdivision Rules and Regulations Section 9.2, for the roads, parking areas, stormwater management systems, water system, sewer system, new curbing and retaining walls and inspections of the environmental remediation. The specific amount shall be provided by the Planning Department 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 Department.
- d. A construction schedule including approximate dates for installation of erosion control and other site protection/stabilization, construction Phase 1, construction of Phase 2 and all applicable items in Subdivision Rules and Regulations 9.1.3; and
- e. A covenant, or other form of surety acceptable to the Planning Board and Town Treasurer similar to surety as provided in M.G.L. c.41, s.81U, for construction of ways, installation of utilities, and construction and installation of all other amenities required by the special permit shall be required prior to construction. This covenant shall run with the land and be binding upon the owner(s) and their successor in interest. Upon approval of the covenant by the Board, reference thereto shall be inscribed upon the plan and it shall be recorded with the covenant at the expense of the Applicant. There shall be separate covenants for Phase 1 and Phase 2. When the covenants are released, substitute surety, acceptable to the Planning Board and Town Treasurer shall be provided. The Planning Board must be provided recorded copies of the decisions, drawings and covenants within five (5) days of recording. No site work or construction shall commence without the recorded information being provided to the Board.

(e or f or some type of combination)

- f. A performance guarantee in a type and amount satisfactory to the Planning Board to guarantee construction of ways, installation of utilities and construction and installation of all other amenities required by the special permit and the Zoning Bylaw shall be required prior to construction. The Applicant shall submit a surety bond for an appropriate amount of the guarantee for Phase One. The Planning Board's consulting engineer shall review the amount of the guarantee to verify the surety amount is adequate. Additionally, the Applicant shall post such surety prior to Phase Two. The Planning Board's consulting engineer shall review the amount of the guarantee to verify the surety amount is accurate.

Comments:

Applicant would like to proceed with option F

Applicant going to post a bond for the entire infrastructure as required by the Town's consulting engineers

Applicant said Cash Bond for this scale project is unreasonable

Mr. Limbacher opined no downside to a bond, same starting point

Estimate Phase I bond is \$3-\$5 million, posting before anything is done

Board agrees with F, final value will be Board's decision

Required Prior to the Start of Construction

64. Within three 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 Conservation Agent, the Town Engineer, 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.
65. The property line and boundary of the limit of clearing 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.
66. A stabilized construction entrance as shown on the Erosion & Sediment Control Plans (Sheets 50-59 of the Site Development Plan) must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing. Construction access must be clearly identified on the site with signage approved by the Town Planner.
67. Prior to the start of any work, the Applicant shall install temporary construction fencing at the boundary of the Wampatuck School property, remediation areas and as required under OSHA as described in 29 CFR 1926 and 520 CMR 14.00 and other federal, state and local laws. Any perimeter fencing shall be chain link fence with a privacy shield to secure the site.

Comments:

Will adhere to OSHA requirements

Orange snow fence is not a real deterrent, especially around the school

MassDEP will have more helpful information

68. During Phase 2 construction, there shall be a gate at Ermine Street to allow for Fire Department access.

Required During Construction

69. 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 sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction work includes any operation of machinery and idling of vehicles.

Comments:

Standard condition on all projects by Town

Applicant to give proposal and Board will review for next meeting

70. The Applicant shall notify the Town 48 hours in advance of a significant arrival of equipment/construction materials so that it can be determined if a police detail is required at intersections. Cost of any police details are to be paid by the Applicant.
71. Police details may be required for construction access to the site. The Applicant shall not allow any construction vehicles to arrive on the site in the early morning hours and idling. The Applicant shall plan for an on-site staging area or a legal off-site staging area.

Comments:

#70, #71 and #75 – new language regarding Police Detail in final draft

Board cannot allow trucks to idle outside the gates to the site. Applicant to manage so no trucks waiting outside property

72. Construction activities on the site shall conform to Town of Scituate General Bylaws.
73. 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.
74. 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.
75. The following roads shall not be travelled on by heavy construction equipment including haul trucks and construction delivery trucks: Booth Hill Road, Mann Lot Road, Mann Hill Road, Tilden Road west of the Road "F" site access, Front Street north of Brook Street, Greenfield Lane, Meeting House Lane, Ann Vinal Ave., Captain Peirce Rd., Curtis Street, Arborway Drive, Hollet Street, Stockbridge Road, Ermine Street and Longley Road. The Applicant shall provide the Town with the routes construction traffic will use in the event that a police detail is needed. Cost of police details are to be paid by the Applicant.
76. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures are in place and approved by the Town Planner and/or Conservation Agent. 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.
77. No parking or unloading on Hatherly Road, Tilden Road or Turner Road shall be permitted during construction. Construction vehicles shall use the designated construction access which shall be appropriately signed.
78. 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.
79. Stockpiles must be located outside of the 100 foot buffer of a wetland resource area and be protected with erosion control as identified on the plans.
80. Inspections and observations made according to the Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Board within 48 hours after the inspections. The Board reserves the right to require the consulting engineer to visit the site weekly during times when required construction inspections are further than one week apart.
81. Construction of the proposed roads, site drainage system, water system and sewer system shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board at the completion of each phase of the project that the roads, drainage system, sewer system and water system were constructed in accordance with the approved

plan. This certification shall be accompanied by as-built plans, showing all site utilities and grading, signed and stamped by a professional land surveyor and the supervising professional engineer.

82. After tree clearing and final grading along site boundaries, the 60 foot buffer zone must be replanted as soon as possible within appropriate growing seasons. Plants must be monitored for three years from time of planting with a documented survival rate of 90% provided to the Board at the end of the period.
83. Blasting, if necessary, shall obtain all the necessary permits and meet all of the requirements of the Scituate Fire Department.

Required Prior to Application for Building Permits

84. A copy of the recorded deed restriction for open space by use of the residents shall be provided to the Town Planner.
(84 or 85)
85. The plan depicts common open space for use of its residents. In accordance with Scituate Zoning Bylaw Section 510.4K, this common open space shall be kept in an open or natural state and shall not be built for residential use or developed for accessory uses such as parking and roads. This restriction shall be incorporated in the Condominium Trust in perpetuity. The Condominium Trust shall be referenced in all deeds as dwellings are conveyed. This restriction shall further provide for maintenance obligations upon the Condominium Trust to maintain the said common open space in a manner that will ensure its cleanliness, proper maintenance of drainage and sewer pipes and the like. This condition of approval confers upon the Town of Scituate the right to enforce this common open space restriction.
86. A copy of the recorded deed restriction for an age restricted senior residential community of age fifty five (55) years shall be provided to the Town Planner. (may not need with 89)

Comments:

*Move #84, #85 and #86 to Prior to Occupancy
Will review if both #84 and #85 are both needed*

Required Prior to Issuance of Occupancy Permits

87. The draft Master Deed that was provided to the Planning Board contained a provision granting an easement for the benefit of the Town of Scituate concerning roadways, sewer, stormwater facilities and the like. The final Master Deed which is filed with the Land Court shall contain the approved language concerning this easement for the benefit of the Town of Scituate.
88. The Applicant has provided the Planning Board with a Condominium Trust document governing Seaside of Scituate. The Applicant shall file the final executed Condominium Trust document, which document shall not vary materially from the document provided to the Board, with the Land Court. The filing shall occur prior to the first occupancy permit (excluding model homes and sales office). The Applicant shall provide the Town Planner and Building Inspector with the duly filed document.
89. Seaside at Scituate contains a component that is intended for occupancy by persons 55 years of age or older in accordance with the Federal Fair Housing Act, 42 USC Section 3601 et.

Seq., as amended (the “Act”), together with implementing regulations, 24 CFR Part 100, subpart E, as amended (the Regulations”). The Master Deed contains restrictions regarding age limitation (the “Restrictions”) consistent with the Act and Regulations. The Applicant shall file the final executed Master Deed with the Land Court, which shall contain the Restrictions. The filing shall occur prior to the issuance of the first occupancy permit (excluding model homes and sales office), and the Applicant shall provide the Town Planner and Building Inspector a copy of the recorded document.

90. Prior to issuance of an occupancy permit for any building, a registered professional engineer shall inspect the building area and certify with his signature and stamp and on an as-built plan to the Planning Board and Building Commissioner that any variation in grade is immaterial and does not materially alter the performance of the stormwater management system.

Administration

91. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
92. This Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 90 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.
93. 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 MGL Chapter 40A, Section 9.
94. 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.
95. A Memorandum of Agreement with the Applicant and Scituate Board of Selectmen dated XXX will provide for limited funding to select community projects enhancing the town as a whole, that may include a comprehensive water and wastewater capacity study that will develop a detailed methodology for the assessment of the Town’s water and wastewater systems to meet new capacity requests while preserving and enhancing the performance of the systems for existing users.

Comments:

*Applicant proposing not to put a date, but 60 days within the expiration of the appeal period
Will further discuss*

Motion:

Mr. Bornstein moved to accept the applicant’s request to continue the public hearing for the Residential Cluster Special Permit for Seaside at Scituate by Toll MA Land III Limited Partnership, c/o Toll Brothers Inc. off of Hatherly and Tilden Roads until May 10, 2018 at 7:00 pm and continue the time for action to file a decision with the Town Clerk until May 17, 2018. Mr. Taylor seconded the motion; the vote was unanimously in favor.

Endorsement - Flexible Open Space Definitive Subdivision Plan – 90 Ann Vinal

Assessor's Map/Block/Lot 27-06-01

Applicant: Welby Builders, LLC

Owner: Steven D. and William G. Curtis, Jr. TRS, Curtis Realty Trust

Document

- Mylar Plans for Signature endorsement and covenant

Attendees: Paul Mirabito and Jeff DeLisi

Motion:

The Planning Board has received a covenant dated April 10, 2018 to secure the construction of the ways and installation of municipal services. Other conditions required prior to endorsement of the plan have been met.

Ms. Burbine moved that the Planning Board approve and sign the Covenant, approved by Town Counsel and that the Planning Board endorse the Flexible Open Space Definitive Subdivision Plan for Curtis Estates at 90 Ann Vinal Road. Mr. Taylor seconded the motion; the vote was unanimous in favor.

Form A – 17 New Driftway

Assessor's Map/Block/Lot 53-5-27

Applicant/Owner: Greenbush Realty Trust, Robert J. Burwick, Trustee

Documents

- PDF of ANR Application dated 3/29/18
- PDF of ANR Plan dated 3/23/18
- PDF of existing site plan 17 Driftway
- Transmittal letter dated 3/29/18
- Map of lot area for 17 New Driftway

Attendee: Greg Morse, Morse Engineering; Bob Burwick

Mr. Morse indicated this an for ANR for 17 New Driftway – Rivershed, Ice House property

- Property line shown in bold on plan
- Convey a non-buildable parcel Lot A to abutter parcel on MacDonald Terrace
 - Approximately 2,000 sq. ft.
 - Remainder of parcel at 17 New Driftway 63,134 sq. ft. meets requirements in business zoning district
 - Frontage remains 125'
 - Does not affect any permits for existing businesses
 - All permits were under Site Plan Administrative Reviews
- Grassy area, no parking provided in that area

Motion:

Mr. Taylor moved to endorse as Approval Not Required a Plan of Land in Scituate, MA Showing a Division of Parcel 53-5-27 17 New Driftway prepared by Morse Engineering Co., Inc. for applicant/owner Greenbush Realty Trust, Robert J. Burwick Trustee, dated 3-23-18 as the division of

land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw and Parcel A is labeled not a buildable lot. Mr. Bornstein seconded the motion; the vote was unanimously in favor.

**Form A – 25 and 31 Torrey’s Lane
Assessor’s Map/Block/Lot 55-1-26A and 26B**

Applicant:

Owner: Elaine A. Riddle

Documents

- PDF of Application dated 1/12/18
- PDF of Revised ANR dated 4/5/18
- PDF of ZBA Decision dated 4/6/18
- Transmittal letter dated 4/6/18

Attendee: Greg Morse, Morse Engineering; Bob Burwick

Mr. Morse indicated subdivision of land at the end of Torrey’s Lane.

- 2 new buildable lots
 - One lot is a 50’ frontage lot
 - ZBA special permit has been granted and is in the appeal period
 - Both lots comply with required zoning aspects
- R-2 Zoning district
 - Lot 1 has more than the 100’ of frontage, more than 20,000 sq. f. of land area
 - Lot 2 has 50’ of frontage required under special permit, 40,000 sq. ft. of land area
- Torrey’s Lane public road, access to utilities
- Fire Department letter with concerns of water supply available to proposed residents on Torrey’s Lane
 - Working with DPW
 - Extending water main from Greenfield to end of Torrey’s Lane
 - Adding new hydrant

Mr. Pritchard requested to see the plan dated 1/11/18 that the ZBA approved. Ms. Joseph indicated the only change was the notes added to the current plan. Mr. Morse indicated the plan is identical with exception of notes added that say “not a buildable lot without a zoning special permit see plan note 2”. Physical layout has not changed in any aspect.

Mr. Taylor asked where this is in relation to an accessory dwelling previously approved. Mr. Morse indicated it is at the other end of Torrey’s Lane.

Motion:

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in Scituate, MA Showing a Division of Parcels 55-1-26A and 55-1-26B vacant lots off of Torrey’s Lane prepared by Morse Engineering Co., Inc. for applicant Bob Burwick /owner Elaine A. Riddle, revised dated 4-5-18 as

the division of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has the frontage of at least the distance presently required by the Scituate Zoning Bylaw on Torrey's Lane or is labeled as not a buildable lot without a zoning special permit. Mr. Taylor seconded the motion; the vote was unanimously in favor.

Accounting

Documents

- PO # 1809672 (\$3,340.00), PO # 1809641 (\$47.38)

Mr. Bornstein moved to approve the requisition of \$3,340.00 to Horsley Witten Group for engineering peer review for Seaside at Scituate – Toll Brothers, for \$47.38 to WB Mason for office supplies. Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Minutes

Documents

- Meeting minutes from 3/22/18
- Meeting minutes from 3/8/18
- Meeting minutes from 12/21/17
- Meeting minutes from 10/21/17

Mr. Bornstein moved to approve the meeting minutes from March 22, 2018, March 8, 2018, December 21, 2017 and October 12, 2017. Ms. Burbine seconded the motion; the vote was unanimously approved. Ms. Burbine and Mr. Limbacher abstained from voting on 3/8/18 meetings minutes as they were not present.

Liaison Reports

EDC: Ms. Burbine reported

- EDC has money to spend before July 1
 - Requested to help with Heritage Days
 - Pocket guide
 - Wayfinding
 - Kiosks – that tell people what is going on especially in the Harbor

Conservation Commission: Ms. Lambert reported

- Toll Brothers has not been closed
 - Minor issues - review conditions next time, tracking similar to Planning Board
- Coordinating with Conservation and Planning Board

Planning/Development Report

- Mr. Pritchard indicated the capital budget item for the Master Plan passed at Town Meeting
 - Discussions on process to get started
 - Opportunity to shape next few years
 - Money available July 1
 - Last time done took 2-3 years, last one done in 2003
 - Open Space on prior Master Plan proposed – Proving Grounds

- Marijuana ban
 - General Bylaw passed Town Meeting
 - Zoning Bylaw passed Town Meeting

Old/New Business

Documents

- Email from Shari Young to the Board with meeting minutes for 3.8.18 dated 3.30.18
- Email from Shari Young to the Board with Agenda for Town Meeting on 4.9.18 dated 4.2.18
- Email from Karen Joseph to the Board with FOF for Seaside at Scituate dated 4.2.18
- Email from Shari Young to the Board with meeting minutes for 10.21.17 dated 4.4.18
- Email from Shari Young to the Board with meeting minutes for 12.21.17 and 3.22.18 dated 4.5.18
- Email from Karen Joseph to the Board with meeting materials for 4.12.18, 25-31 Torrey's Lane and 17 New Driftway, dated 4.6.18
- Email from Shari Young to the Board with Agenda for meeting on 4.12.18 dated 4.9.18
- Email from Karen Joseph to the Board with DRAFT FOF and Conditions for Seaside at Scituate dated 4.11.18
- Email from Karen Joseph to the Board with comments from ODH on DRAFT FOF and Conditions for Seaside at Scituate dated 4.12.18

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 10:24 p.m. Ms. Burbine seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Shari Moak-Young
Planning Board Administrative Assistant

Benjamin S. Bornstein, Clerk

Date Approved 4/26/18

