

SCITUATE PLANNING BOARD MINUTES August 11, 2016

Members Present: Stephen Pritchard, Chairman; William Limbacher, Vice Chairman; Ann Burbine, Clerk, Robert Vogel and Alternate member Gerard Wynne.

Members Absent: Richard Taylor and Ms. Laura Harbottle, Town Planner.

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 7:30 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 8/11/16 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Pritchard moved to accept the agenda. Ms. Burbine seconded the motion and the vote was unanimous in favor.

Continued Public Hearing – Mixed Use Special Permit

21 – 23 Ford Place

Assessor's Map/Block/Lot

Applicant/Owner: Ford Realty Trust

Documents

- Email from Deputy Fire Chief Al Elliott dated 8/2/16
- Letter dated 8/2/16 and revised Site Plans dated 8/1/16 by Morse Engineering
- Revised engineering letter from Amory Engineers dated 8/2/16
- Email to Board from Laura Harbottle dated 8/5/16 with materials noted above, pictures of the path in the MBTA right-of-way, pictures of the ornamental light and the easement proposal by Mr. Ford

Engineer Greg Morse and Chris Ford were present to discuss the mixed use for the Greenbush post office. Mr. Morse said there were minor edits and the Town's engineer from Amory Associates concurred that the changes were acceptable. Mr. Morse indicated that he met with the Fire Department who concurred with the curbing added around the hydrant for protection. He indicated that there was an additional overflow parking space added on the lawn by the residence and that it was not feasible to put the electric lines underground. Mr. Morse said that striping on the ground will demarcate where the pedestrian path in the MBTA right-of-way is. He indicated that bollards would impede with emergency fire access down the path. Mr. Morse said there is far less traffic backing out of spaces here than at Tedeschi's or Reynolds. Mr. Morse said the sound wall is about 12 feet way from the back up aisle. Chairman Pritchard confirmed that all construction parking will be on-site.

Taryn Consilvio of 22 Ford Place again expressed concern whether the parking was sufficient as she provided a picture and indicated on a normal day cars park on the road. She was concerned that a semi-tractor trailer comes three times a day for mail delivery and will not have sufficient room to turn around. Mary Lou Consilvio expressed the same concern on mail delivery and said that the applicant has not taken into account the people coming to the post office and to the business. She said a lot of people do use the MBTA path and blocking the fire hydrant is an issue. Mr. Ford said

the post office did not raise any concerns about the truck access and there is only one employee for the post office. He indicated he has never has a problem parking at the post office. Mr. Morse indicated they would put a no parking sign by the hydrant. Mrs. M. Consilvio asked if the fire hydrant could be moved. Mr. Vogel said it is not that easy to move a hydrant and there is a five year moratorium on street cuts as the road has recently been repaved.

Ms. Burbine moved to approve the following findings of fact:

1. Ford Realty Trust, C. Christopher Ford, Trustee filed an application for a Mixed Use Special Permit in the Village Business Overlay District under Scituate Zoning Bylaw Section 560 on June 3, 2016. This application included plans by Morse Engineering Company, Inc. entitled Proposed New Building 21 – 23 Ford Place (Assessor's Parcels: 53-5-17) Scituate, Massachusetts, dated 5/26/16, revised 8/1/16, and plans received July 5, 2016 including sheets A101 Elevations, A102 Site Plan and Roof and A103 Elevations prepared for C. Ford.
2. The property that is the subject of this application is a 6,400 sq. ft. parcel at 21 – 23 Ford Place. It contains a single family house of approximately 1,248 square feet according to Assessor's records and a 480 sq. ft. building containing the Greenbush Post Office. The property is in the Business District and Village Business Overlay District.
3. According to Assessor's records, the Greenbush Post Office building was built in 1948 and is not subject to the Demolition Review Bylaw.
4. The lot or yard area required for the new building or use does not include any part of a lot that is required by any other building or use to comply with any requirements of this bylaw. The proposal meets the requirements of Section 560.4 A.
5. The application was reviewed by the Design Review Committee on July 12, 2016. As required by Scituate Zoning Bylaw Section 560.8, Design Review Standards, the Planning Board has considered the extent to which the Applicant satisfies the Design Review Standards detailed below:
 - a. Roofs – Roofs are pitched to the center ridge and the slope meets or exceeds the 8:12 slope required by Section 560.8 A.
 - b. Façade Treatment – Section 560.8 B. requires a minimum of 50% of the first floor and 30% of the second floor to be glazed. This building was originally a barn which would have had a minimum number of windows. Preservation of the historic building is a higher priority than meeting the glazing standard in this case.
 - c. Front Yard Setbacks – The front setback for the building situated on Ford Place will be 10.7' which is over the 10' minimum required. No parking is located in the front yard setback. The proposal is considered to meet this requirement.
 - d. Side and Rear Yard Setbacks – The side setback is proposed to be 8.7'; the rear setback will be 11.1'. The proposal is considered to meet this requirement.
 - e. Greenbush Design Standards – All sides of the proposed building are less than 120' long. The façade is articulated. This proposal is considered to meet this requirement.
 - f. Parking and Landscaping – Parking has been provided. Landscaping has been shown separating the mixed use building from the existing residence. No invasive plants are

proposed. The property does not abut a Residential zoning district and no screening is proposed.

- g. Water Resource Protection District – The site is not in the Water Resource Protection District.

The proposal meets the requirements of Section 560.4 B. and the Design Review Standards of Section 560.8.

- 6. The property will contain two residential units. No affordable units are required.
- 7. A combination of retail and office space is proposed for the first floor, with an apartment on the second floor. The mixed use building is not located on a street where 50% of the floor area on the first floor must be occupied by retail uses. The proposal is considered to meet the requirements of Section 560.4 D.
- 8. According to Gregory J. Morse, PE, the lot contains 6,400 sq. ft. 2.56 units are allowed as density without significant public benefit. Two are provided. No public benefit is necessary.

According to the Site Plan (Sheet 1 of 2) by Gregory J. Morse, PE, 2,265 sq. ft. or 35% of the site shall be maintained as open space.

Frontage is required to be an amount sufficient in the opinion of the Planning Board to provide adequate access, and not less than 20'. Frontage of approximately 70' is provided on Ford Place.

The proposal is considered to meet the requirements of Section 560.4 E.

- 9. The proposal will contain 8 parking spaces, including two for the single family dwelling; one for the new residential unit; and five for the office space which includes one handicap space. The applicant has provided parking which meets the requirements of Section 560.6.
- 10. The proposed stormwater management system has been reviewed by the Town's consulting engineer, Patrick Brennan of Amory Engineers, P.C. whose comments indicate his concerns have been satisfactorily addressed.

Based on these findings, the Planning Board finds the meets the requirements for a Mixed Use Special Permit under Scituate Zoning Bylaw Section 560.

Mr. Vogel seconded the motion. Motion was unanimously approved.

Decision:

Based on the Findings of Fact, Ms. Burbine moved that the Planning Board approve the Mixed Use Development Special Permit in the Village Business Overlay District for 21 – 23 Ford Place with the following conditions:

General Requirements

- 1. All construction work shall be done in accordance with the plans submitted by Morse Engineering Company, Inc. entitled Proposed New Building, 21 – 23 Ford Place (Assessor's Parcels: 53-5-17) Scituate, Massachusetts, dated 5/26/16, as revised through August 1, 2016, with any additional revisions needed to conform to the conditions contained herein.

2. Where this special permit requires approval, permitting or licensing from any local, state or federal agency, such required approvals, permitting or licensing including but not limited to approval of sewer and water connections, relocation of sewer and water lines and the Board of Selectmen's approval of work in the public right-of-way of Ford Place are deemed a condition of the Town of Scituate Planning Board's approval of this special permit. All necessary permits and approvals must be received prior to construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw.
4. All conditions of approval shall be inscribed on the Mixed Use Special Permit plan.
5. 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.
6. The total number of residential dwelling units on the site shall not exceed two (2).

Utilities, Parking and Traffic

7. Maintenance and repair of the driveway, parking areas and curbing, stormwater management system, lighting and landscaping shall be the responsibility of the owner/Applicant. If a Condominium form of ownership is anticipated, the Condominium Association shall be responsible for all of these on notification by the owner.
8. 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. All irrigation systems installed in accordance with the policy must be supplied by on-site sources at the expense of the property owner.
9. All parking will be constructed as shown on the Site Layout Plan (Sheet 1 of the Proposed Mixed Use Development Plan) and in front of the building along the street shall be marked with no parking signs after consultation with the Town Planner.
10. The mixed use building, parking, walkway and required signage shall meet all requirements of the ADA and the Scituate Commission on Disabilities.
11. 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.

Landscaping and Streetscape

12. To construct the parking area, two 12" maples will need to be removed with about eight smaller (4 – 6") trees. To partly offset this, the tree between the two buildings should be 3" caliper, rather than 2 ½". Some planters and shrubs or perennials at the foundation should be provided.
13. Striping and/or signage should be installed to alert pedestrians and show the location of the walkway subject to approval by the MBTA.

14. All new sidewalk and driveway crossing materials shall be matched with existing. The ornamental light on Ford Place purchased as part of a Streetscape Program intended to unify Greenbush through consistent design elements should be shown on the plan with a note that it shall be protected during construction and preserved.
15. The Applicant shall provide a \$5,000 deposit to guarantee installation of landscaping, continuity of existing sidewalks and driveway crossing, and replacement of ornamental lighting if needed.

Required Prior to Release of Special Permit to Applicant for Recording

16. The plans shall be updated as required by conditions of this special permit.
17. A Property Owner's Agreement shall be approved by the Town Planner.

Required Prior to Scheduling the Pre-Construction Conference

18. The Applicant shall furnish written documentation that the MBTA will allow removal of trees, signage for pedestrians, and access for parking in its right-of-way. This may consist of an easement, license or similar legal document. The Applicant shall make the Town aware of any requirements of the MBTA that must be met in connection with this access, which shall be deemed conditions of this special permit. If the MBTA's conditions cannot be met, the Applicant shall notify the Town forthwith and submit an application for a modification to the special permit with an alternative plan.
19. The Applicant has indicated that he intends to relocate the barn from 50 Country Way to the site to serve as the mixed use building. The Applicant shall obtain all permits and approvals necessary to move the building including permission from property owners on the route. A schedule for moving the building shall be provided to the Planning Office and Building Department a minimum of one week prior to the move.

If the building is damaged in the relocation process, any changes to the façade shall be approved by the Planning Board.
20. Copies of all necessary approvals for the use of Town sewer shall be provided to the Planning Board prior to scheduling a pre-construction conference.
21. A determination of the adequacy of the existing water service for the proposed use shall be approved by the DPW prior to scheduling a pre-construction conference. Installation and relocation 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 Applicant's expense.
22. 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 9.2, for the driveway, parking area and stormwater management system. 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, relocation of the barn from 50 Country Way and all applicable items in Subdivision Rules and Regulations 9.1.3.
23. The Applicant shall provide a draft Owners Agreement or Condominium Declaration of Trust to include the owner(s) of the retail/office units and residential units. This document shall include:
- a. A statement that the driveway, drainage system, sewer, landscaping and other common areas shall be privately owned and shall not be maintained by the Town. The driveway, drainage system, landscaping, lighting, and other common areas shall be inspected, maintained and repaired by the owner or a legally constituted Condominium Association or similar entity. This shall also be stated in a note on the plan.
 - b. A requirement that maintenance of the drainage system, pedestrian walks, parking, driveways and landscaping shall be in accordance with the Operation and Maintenance Plan approved by the Planning Board's consulting engineer (see Stormwater Operation & Maintenance Plan attached to this approval); provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways; and a description of annual maintenance of the driveway, parking areas, landscaping, lighting and other common amenities.
 - c. A requirement that the owner or Association maintain an account always containing a minimum of one year's costs for this maintenance. A contractor's estimate of this maintenance and proof of the available funds in this account shall be provided to the Planning Board annually on the first of the year.
 - d. If applicable, a requirement that the applicant notify contractors, builders and real estate agents that membership in a Condominium Association or similar entity is required to be disclosed to all prospective buyers. The applicant shall make copies of the Condominium Declaration of Trust, Owners Agreement or similar document available to all prospective purchasers of units in the development.
 - e. If a Condominium Association or similar entity is formed, a requirement that the Planning Board be notified of the name, address, phone no. and e-mail of its trustees within seven days of their election, and be provided with an annual report of their maintenance activities to the Planning Board by January 1 of each year.

Required Prior to the Start of Construction

24. A pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, 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 and the DPW. At least one telephone contact shall be available 24 hours per day in the event of an emergency.
25. A stabilized construction entrance must be installed prior to any earth disturbing activities including but not limited to demolition, clearing and grubbing. Construction access must be clearly identified on the site with signage approved by the Town Planner.

Required During Construction

26. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturdays 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.
27. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures approved by the Town Planner are in place. 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.
28. No parking or unloading on Ford Place shall be permitted during construction.
29. Construction of the proposed parking and site drainage system shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board at the completion of the project that the parking and drainage 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.

Required Prior to Issuance of Occupancy Permits

30. Following review and approval by the Planning Board, the Condominium Declaration of Trust or Owners Agreement shall be recorded at the Registry of Deeds prior to the Building Department's issuance of the final occupancy permit. Proof of recording must be provided to the Planning Board.

Administration

31. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
32. This special permit 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.
33. All plan sheets of the Mixed Use Development Special Permit Plan shall be recorded at the Registry of Deeds.
34. 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.

Mr. Limbacher seconded the motion as modified. The motion was unanimously approved.

Ms. Burbine moved to close the public hearing. Mr. Vogel seconded the motion. Motion was unanimously approved.

Mr. Ford clarified that coming back to the board with an alternate plan in the MBTA right-of-way would mean coming back with the plan as originally proposed. The Board concurred. Ms. Taryn Consilvio asked what is to stop cars from parking on her side of the street. Chairman Pritchard indicated that people will have to be trained not to park there. Ms. Burbine suggested large rocks.

Public Hearing – Stormwater Permit – 4 ANR lots at the corner of Mann Lot Rd and Creelman Drive

Assessor's Map/Block/Lot

Applicant/Owner: Creelman Realty Trust

Documents

- Stormwater Permit Application on 8/2015 Town Form
- Stormwater Permit Application for Administrative Review for Low Impact Projects dated 6/13/16 by Morse Engineering
- Merrill Engineers report dated 8/3/16
- Response to engineering comments from Morse Engineering dated 8/8/16 and Revised Plan to Accompany Stormwater Permit Application dated 8/8/16
- Email to Board dated 8/9/16 from Karen Joseph with revised engineering plans, Morse response and a draft motion
- Merrill Engineers Report dated 8-10-16

The public hearing was opened on August 11, 2016 with Gregory J. Morse, PE present. He indicated there was over an acre of disturbance for the property; thus a public hearing was necessary. He said the existing house has been razed to make room for the four new houses with two of them accessing off Mann Lot Road and two off of Creelman Drive. Mr. Morse indicated that the post-development rate and volume are less than the pre-development rate and volume for all four design points with roof dry wells, crushed stone trenches and shallow grass swales providing stormwater mitigation. Mr. Morse indicated the areas at the back of Lots 2, 3 and 4 should remain as treed space. He indicated if individual lot owners want to clear it, they would need to come back to the Board for stormwater. Peter Palmeri of Merrill Associates confirmed that the plan meets the stormwater regulations of the town and that post development runoff rate and volume for the four design points is less than or equal to existing. Mr. Morse read from his report for the existing and proposed flows for several of the design points. Mr. Vogel asked if there was a way to condition that the trees in the rear of the lots not be cut by the homeowners. Mr. Morse said it is not very useful space to the homeowners and they would need to come back for additional stormwater review if they disturbed more area.

The Planning Board addressed several comments during the public hearing. Paul Duggan of 22 Creelman was concerned with the leaching field on Lot 4 dumping more water onto his land. Mr. Morse indicated that he is not saying that water will not continue to run to the Duggan property; however, the rate and volume of it will not be increasing. Mr. Duggan asked what happens if the runoff to his property is much worse. Chairman Pritchard said the applicant will have to come back to the Board. He indicated both their engineer and the Town's consulting engineer both say it should function as designed. David Donahue of 9 Boulder Lane said that he has "Niagara Falls" in his back yard when there is 3 or 4" of rain. He indicated his sump pump runs constantly in the spring. He said the lots are ridiculously shaped and thinks that there will be more issues as in reality there should only be 2 lots there instead of 4. He also stated he thought the 20,000 sq. ft. of disturbance that they came up with was ridiculous as there was just a house and a driveway. Mr. Donahue said that the Town's consulting engineer said there won't be a problem, so he will be back if there is a problem. Chairman Pritchard indicated that the bylaw would need to change to not allow rattails for lot shape and indicated that engineering supports the stormwater design. Mr. Donahue said he is taking the Town's word there will not be a problem. Mr. Morse indicated the rattails provide a buffer in this case. Bob Carlezon of 12 Boulder Lane said he has a waterfall coming to his property now and gets water in his basement. As a contractor, he questioned if the design would work and indicated that everyone will be digging trenches around their foundations. He said the development was a monstrosity and wants to get rid of rattail lot lines. Mr. Donahue indicated that Mann Lot Road becomes a rocky surface after a 2" rainfall. Chairman Pritchard asked Mr. Morse about the flow to Mann Lot Road. Mr. Morse said the rate and volume will be almost exactly the same and indicated that impervious areas from the houses are being directed to chambers for groundwater recharge with the 2 foot separation as required to the water table.

Ms. Burbine moved to approve the Stormwater Permit dated 6/13/16 with revisions through 8/10/2016 with the conditions noted below:

1. Any or all owners of the property or site contractors for grading, installation of utilities, installation of the foundations, driveways or sitework shall be advised of this approval and these conditions.
2. Construction shall comply with Stormwater Permit Application for Administrative Review for Low Impact Projects, stormwater calculations and Plan to Accompany Stormwater Permit Application for 4 Single Family ANR Lots off of Mann Lot Road and Creelman Drive dated 6/13/16 with revisions through 8/8/16 by Morse Engineering Company, Inc. except as may be modified to conform to the conditions below. A copy of the approved plan shall be kept on the site at all times during construction.
3. Any plan changes or changes from the proposed materials shall be submitted to the Planning Board to determine if the changes are insignificant or require a permit modification through the Planning Board or Town Planner. The stormwater management system, grading or house locations shall not be changed without the prior written approval of the issuing authority. Failure to obtain written approval is a violation of the Town of Scituate General Bylaw and subject to fines included therein.
4. The applicant shall meet all of the requirements of the Building Dept., Board of Health, Conservation Commission, DPW, Fire Department, Board of Selectmen and other town agencies as well as all state and federal regulations. A copy of the NPDES permit shall be provided to the Planning Office prior to any land disturbance.
5. The Planning Board shall receive written notification **within 48 hours** of any change in ownership of the property occurring during the construction phase. This includes any of the four individual lots.
6. Prior to any further land disturbance, the site shall be staked to show the houses and drainage improvements shown on the plan for each lot. Erosion control must be installed at this time. **The Town Planner shall be notified by the owner or owner's representative 48 hours in advance of any permit being requested so an inspection can occur.**
7. **Stabilized construction entrances shall be installed prior to any work on the site and shall be maintained throughout construction to prevent sediment from reaching the road. The stabilized construction entrances shall be as described in the Stormwater Permit Application. All other erosion control shall be installed per the permit and shall also be maintained throughout construction. The Town Planner shall be notified when installation of the construction entrance is complete. If any building permit is being requested this notification shall occur 48 hours in advance of an inspection.**
8. Additional erosion control, such as silt fence and/or haybales placed **prior** to a precipitation

event, may be needed to prevent sediment from reaching the road, adjacent properties or downstream wetland resources during construction.

9. No on-street parking or loading or unloading of construction equipment or vehicles shall be permitted during construction.
10. The proposed roof drywells may be in areas of fill. The contractor must excavate test pits, witnessed by a licensed soil evaluator, at each drywell system to verify separation to groundwater. The soil logs for the required test holes must be submitted to the Planning Office prior to installation to verify that the 2 feet separation to the groundwater occurs. The groundwater elevation, the bottom elevation of the drywells and the drywells shall be shown on the as-built plans submitted to the Planning Office.
11. Construction inspections will be provided as follows:
 - a. All inspections for the Town shall be performed by the Town Planner or a designated representative. All inspections shall be documented with written reports that describe compliance with the approved plan(s) and supporting application documents and construction specifications. Any variations shall be noted.
 - b. The Town Planner will be notified for the purpose of inspecting the work on each of the four lots 48 hours prior to:
 - i. Staking,
 - ii. Rough grading of the site including swales,
 - iii. Installation of roof drywell systems, and
 - iv. Finish grading.

The Town Planner shall be notified when installation is complete.

Work shall be subject to removal if necessary inspections are not requested. Grass swale construction/grading is critical to insure stormwater is collected and conveyed as designed. **Spot grades shall be performed during rough grading and finish grading to insure any swales will drain and no standing water will be present.**

- c. The Town Planner shall be notified upon completion of each lot for an inspection to determine compliance with the conditions prior to issuing a Certificate of Completion (COC) indicating that the project has been completed in compliance with the conditions set forth in the Stormwater Permit and Bylaw.
12. The applicant will provide a deposit of \$5,000 prior to the first construction inspection to guarantee that site inspections will occur as conditioned, the as-built plan will be provided and construction will be completed and will be in accordance with the approved plan. The \$5,000 will be held until all four lots provide as-builts to the Board. As-builts must be provided on a lot by lot basis prior to Certificates of Occupancy. A full Certificate of Completion will be given when all four lots are completed.
13. The owner shall hire a qualified landscaper to perform the inspectional maintenance requirements prescribed in the Long Term Operation and Maintenance Plan of the

Stormwater Report, attached to the Stormwater Permit, who shall serve as and be referred to as “inspector”. The inspector must have at least ten years of experience in the care and maintenance of lawn and plantings specified as part of the stormwater management systems and in conducting inspectional services of drywell systems and other components of the Stormwater Management System as described in the Stormwater Permit Application. All inspections and reporting shall be as per the Long Term Operations and Maintenance Plan.

14. Prior to issuance of an occupancy permit for each lot, the registered professional engineer who designed the system shall inspect the lot and certify with his signature and stamp to the Planning Board and Building Commissioner that any variation in grade and construction from the original plan is insignificant and does not alter in any way the drainage calculations, the function of the stormwater system or the rate or volume of stormwater flowing to abutting properties. Any claims of insignificant changes must be supported by as-built surveys and **prior** documentation of Condition 3.
15. As-Built Plans stamped by a registered surveyor and the registered professional engineer who designed the system shall be submitted to the Planning Board within ten days of completion of the work. These plans shall include the construction conditions of the stormwater management system, grading, houses and driveways. As-Built Plans shall be provided for the four individual lots as well as the entire development. The As-Built Plans must be submitted prior to obtaining a Certificate of Completion for the Stormwater Permit and it must be found in compliance with the approved permit. All grading and landscaping must be complete prior to the as-built submittal. The Certificate of Completion must be issued prior to return of the cash construction guarantee deposit.
16. This Stormwater Permit must be recorded at the Registry of Deeds against all four lots. Recording information must be provided to the Planning Office prior to **any** work commencing on the site. Failure to record the Stormwater Permit is a violation of the permit and subject to fines included in the Town of Scituate General Bylaws.
17. Copies of this approval and the approved Stormwater Permit plan shall be provided to subsequent owners.
18. Underground irrigation systems are prohibited from connecting to the town’s water distribution system or in any manner using municipal water. All irrigation systems installed must be supplied by on-site sources at the expense of the property owner. Violations of this policy shall result in a fine to the property owner, with an equal fine levied on the installer of the system.
19. The homeowners are encouraged to use organic pesticides, herbicides and fertilizers. These may be found through the Northeast Organic Farming Association (NOFA) list of certified landscape professionals, available on the website <http://nofa.organiclandcare.net/aolcp-search> or similar. Pesticides and herbicides shall be used sparingly as directed. If professional application is used, pesticides shall be applied by a professional applicator licensed under the Massachusetts Department of Agriculture.

Fertilizers, herbicides, pesticides and hazardous materials should be stored inside, on an impervious surface, in quantities no greater than necessary for household use. Where outside storage is necessary, covered containers must be used.

Mr. Limbacher seconded the motion. Motion was unanimously approved. Ms. Burbine moved to close the public hearing. Mr. Vogel seconded the motion. Motion was unanimously approved.

Review Parking Changes – Scituate Library

Documents

- Signage and Striping Plan for Scituate Town Library sheet C3.1 dated 8/12/15 by Oudens Ello Architects
- Email to Board from Laura Harbottle dated 8/5/16 with above notes plan, meeting minutes from 3-25-15 and condition of approval

Ashley Gonzalez of Oudens Ello Architects was present. She indicated that the Planning Board desired a one way flow for the library traffic circulation and she was back to discuss this with the Board as their traffic engineer thought the center aisle should be two ways with stop signs at either end as it would keep people from breaking the rules. She indicated painted pavement arrows will show the direction of traffic flow.

Ms. Burbine respectfully disagreed and indicated two way traffic in the center aisle aids and abets confusion and said the Board conditioned a one way traffic pattern. Ms. Gonzalez said she was speaking on behalf of the traffic engineer and stop signs placed at both ends of the two way center traffic aisle would make the driver consider which way to turn. Mr. Limbacher surmised that the plan is being designed to expected misbehavior. Mr. Wynne questioned why the Board was not taking the advice of their traffic engineer as they just told three citizens to trust the Town's engineer. Chairman Pritchard said he would like to hear from the traffic engineer and questioned if a design should be for expected behavior. Ms. Burbine said a hazard is being created. Mr. Vogel said that Ms. Gonzalez can say then say the Planning Board is responsible for the traffic pattern. Ms. Gonzalez said she can go back and review this with their traffic engineer. Ms. Gonzalez confirmed that the Board wanted the center aisle to be one way toward the library with a stop sign at the end along with a do not enter sign. The Board concurred. Chairman Pritchard said the arrows on the drive will also help a lot. He asked for the arrow at the right hand turn be moved up to the turn.

Ms. Burbine moved move that the Board approve the Signage and Striping Plan for the Scituate Town Library Sheet C 3.1 dated 8/12/2015 by Oudens Ello with the following conditions:

- The center aisle should be one way in the easterly direction with a stop at the east end and do not enter sign from the eastern most drive
- The right turn arrow on the site drive shall be moved to coincide with the actual turn on the north most aisle

Mr. Limbacher seconded the motion. Motion was unanimously approved.

Continued Public Meeting –Site Plan Administrative Review - 6 Old Country Way Assessor's Map/Block/Lot 53-4-8

Applicant/Owner: Whitecrest Realty, LLC

Documents

- Email from Fire Chief John Murphy dated 8/1/2016
- Morse Engineering response to comments dated 7/28/16 with lighting and revised plans
- Engineering report from Merrill Associates dated 7/28/16
- Building sketch received 7/27/16
- Email to the Board dated 8/9/16 from Laura Harbottle with information including photos of chalkboard and inside of schoolhouse, photo of ornamental light, email from Matt Elder on number of employees, memo from the DRC dated 8/8/16 and draft motion for approval
- Email dated 8/10/16 from Laura Harbottle to Karen Joseph with email information from Matt Elder on barrel capacity
- Email from Peter Palmeri dated 8/11/16
- Picture of fire hydrant opposite 6 Old Country Way

Attorney Frank Colpoys and Charles Fagan were there to represent the applicant Whitecrest Realty Trust. Attorney Colpoys indicated there were three outstanding issues which the applicant has cleared up. The first was the issue of the Fire Department had not commented. They have since commented and determined that sprinklers in the building are not necessary at this time, although recommended, as the building does not meet the size requirement for them. The applicant is not having sprinklers at this time. The second issue was the water usage. The applicant has committed to come back to the Board in the event that over 7500 barrels of beer are produced annually. The third issue was the recommendations of the Design Review Committee (DRC). Mr. Limbacher said he was at the DRC meeting and that the chair, Hal Stokes summarized everything in a memorandum dated 8/8/16 which the applicant agreed to. He said the old school house will be effectively used on the site.

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

1. The applicant submitted a site plan entitled Proposed Site Plan 6 Old Country Way Scituate, MA, Sheets 1-6 dated 6/13/16 with revisions through 7/28/16 by Jeffrey M. Hassett, P.E. of Morse Engineering Co., Inc. for Whitecrest Realty, LLC. The applicant shall mean the current applicant and all its successors in interest (the "Applicant").
2. A zoning change to allow a microbrewery by special permit in this zoning district was voted by Special Town Meeting in November 2015. The Zoning Board of Appeals approved a special permit to authorize the use by a vote taken on July 21, 2016.
3. The property is a 20,005 sq. ft. lot with an existing dwelling and is located in the Scituate Business District and Water Resource Protection District.
4. There is a self-storage facility to the rear of the property, a contractors' barn/shop with two apartments above to one side and a single family home to the opposite side. The single family home has trees along the property line. The adjoining premises that could be most affected will be protected against detrimental or offensive uses of the site. The site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 Paragraph A.
5. The Scituate Zoning Bylaw Section 760.6, Table of Minimum Parking Requirements, has no specific requirements for a microbrewery use and adequate parking to meet the normal parking demand as determined by the Planning Board determines the parking count. 17 parking spaces are provided including one handicap parking space. The tenant has indicated

that there will be a maximum of four employees on the site during the hours the microbrewery is open to the public. The narrow width of Old Country Way will not allow on-street parking. The parking appears to be sufficient for the proposed use.

The parking lot has a 22 foot aisle. A sidewalk runs along the parking area to the building and to Old Country Way. Loading will be to the rear of the building, away from pedestrians.

The site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 B. and C. for traffic safety, ease of access, pedestrian safety, minimizing glare and access for service and emergency vehicles.

6. The site will be connected to the public sewer with pretreatment provided by the applicant. The plans have been reviewed by the DPW. The proposed methods described in the wastewater treatment plan include side streaming or reduction of biological oxygen demand and reduction of total suspended solids through separation of spent grain and yeast byproducts, settling and potential treatment with pH reducing chemicals which are acceptable to the DPW.

The Fire Chief has suggested that the building be sprinklered as it will be a facility where the public is invited in for drink; however, the Applicant would rather not install this at this time as the building size is under the code requirement for sprinkler installation. There is a fire hydrant across the street and the twenty foot access if maintained is sufficient for the fire department. The site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 D. for adequacy of methods of waste disposal, adequacy of water supply and fire- fighting facilities on the site.

7. The site plan and stormwater report were reviewed by the Planning Board's consulting engineer, Peter Palmieri P.E. of Merrill Associates. The plans were modified in response to his comments. The site is in the Water Resource Protection District. The stormwater system has been designed to improve water quality by reducing total suspended solids by at least 90%, as required by the Zoning Bylaw. The stormwater management system will treat water through two Filterra Tree boxes and underground Cultec C-100 chambers surrounded by stone.

The Applicant will provide MSDS sheets to the Fire Department for any potential contaminants and to accept conditions to protect groundwater quality related to the storage and use of organic, chemical and cleaning compounds used in the microbrewing process. He will also accept a prohibition on vehicle washing on the site. The site plan meets the standard of Scituate Zoning Bylaw Section 770.6 E. and F. for adequacy of stormwater management and control of toxic and hazardous materials in the Water Resource Protection District.

8. Minimal site grading is proposed as the site is relatively flat. Landscaping that will use relatively little water is proposed for the site. An erosion and sedimentation control plan will be used. The site plan meets the standards of Scituate Zoning Bylaw Section 770.6 G., H. and I.
9. The proposed parking area is adequately buffered and shaded and there is a minimum of one shade tree per ten spaces of a caliper of at least 2 ½ inches dbh. The dumpster is fenced and covered and therefore not visible from public ways or from residential areas. Outdoor lighting is no higher than 15 feet tall and is specified to contain cut off fixtures to minimize glare and light spillover. The site plan meets the standards of Scituate Zoning Bylaw Section 770.6 I and J.
10. The site plan entitled Proposed Site Plan 6 Old Country Way Scituate, MA, Sheets 1-6 dated 6/13/16 with revisions through 7/28/16 by Jeffrey M. Hassett, P.E. of Morse Engineering Co., Inc. for Whitecrest Realty, LLC meets the requirements of the Town of Scituate Zoning Bylaw Section 770.6, Site Plan Review Standards of Review to a degree consistent with reasonable use

of the site for the purpose permitted by the regulations of the district in which the land is located.

Mr. Limbacher seconded the motion with the changes. Motion was unanimously approved.

Based on the Findings of Fact and the testimony received at the public hearing, Ms. Burbine moved to approve the Site Plan Administrative Review for a microbrewery at 6 Old Country Way with the following conditions:

General Requirements

1. All construction work shall be in accordance with the site plan entitled Proposed Site Plan 6 Old Country Way Scituate, MA, Sheets 1-6 dated 6/13/16 with revisions through 7/28/16 by Jeffrey M. Hassett, P.E. of Morse Engineering Co., Inc. for Whitecrest Realty, LLC, with any additional revisions needed to conform to the conditions contained herein.
2. Where construction or use requires approval, permitting or licensing from any local, state or federal agency, such required approvals, permitting or licensing including but not limited to Zoning Board of Appeals conditions of approval, federal and state approval of appropriate licenses required for brewing and serving alcoholic beverages, approval of sewer and water connections, relocation of sewer and water lines and the Board of Selectmen's approval of work in the public right-of-way of Old Country Way are deemed a condition of the Town of Scituate Planning Board's approval of this site plan. All necessary permits and approvals must be received prior to construction and use of the site.
3. The Applicant must obtain all required approvals including that of the Board of Health prior to serving any food on the site.
4. Construction shall meet all requirements of the Scituate Zoning Bylaw and State Building Code.
5. All conditions of approval shall be inscribed on the Site Plan.

Utilities, Parking and Traffic

6. The number of barrels brewed per year shall not exceed 7500 without further review by the Planning Board in consideration of the impact on the Town's water supply and sewer capacity.
7. Maintenance and repair of the driveway, parking areas and curbing, stormwater management system, lighting and landscaping shall be the responsibility of the owner/Applicant.
8. 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. All irrigation systems installed in accordance with the policy must be supplied by on-site sources at the expense of the property owner.
9. All parking will be constructed as shown on the Site Plan.
10. The microbrewery building, parking, and required signage shall meet all requirements of the ADA and the Scituate Commission on Disabilities.
11. 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.

Façade, Landscaping and Streetscape

12. The antique school house on Union St. shall be moved to the property, restored and utilized as the tap room as shown on the attached rendering. The existing garage door will be replaced by a multi-pane window. The Applicant shall modify the plans as needed to incorporate the recommendations of the Design Review Committee dated 8/8/2016.
13. As recommended by the Water Resources Committee, the Applicant shall consult with a nursery to identify trees with low requirements for water. The Applicant should consider adding planters, shrubs or perennials at the foundation in the front of the building and bordering the patio.
14. All new sidewalk and driveway crossing materials shall be matched with existing. The ornamental light on Country Way purchased as part of a Streetscape Program intended to unify Greenbush through consistent design elements should be shown on the plan with a note that it shall be protected during construction and preserved.
15. Prior to application for a sign permit, the sign design shall be provided to the Town Planner for approval which shall not be unreasonably withheld or delayed.
16. The Applicant shall provide a \$5,000 deposit to guarantee installation of landscaping, continuity of existing sidewalks and driveway crossing, and replacement of ornamental lighting if needed.
17. The Applicant shall monitor odors produced by spent grain, yeast and other materials used in brewing or their waste products, and shall provide means to reduce odors if necessary.

Required Prior to Release of Site Plan Administrative Review Permit to Applicant for Recording

18. The plans shall be updated as required by conditions of this site plan as follows:
 - a. The driveway may be shifted up to five feet to the south to provide sufficient space for the utility pole and ornamental light.
 - b. A note shall be added that a Knox Box key box shall be required on the front of the building by the front door for Fire Department access.
 - c. A note shall be added that all plumbing fixtures shall be designed to conserve the maximum amount of water possible.
 - d. The lighting in the public parking lot shall be programmable as to on-off and intensity.
 - e. No vehicles shall be washed on the site.
 - f. All plantings, vegetation, landscaping and signage along the site frontage shall be kept low to the ground (no more than 3' above street level) or set back sufficiently from Old Country Way so as not to interfere with available sight lines.
 - g. MSDS sheets shall be provided to the Fire Department and kept updated for any materials considered hazardous.
 - h. Organic, chemical and cleaning compounds used in the microbrewing process shall be stored inside in a manner so that any leaks or spills can be contained and the area cannot drain and impact surface or groundwater.

Required Prior to Scheduling the Pre-Construction Conference

19. The Applicant has indicated that others intend to relocate the single family home on this site to a site on Union St. The Applicant shall make every effort to facilitate this relocation. If this cannot be done, the Applicant will be responsible for obtaining the approval of the Scituate Historic Commission prior to demolition of the house.
20. Copies of all necessary approvals for the use of Town sewer shall be provided to the Planning Board prior to scheduling a pre-construction conference.
21. A determination of the adequacy of the existing water service for the proposed use shall be approved by the DPW prior to scheduling a pre-construction conference. Installation and relocation 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 Applicant's expense.
22. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
 - a. Copies of the recorded site plan 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 9.2, for the driveway, parking area and stormwater management system. 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, relocation of the house and all applicable items in Subdivision Rules and Regulations 9.1.3.
23. The Applicant shall provide a draft Property Owner's Agreement for the driveway, stormwater system and other private infrastructure to the Planning Board. This document shall include:
 - a. A description of maintenance of the stormwater system, pedestrian walks, parking, driveway and landscaping. Maintenance of the stormwater system shall be in accordance with the Operation and Maintenance Plan approved by the Planning Board's consulting engineer (see Stormwater Operation & Maintenance Plan attached to this approval). This shall include provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways, and a description of annual maintenance of the driveway, parking areas, and landscaping.
 - b. A requirement that the Applicant file an affidavit that they have completed the maintenance in accordance with the Operation and Maintenance Plan in the past year and it be provided to the Planning Board annually in the first month of the year.

Required Prior to the Start of Construction

24. A pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, 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 and the DPW. At least one telephone contact shall be available 24 hours per day in the event of an emergency.

25. A stabilized construction entrance must be installed prior to any earth disturbing activities including but not limited to demolition, clearing and grubbing. Construction access must be clearly identified on the site with signage approved by the Town Planner.

Required During Construction

26. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturdays 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.
27. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures approved by the Town Planner are in place. 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.
28. No parking or unloading on Old Country Way shall be permitted during construction.
29. Construction of the proposed parking and site drainage system shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board at the completion of the project that the parking and drainage 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.

Administration

30. This site plan approval shall be void if it is not recorded at the Registry of Deeds within 90 days of approval or such extension of that time period granted by the Planning Board following approval of this site plan.
31. All plan sheets shall be recorded at the Registry of Deeds.
32. This site plan approval 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.

There was concern over the wording on Condition 23B by Ms. Burbine and Attorney Colpoys. Both thought it was onerous and overreaching. Chairman Pritchard agreed that the site would probably be maintained in order to attract business. The Board agreed to modified wording.

Mr. Limbacher seconded the motion as modified. Motion was unanimously approved.

Ms. Burbine moved to close the public hearing. Mr. Vogel seconded the motion. Motion was unanimously approved.

Minutes

Ms. Burbine voted to approve the meeting minutes of 7/28/16. Mr. Vogel seconded the motion. Motion was unanimously approved.

Accounting

Documents

- PO # 1701260 (\$5,000.00), PO # 1701271 (\$112.56), PO # 1701400 (\$1,950), PO # 1701458 (\$460.00)

Ms. Burbine moved to approve the requisition of \$5,000.00 to Odeh Engineers for a structural assessment for 50 Country Way, for \$112.56 to Gatehouse Media MA for a legal ad in the Scituate Mariner for 21 – 23 Ford Place, for \$1,950.00 to Merrill Corporation for engineering peer review for 6 Old Country Way and for \$460.00 to Chessia Consulting Services, LLC for review of the performance bond for 50 Country Way. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Liaison Reports

Ms. Burbine reported that Karen Connelly is still chair of the CPC and Penny Pipes is the vice chair. She said the dog park applicant came into the CPC meeting and said the project cost is nearly \$300,000. She said a foundation donates 90% of the cost and indicated there would be parking, benches and fencing. Ms. Burbine indicated that Heritage Days was a success. She also said that the CPC is meeting with the Affordable Housing Trust and Housing Authority regarding 30 units behind Central Park which will be elderly affordable housing.

Chairman Pritchard said he sent a memo to the Board on the meeting he and Ms. Harbottle had on the sewer with Kevin Cafferty and Rick Mosca. He said the sewer plant tour will be on Sept 1 at 9:00 am. Mr. Limbacher said he would not be there. There was a brief discussion on reducing inflow and infiltration to get capacity in the sewer treatment plant.

Old Business and New Business

Documents

- Email to Board from Karen Joseph dated 8/5/16 with 8/11/16 agenda and meeting minutes of 7/28/16

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 10:02 p.m. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Ann Burbine, Clerk
9-8-2016
Date Approved