

SCITUATE PLANNING BOARD MINUTES August 10, 2023

Members Present: Patricia Lambert, Chair; Rebecca Lewis, Vice Chair; Ann Burbine, Clerk and Mr. Stephen Pritchard and Mr. MacLean, the alternate seat is vacant.

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

Members absent:

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

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

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

Documents

- 8/10/23 Planning Board Agenda

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

Continued-Public Hearing – Major Site Plan Administrative Review/Special Permit Small Cell Attachments – 15 Allen Place and 9 Bay Ridge Road
Assessor’s Map/Block/Lot Pole #4 within the right-of-way near 15 Allen Plan and Pole #4-1
Within the right-of-way near 9 Bay Ridge Road
Applicant: New Cingular Wireless PCS, LLC d/b/a (“AT&T”)
Owner: National Grid

Documents

- PDF AT&T - Scituate MA – Small Cell Facilities Request to Withdraw

Attendees: Edward Pare, Attorney

Ms. Lambert indicated the applicant is looking to withdraw the application. She read the letter requesting the applications be withdrawn into the record.

Public comment:

Dr. Katherine Ayers resident at 15 Allen Place thanked the Board and AT&T for listening to their concerns about property values, etc. and is hopefully a better location can be found; the proposed site is uniquely poor because it is about 20’ from their home and there is already a small cell tower. Again, she thanked the Board for all their efforts.

Motion:

Ms. Burbine moved to accept the applicants request to withdraw the applications for Major Site Plan Review for two small cell attachments located on a replacement utility pole #4 in the right of way

near 15 Allen Place and on replacement utility pole #4-1 in the right of way near 9 Bay Ridge Road without prejudice.

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

Update on MBTA Communities– reported by Ms. Joseph:

Documents

- PDF Scituate_MBTATEchnicalMemo_080823
- PDF EFA details Final EOHLC
- PDF EFA instructions Final EOHLC

Ms. Joseph indicated the consultant has run the numbers requested and provided a technical memo with the results.

- Scenario was run for
 - 18 units/acre for North Scituate Outer Village (NSOV)
 - 16 units/acre for North River Neighborhood (NRN)
 - 17 units/acre for GVC and GWB
 - Numbers yield 1,250 units and requirement is 1,239 units
 - Result is Town compliance with the lowest unit capacity and lowest aggregate increase in dwelling units per acre
 - Consultant is pursuing this scenario
- Meeting end of August with the consultant to discuss the memo and review any other zoning changes in addition to density that need to be done
- Town cannot get a waiver for Financial Feasibility Analysis
 - Issue for Scituate because current zoning in the Town requires 20% affordable units, but the State wants 10% maximum
 - Town feels it can defend its requirement for 20% affordable
 - Grants are available for assistance with Financial Feasibility Analysis
 - The analysis is extensive, requires lots of information
 - Narrative
 - Zoning
 - Checklist
 - Excel based development proforma
 - Trying to determine if the Inclusionary Zoning Bylaw that is for more than 10% affordable units is hurting the development of creating housing units.

Ms. Joseph read a brief description of what the feasibility analysis is trying to do. Mr. Pritchard surmised it is an analysis looking for the differential between 10% and 20% and the cost of developments. Ms. Joseph to send information for the Feasibility Analysis to the Board.

The Board said if there is money and help to do it we should get the help.

Public Hearing – Stormwater Regulations Amendments – administrative amendments for MGL c. 44 s 53G and 53G1/2 and revise deadline for action

Documents

- PDF TC filed posting of Public Hearing
- PDF TC filed Redline Regs

Ms. Burbine read the legal ad into the record.

Ms. Joseph indicated Town Counsel advised these changes be done as soon as possible as a result of some issues with a landowner and enforcement of the Stormwater Regulations & Bylaw. She indicated there are other things in the Bylaw and Regulations that address 53G and peer review, but Town Counsel advised it should be specifically stated in the Stormwater Regulations.

Ms. Joseph also indicated that the Bylaw and the Regulations have a discrepancy with regards to “time for action”; the Regulations say 21 days and the Bylaw says 30 days, the Attorney General has opined that a Bylaw trumps Regulations. Town Counsel has requested that they be changed to be in sync with each other.

Town Counsel has also requested the 53G1/2 regarding surety be clarified.

Ms. Joseph said the Board has been waiting to revise Regulations for years and it is held up because of changes that are being made with DEP and MS4; DEP timeline for changes is unknown. It is not the right time to make changes until those are completed.

Mr. Pritchard made one change to the wording regarding the appeal process; “the applicant may appeal the selection of the outside consultant to the Select Board” he requested language be added that the applicant provide such objection in writing to the Planning Board and the Board shall have reviewed and made a decision on such objection. Ms. Joseph said under 53G the reason an applicant can appeal a selection is the applicant has a conflict of interest or the third party is not qualified.

Mr. Pritchard opined if there is an appeal the applicant should come to the Planning Board first and the Board should have the chance to address it before it goes somewhere else.

No Public Comment.

Motion:

Ms. Burbine moved to accept the changes as amended to the Stormwater Regulations dated August 10, 2023.

Mr. MacLean second the motion, a vote was taken and was unanimously in favor.

Minutes **Documents**

- Meeting Minutes 7.27.23

Ms. Burbine moved to approve the meeting minutes for July 27, 2023.

Ms. Lewis seconded the motion; a vote was taken, and was unanimously in favor.
Mr. MacLean did not vote for the minutes he was not in attendance for the meeting.

Accounting
Documents

PO #2401050 (\$1,637.50), PO # 2400999 (\$1,020.00)

Ms. Burbine moved to approve the requisition of \$1,020.00 to Images Resolutions for printing of the Zoning Bylaws, for \$1,637.50 to Bob Burwick for unexpended funds from the Guarantee account for 6 MacDonald Terrace.

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

Liaison Reports:

Select Board – reported by Ms. Burbine:

- Discussion about sewer
 - Working on camera viewing manholes, laterals, etc.
 - Questions about how much to charge for failure of the lateral to homeowners
 - Work will help 100,000 gallons of infiltration going into the treatment plant
 - Opportunity to hook up with Cohasset is very slim
- Discussion on parking for different public events
- Pickle Ball
 - Applicant portrayed the CPC had approved funding
 - Was corrected CPC has not approved funding
 - CPC directed the applicant to go find locations for the courts
 - 2 locations discussed
 - Behind Town Hall
 - Parking lot at North Scituate Playground
 - Holding on request to see what happens after reconstruction of the tennis courts at the High School
 - 2 Courts at Gates could be turned into 8 pickle ball courts

Conservation– reported by Ms. Lambert:

- Discussion about the home at the end of Edward Foster Road
 - If approved by Conservation then goes to the State for Chapter 91
 - Lot of controversy

Ms. Joseph reported on 9.12.23 she, Ms. Lambert and Ms. Young will be going to the Select Board to provide a status update on MBTA compliance.

Joint meeting has been scheduled for 9.26.23 for appointment of the new Alternate Member; meeting is a role call vote all members need to attend.

Continued - Public Hearing – Site Plan Administrative Review and Special Permit for a Mixed-Use Building and Multi-Family Building Stormwater Permit in the Village Center and Neighborhood District - Greenbush- Gateway-District – Greenbush Village Center Subdistrict

**and Gateway Business Subdistrict (VCN-GDG-GVC and GWB) – 7 MacDonald
Terrace/33 New Driftway
Assessor's Map/Block/Lot 53-05-19 and 53-5-20A
Applicant/Owner: Saoirse, LLC**

Documents

- PDF 15-436-33 New Driftway – Cut & Fill 7.31.2023
- PDF TC filed Mullin 8.4.23 – B. MacLean - 33 New Driftwy
- PDF 3Motion 7 Mac-33 ND New VCN
- Doc 3Motion 7 Mac-33 ND New VCN

Attendees: Jeff DeLisi, Attorney; Jaimie Kelliher, Architect; Greg Morse, Engineer; John Sullivan, Owner/Applicant; John Chessia, Towns Consulting Engineer

Mr. DeLisi provided an update for the project.

- Mr. Chessia has provided a memo that he is satisfied; some issued identified are the call of the Board
- Ms. Joseph did an excellent job in writing a DRAFT Decision
 - They have provided comment which were minor comments
 - Ms. Joseph has responded and they understand her position
- Mr. Morse indicated a final set of plans to address some minor issues was provided
 - Paved cul-de-sac has been addressed on the plans
 - Shift in Landscape Architect, now Sean Papich
 - Plan is stamped and signed
 - He opined they have substantially addressed all Mr. Chessia's comments

Ms. Joseph agreed that all Mr. Chessia's comments have been addressed or conditioned.

Ms. Lambert said this requires a 4/5ths vote.

Motion:

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

1. On July 22, 2022, the Applicant, Saiorse, LLC, filed an application for a Special Permit, Major Site Plan Review and Stormwater Permit for a Mixed-Use Building and Multi-Family Building project in the Village Center and Neighborhood District under Scituate Zoning Bylaws Section 580, 750 and 770. The Application included, but is not limited to, the following:
 - a. Cover letter dated July 21, 2022, Application Forms including attachment A-F and Stormwater Permit form and locus deed;
 - b. Authorization from Robert J. Burwick as Trustee of Greenbush Realty Trust, owner of 17 New Driftway, Scituate, MA to John L. Sullivan and attorney, William H. Ohrenberger III, Esq. and Morse Engineering Company, Inc. to pursue permits and approvals from the Town of Scituate and Commonwealth of MA for construction of a residential and commercial real estate project on the Saiorse, LLC property including

but not limited to infrastructure, a common driveway, landscaping and parking on the Greenbush Realty Trust property.

- c. Filing Fees and Abutters' List;
 - d. Site Plan, Proposed Mixed-Use & Multi-Family Development, 33 New Driftway, (Assessor's Parcels: 53-5-19 & 53-5-20A) Scituate, MA dated July 5, 2022 by Morse Engineering Group, Inc. consisting of 8 sheets;
 - e. Preliminary Design, Mixed Use Project, 7 MacDonald Terrace, Scituate, MA by A.J. Tomasi Nurseries, Inc. consisting of 1 sheet.
 - f. Architectural rendering and Architectural Plans for Greenbush Gateway Development Project, New Driftway/MacDonald Terrace, Building 1 Mixed-Use Building First Floor Plan, Second Floor Plan, Third Floor Plan and Elevations; Building 2 Apartment Building First and Second Floor plans and Elevations by Axiom Architects dated 7-7-22;
 - g. Stormwater Permit Application – Town of Scituate Stormwater Bylaw (Sec.32050) & Stormwater Regulations for Proposed Mixed-Use Development 33 New Driftway & 7 MacDonald Terrace, Scituate, MA, Assessor's Parcels: 53-5-19 & 53-5-20A dated July 6, 2022 by Morse Engineering Co., Inc.
2. The Property that is the subject of the Application is composed of two parcels: Parcel 1 is lot 53-5-19 and it is 19,245 sq. ft. all of which is upland; Parcel 2 is *lot* 53-5-20A and it is 27,802 sq. ft. all of which is upland. Parcel 1 has frontage and access off of MacDonald Terrace, a private way. The combined area is 47,047 sq. ft. or 1.08 acres. Parcel 2 has frontage on MacDonald Terrace and New Driftway. The Property is currently improved with a law office and driveway and a storage area for landscape supplies.
 3. The Project is located in the Village Center and Neighborhood (VCN) Zoning District, Greenbush-Driftway Gateway District (GDG) and the Gateway Business Subdistrict (GWB) – VCN-GDG-GWB and the Greenbush Village Center Subdistrict (GVC) – VCN-GDG-GVC. The site is also partially located in the Floodplain and Watershed Protection District.
 4. The Zoning Bylaw in effect for this project is the bylaw approved by the Scituate Annual Town Meeting on 9/19/2022 and the Attorney General on 12/16/2022 and posted to the website in December 2022.
 5. The Project proposed by the Applicant consists of twenty (20) residential units and 3,600 sq. ft. of general office/retail space in two buildings. A Multi-family Building (MFB) will have six (6) residential units. A Mixed-use Building will have ~~3,485~~ **3,600** sq. ft. of retail/office space on the first floor as well as fourteen (14) residential units. The MFB will have four (4) two-bedroom units and two (2) one-bedroom units on the first and second floors. The MUB will have 3,600 sq. ft. of office/retail space on the first floor and a total of (3) one-bedroom units and eleven (11) two-bedroom units on floors one through three. There are a total of 35 bedrooms. There will be four (4) affordable units.
 6. The MUB building is a 3-story building. The building has a maximum building height of 38'-0" to the roof peak from the average grade plane which is less than the maximum height of 40' as set forth in the Scituate Zoning Bylaw. The MFB is a 2-story building. The building has a maximum height of 34'-0" to the roof peak from the average grade plane which is less than the maximum height of 40' as set forth in the Scituate Zoning Bylaw.

7. There are thirty-eight (38) total exterior parking spaces provided. This includes two handicap parking spaces in between Building A and Building B. The project requires thirty-five (35) parking spaces. Parking is governed by Section 760.8 of the Scituate Zoning Bylaw for parking in Mixed-Use Districts (Table 2) and requires 1 space for a 1-bedroom unit and 1.5 spaces for a 2-bedroom unit in a multi-family or mixed-use building as the site is in the VCN District. General office/retail in a mixed-use building requires 1space/500 gross square feet.
8. Section 760.7 does apply as the proposed use is mixed-use and residential in the VCN.
9. The property at 33 New Driftway does not require a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw.
10. In the VCN-GDG-GVC, a multi-family building is an allowed use by right per Section 420 of the Zoning Bylaws and an allowed building type per Section 580.3 with the Design Standards of Section 750 of the Zoning Bylaw. In the VCN-GDG-GWB, a mixed-use building is an allowed use by right per Section 420 and an allowed building type per Section 580.3 with the Design Standards of Section 750 of the Zoning Bylaw.
11. The base residential density in the VCN-GDG-GWB and GVC subdistricts per Section 580.4 of the zoning bylaw for a multi-family building and a mixed-use building is twelve (12) units per acre by right and twenty-four (24) units per acre by special permit. 12.96 units (rounded to 13) are allowed by right and 25.9 are allowed by special permit. Twenty (20) units are proposed on-site requiring a density bonus of seven (7) units. A special permit is required for twenty (20) units if certain Public Realm Improvements are made by the Applicant that will provide benefits to residents and businesses in the project, the VCN district and surrounding area. The eligible public benefit improvements can include on-site or off-site infrastructure improvements, streetscape improvements, open space improvements, amenities not otherwise required under Section 752, public parking spaces or additional affordable units beyond the number required for the development. The Applicant proposes pedestrian connections from the site to the existing walkway to the Greenbush train in the MBTA easement; handicap accessible sidewalk improvements along New Driftway; roadway improvements that include the extension of a turn lane in New Driftway; the relocation of the 17 New Driftway driveway so it is combined with the driveway for the project creating a shared entrance off of New Driftway; building a paved cul-de-sac on MacDonald Terrace to Town standards; and providing two (2) of the four affordable units at 60% *Area Median Income* (AMI) and two (2) at 80% AMI. The two (2) units at 60% AMI increase the affordability of two units and is thus a public benefit. The Board opined the sidewalk and turn lane are not density bonus benefits as well as the connection to the MBTA path as there is no proof the connection could be done at this time.
12. Section 580.4 also has minimum bulk standards for dwelling sizes. A two-bedroom unit is required to have 900 sq. ft. of usable floor area. A one-bedroom unit is required to have 600 sq. ft. of useable area. The one-bedroom units will have a usable area of 900 sq. ft. minimum and the two-bedroom units will have a usable area of 1000 sq. ft. minimum. This includes the multi-family mixed- use building. This requirement is met.
13. No Public Realm Standards are required for this development as no new streets are being created. The project proposes to eliminate one existing curb cut at 17 New Driftway and replace it with sidewalks and curbing in the public right of way. A new driveway entrance to the site will include access for 17 New Driftway. A pedestrian crosswalk is required by zoning and is provided.

14. Four (4) affordable housing units are required for the development among the 20 residential units. The units are distributed throughout the proposed housing units. There are three (3) units proposed in the Mixed-Use building - Two are two-bedroom units and one is a one-bedroom unit. There is one (1) unit proposed in the Multi-family building and it is a one-bedroom unit. The affordable units are designed so that the exterior is compatible with the market rate units. The applicant has indicated they will be using MetroWest Collaborative Development as the monitoring agent. No other information has been submitted for the affordable units at this time. The Applicant requests a waiver for the information to be submitted if the project is approved until after the approval. The affordable units must be able to count toward the Town of Scituate's Subsidized Housing Inventory and comply with the Local Initiative Program (LIP) 760.CMR 56.00.
15. The Applicant met with the Design Review Committee ("DRC") on several occasions to discuss this project. The DRC recommended "the Planning Board move ahead with the Special Permit process" in a memorandum dated March 20, 2023. They indicated "their recommendation is contingent on the review of the following prior to a building permit *is being* issued: Detailing of exterior materials, with an emphasis on the brick and trim details and review of the locations of the utilities and mechanical equipment." They indicated the primary façade of 33 New Driftway is currently non-conforming for the mixed-use building. The height in the 12.5 to 37.5-foot stepback zone is approximately 32' versus the required 30' for 6% of the overall façade. The DRC felt that the small encroachment may help with the articulation of the façade in the effort to address all zoning requirements. The design meets most of the criteria set forth in Section 750 of the Zoning Bylaws, with the exception of the Building Setback/Height." Per the Bylaws, a building within 0 -12.5' of the street shall be no more than twenty-five feet in height and between 12.5' and 37.5' shall be no more than 30' in height. The overall height of the proposed MUB building is 30'-11" to the midpoint of the roof and 38' to the roof peak.
16. A Multi-family Building (MFB) includes Lot Standards and Design Standards found in Section 750.6 including:
 - A minimum lot size is not required;
 - Street frontage of 80' is required. There is 104.62' of frontage on MacDonald Terrace.
 - Lot depth is not required.
 - The front yard build-to-zone (setback) is 10' minimum and 30' maximum. 10.7 feet for the minimum is ~~proposed~~ *provided* and 22 feet for the maximum is ~~proposed~~ *provided*.
 - Minimum side yard is 15'. 15.8' is provided.
 - Minimum rear yard is 20'. 80.3' is provided.
 - Outdoor Amenity Space Coverage required is 20% of the lot. This is 9,409 sq. ft. 9,722 sq. ft. has been provided. This is 20.67% of the lot.
 - The building height will conform to the height regulation set forth for an MFB at 34' from the average grade plane to the roof peak. This is below *the 40'limit*.
 - The minimum street facing wall width is 60' and the maximum is 100'. Under Section 750.5 B. 2 d. Vertical Modulation and Articulation no street facing building elevation

can be wider than 100' without a Special Permit. As 60' is provided, no special permit is required.

- A street facing entrance is required and provided.
- A maximum building footprint is not applicable.

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

- More than one principal building is allowed on a lot if the building lot dimensional standards are met for each principal building individually. There are two buildings on the lot.
- All principal buildings and accessory structures are located outside of any required front, side or rear setbacks except as otherwise permitted.
- The Build to Zone Occupancy is measured as a percentage of the width of the street frontage. Primary Build to Zone occupancy shall be 50% of the frontage width. The MFB has 57.3 %.
- The lot is not a corner lot.
- Multi-family buildings taller than 25' shall be required to be setback or stepped back from the street right-of way. The building is setback 10.7' from the front property line. For setbacks 0 – 12.5', a maximum height of 25' is required. For buildings 12.5' – 37.5', a maximum height of 30' is allowed. According to the Applicant, the eave height at attic level is 19'-4" and complies.
- The scale of the building is visually compatible with the site and with its neighborhood,
- Building articulation standards have been met with buildings greater than 50' in width designed to read as a series of smaller buildings with varied articulation.
- No street facing building elevation is more than 100'.
- Horizontal modulation and articulation are not required as the MFB is two stories.
- Street facing building facades shall provide surface relief through dormers and door canopies. A door canopy is provided in the form of the terrace above.
- Façade transparency is required for multi-family buildings. Windows shall be evenly spaced along the façade, windows shall be low reflectivity glass, the façade glazing shall fall between the height of 2' and 12'. Façade glazing requirements are only applicable to front facades facing a street right-of-way. The project meets the requirements with window spacing, façade glazing occurring between the first floor and 10'-2". Low reflectivity glass is ~~proposed~~**provided**.
- The roof pitches (12:12 and 10:12) meet the criteria of 6:12 minimum and 12:12 maximum.
- Exterior treatments will be provided. Exterior treatments will be synthetic materials intended to provide the look and character of traditional building materials i.e. cedar shakes and clapboard. There will be corner boards, crown molding at windows and other trim work. The roof will be architectural asphalt shingles in a brown color.

Gutters and downspouts will be present. The windows will be operable. Architectural elements are continued from the front to the side of the building. The proposed building has textures and patterns.

18. A Mixed - Use Building (MUB) includes Lot Standards and Design Standards found in Section 750.6 including:

- A minimum lot size is not required;
- Street frontage of 50' is required. There is 180.49' of frontage ***provided*** on New Driftway.
- Lot depth is not required.
- The front yard build –to-zone (setback) is 0' minimum and 20' maximum. 10.6' for the minimum is ~~proposed~~ ***provided***.
- Minimum side yard is 10'. 11' is provided.
- Minimum rear yard is 20'. 105.5' is provided.
- Outdoor Amenity Space Coverage required is 20% of the lot. This is 9,409 sq. ft. 9,722 sq. ft. has been provided. This is 20.67% of the lot.
- The building height will conform to the height regulation set forth for an MUB at 38' from the average grade plane to the roof peak and 30'-11' to the roof mid-point. This is below ***the 40' limit***.
- The minimum street facing wall width is 60' and the maximum is 100'. Under Section 750.5 B. 2 d. Vertical Modulation and Articulation no street facing building elevation can be wider than 100' without a Special Permit. As 117' is provided, a special permit is required.
- A street facing entrance is required and provided.
- A maximum building footprint is not applicable.

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

- More than one principal building is allowed on a lot if the building lot dimensional standards are met for each principal building individually. There are two buildings on the lot.
- All principal buildings and accessory structures are located outside of any required front, side or rear setbacks except as otherwise permitted.
- The Build to Zone Occupancy is measured as a percentage of the width of the street frontage. Primary Build to Zone occupancy shall be 50% of the frontage width. The MUB has 65.7 %.
- The lot is not a corner lot.
- Mixed-Use buildings taller than 25' shall be required to be setback or stepped back from the street right-of way. The building is setback 10.6' from the front property line at New Driftway. For setbacks 0 – 12.5', a maximum height of 25' is required. For

buildings 12.5' – 37.5', a maximum height of 30' is allowed. The building is non-conforming as the height in the 12.5 to 37.5-foot stepback zone is approximately 32'-0" versus the required 30'-0" for 6% of the overall façade. The DRC felt it would help with the articulation. The main building eave is 23'-11" where 25' is ~~required~~ ***the limit.***

- The scale of the building is visually compatible with the site and with its neighborhood,
- Building articulation standards have been met with buildings greater than 50' in width designed to read as a series of smaller buildings with varied articulation.
- The street facing building elevation is more than 100' at 117'.
- Horizontal modulation and articulation are required as the MUB is three stories. The bottom story is visually integrated and the base is differentiated from above by a horizontal expression line and change in material and color. The central portions are visually integrated and differentiated from the bottom. The attic has a change in façade with a cornice and gable roof.
- Street facing building facades shall provide surface relief through dormers and door canopies. A door canopy is provided.
- Façade transparency is required for mixed-use buildings. Windows shall be evenly spaced along the façade, windows shall be low reflectivity glass, the façade glazing shall fall between the height of 2' and 12'. Façade glazing requirements are only applicable to front facades facing a street right-of-way. The project meets the requirements with window spacing, façade glazing occurring between the first floor and 10'-2". Low reflectivity glass is ~~proposed~~ ***provided.***
- The roof pitches (12:12, 11:12 and 9.5:12) meet the criteria of 6:12 minimum and 12:12 maximum.
- Exterior treatments will be provided. Exterior treatments will be full depth red brick for the lower level wall material and fiber cement clapboard in a light color intended to provide the look and character of traditional building materials i.e. clapboard. There will be corner boards, crown molding at windows and other trim work. The roof will be architectural asphalt shingles in a weathered tan/gray color for the sloped roof and EPDM or T.P.O roofing in a gray or black color for the flat roof area. Trim materials will be white PVC. Balcony railings will be white PVC and decking will be composite materials to look like a brown wood. Gutters and downspouts will be present. The windows will be operable. Architectural elements are continued from the front to the side of the building. The proposed building has textures and patterns.

20. Development site standards include (Section 750.8):

- The development site consists of two buildings;
- The development site does not include any existing or proposed right –of-way;
- A multi-family building and mixed-use building are permitted building types in this district;

- A minimum of 80 feet of frontage on a public or publicly accessible street providing access to the development is provided;
 - Development block standards are not applicable;
 - Site Landscaping is provided. Plantings are arranged to not obscure the vision of traffic.
 - Parking must be located a minimum of 5 feet behind the front façade. The project meets this requirement. Two handicap accessible parking spaces are located between the two buildings. A street screen shall be required where parking is visible from a public street or sidewalk. A landscape screen is provided to screen parking from the walk along the west side of the property. A stockade fence is provided to screen parking at the north property line. Landscape screening is proposed along the walk by MacDonald Terrace to screen site parking. Landscape screening ~~is proposed~~ **will be provided** in front of the new parking spaces at 17 New Driftway to hide them from New Driftway.
 - A driveway servicing the site is shown off New Driftway. It is ~~proposed~~ **will be provided** as 24 feet wide.
 - New public utilities are **provided** as underground. `
 - An outside trash storage area is ~~proposed~~ **provided** in a dumpster with a fenced enclosure. The garage for the MUB is located on the north side of the building. It does not face the street.
 - Bicycle racks have been provided at a rate of greater than 10% of auto spaces. 5 bicycles can be accommodated at the rear of the MUB.
21. Sustainable Site Design is required in the VCN District per Section 751 of the Zoning Bylaw. Stormwater management shall conform to best management practices as described in the Commonwealth of Massachusetts Stormwater Management Handbook. Predevelopment hydrology is maintained by infiltrating stormwater in underground chambers and having some pervious pavement for walkways. The post construction peak rate and volume **does not exceed the predevelopment rates of runoff is not exceeded** for the 1, 2, 10 and 100-year 24-hour rain events. Stormwater Best Management Practices are required. Treatment streams of deep sump hooded catch basins and subsurface infiltration are provided. Minimization of impervious surfaces is not provided as there is a significant increase in impervious area on the site.
 22. The total impervious area on the site is 32,654 sq. ft. and the area of disturbance is 45,550 **sq. ft.**
 23. A Landscape Plan shall be required for all submissions, except where waived by the Planning Board. To the greatest extent possible, native plants shall be maintained and no plants listed as Invasive or Prohibited by Massachusetts shall be used. Existing invasive plants shall be removed. A Landscape Plan has been provided. Native landscaping is minimally proposed. Landscaping is reasonable except there is no diversity in the screening. Lawn area in the front yard is minimized and fertilizer use is discouraged. This requirement has been met.
 24. Multi-family residential developments shall provide access from parking lots to a public sidewalk and the primary building as indicated in Section 760.8. F. 2. public ways. This is provided by a walkway connection from the MFB to the MUB and then from the MUB to the existing sidewalk in the right of way of New Driftway.

25. Section 760 Parking – A special permit is requested to allow the use of tandem parking for fourteen (14) spaces by the MFB **and MUB**. Up to 75% of tandem parking is allowed. 37% is **proposed provided**. 9' x 18' parking spaces have been provided with 162 sq. ft. as required. 35 parking spaces are required and 38 parking spaces are ~~proposed-provided~~. The parking includes: 5 spaces for the 5 one-bedroom units, 23 spaces for the 15 2-bedroom units and 7 spaces for the retail office space at 1 space/500 sq. ft. with 3,600 sq. ft. **proposed-provided**. Two (2) handicap spaces are provided along with two (2) Electric Vehicle (EV) spaces which are Handicap accessible, but not handicap exclusive.
26. A traffic study was prepared by McMahon Transportation Engineers and Planners for the site. Chappell Engineering Associates reviewed the study and provided comments which the Applicant addressed through submission of additional material. Chappell has found their comments have been addressed with the conditions provided.
27. Scituate Zoning Bylaw, Section 770.6 sets forth the standard of review for approval of proposed site plans which are required for proposed developments which are of a size that may have significant impacts on neighborhoods. Multi-family buildings and mixed-use buildings require a site plan reviewed by the Planning Board.
28. Section 770.6.A Site Plan Approval Standard A: Protection of adjoining premises against detrimental and offensive methods of utilizing the site.

Finding: The Property is currently improved with a law office and driveway and a storage area for landscape supplies. The proposed development will clean the site up with allowed uses that as conditioned will meet the bylaw. Fencing and landscaping is proposed to buffer the site. This standard **is/is not** met.

Finding was numbered #29 and was removed.

Vote was taken and was unanimously in favor that the finding has been met.

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

Finding: The site is located on New Driftway. The project will consist of a Multi-Family Building with six (6) units and a mixed-use building with fourteen (14) units. The proposed development will have its own separate off-street parking meeting the requirements of Sections 750.8. and 760. Access for the parking will be off New Driftway. The Applicant has demonstrated there is capacity on New Driftway to handle the traffic that will be generated by changing the development from a law office and landscape storage to a multi-family building and mixed-use building. The Applicant has demonstrated there is adequate sight distance. Any traffic back up leaving the site will be contained onsite with minimal, grades (less than 2%). The driveway is being configured to change the current location of the 17 New Driftway Driveway into a shared driveway for the two sites to provide for traffic safety and the curb cut for the existing 17 New Driftway driveway will be permanently eliminated. The proposed driveway is also being located across the street from a driveway to the 28 New Driftway businesses to allow for safer access. The turning lane in New Driftway will also being extended from 48-52 New Driftway **westerly** past the site driveway. This standard **is/is not** met.

Vote was taken and was unanimously in favor that the finding has been met.

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

Finding: The proposed development will have its own separate off-street parking meeting the requirements of Sections 750.8 and 760. Access to the site will be from a new curb cut in New Driftway. The access off New Driftway is 24' wide. There is a walkway across the new access to reach the sidewalk on New Driftway. The Applicant has demonstrated that the site will have sufficient access for service and emergency vehicles. The Applicant will also re-pave the full cul-de-sac at MacDonald Terrace to provide greater access for emergency vehicles. Landscaping and fencing minimize headlight glare and cut off light fixtures will be used to minimize light intrusion. This standard **is/is** not met.

Vote was taken and was unanimously in favor that the finding has been met.

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

Finding: The project proposes to connect to the existing sewer service in MacDonald Terrace and connect to the water main located in New Driftway for Building A and MacDonald Terrace for Building B. The Department of Public Works has stated that both sewer capacity and water capacity is available in the public sewer and water system, and that the sewer and water connections will meet DPW requirements. All units will be individually metered for water. The buildings will have fire sprinklers for fire protection. The existing fire hydrant west of the new driveway entrance will be replaced and the existing hydrant on MacDonald Terrace will provide adequate fire water supply for the Scituate Fire Department. There is a dumpster for trash, which will be emptied on a weekly basis or more frequently if necessary. This standard **is/is** not met.

Vote was taken and was unanimously in favor that the finding has been met.

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

Finding: The proposed stormwater management system for the project consists of a subsurface recharge system. Snow storage areas are provided to the west of the walkway as per drawing 5 of 13. The Board engaged Chessia Consulting Services to evaluate the adequacy and accuracy of Morse Engineering Co., Inc.'s stormwater report and data as well as the efficacy and adequacy of the design. Chessia Consulting Services submitted detailed written comments to the Planning Board and to the Applicant. In response to these comments, the Applicant and Morse provided responses, revised reports were requested and provided along with updated site plans. After further review by Chessia Consulting Services, the Applicant has been determined to have adequately addressed the comments and recommendations ~~if~~ of the stormwater management system is built as designed. The Applicant has submitted a stormwater management plan and Operation and Maintenance Plan that ensures that the

project will be managed appropriately for the entire construction period ***and thereafter*** during on-going operation.

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

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

This standard **is/is** not met.

Vote was taken and was unanimously in favor that the finding has been met.

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

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

Vote was taken and was unanimously in favor that the finding has been met.

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

Finding: The proposed site is ~~grading disturbing~~ is 45,550 sq. ft. out of 47,047 sq. ft. Nearly all of the site will be disturbed with an overall cut of 1,616 CY will result; however, topsoil stripping and various structural fills will be needed to be brought in to accomplish the grading resulting in not a significant grade change on the site. The majority of site trees are proposed to be removed. This standard **is/is** not met.

Vote was taken and was unanimously in favor that the finding has been met.

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

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

36. Section 770.6.I Site Plan Approval Standard I: Parking areas shall be adequately buffered and shaded using native vegetation. Parking lots with ten or more spaces shall be planted with at least one shade tree per ten spaces, of a caliper of at least 2 ½ inches dbh, with each tree providing shade to the parking area. Parking areas and visually degrading elements such as dumpsters and loading docks shall be designed to minimize visual intrusion from public ways

and residentially owned or zoned areas. In addition, suitable screening of such areas by wood fences and dense, native evergreen hedges of five feet or more at time of planting shall be utilized. The use of chain link fences shall be avoided except in industrial areas. Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spillover to neighboring properties. No outdoor light shall be located more than twenty feet above the ground.

Finding: The project consists of one driveway to service the MFB, MUB and 17 New Driftway. 38 parking spaces are ~~proposed~~ **provided** with four (4) internal to the MUB. Shade trees meeting minimum size requirements are ~~proposed~~ **provided** adjacent to the parking area. Fencing proposed is wooden stockade fencing providing screening. Exterior lighting will be arranged to minimize glare and light spillover to adjacent properties thereby meeting the requirements of the Bylaw. This standard **is/is not met**.

Vote was taken and was unanimously in favor that the finding has been met.

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

Finding: The surrounding area has existing safe, functional and convenient pedestrian access including a sidewalk located on New Driftway providing access to Greenbush and the train station. The Applicant has proposed to provide three (3) new connections to the path in the MBTA easement, but no proof that the MBTA has approved such modifications has been provided. A 5-space bicycle rack is proposed. There is a walk connection in the site to the sidewalk on New Driftway. This standard **is/is not met**.

Vote was taken and was unanimously in favor that the finding has been met.

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

Mr. Pritchard seconded the motion for discussion;

Mr. Pritchard seconded the motion as amended; a vote was taken and was unanimously.

Decision:

Based on the Findings of Fact and testimony provided at the public hearing, the Planning Board approves the Stormwater Permit, Site Plan Review and Special Permit in the Village Center and Neighborhood District for 7 MacDonald Terrace/ 33 New Driftway ("Site") with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Morse Engineering Company, Inc. entitled "Site Plan Proposed Mixed-Use Development & Multi-Family Dwelling, 33 New Driftway (Assessor's Parcels: 53-5-19 & 53-5-20A) Scituate, MA ", consisting of 13 sheets dated July 5, 2022 with revisions through 7/12/2023 including a

Landscape Plan dated 1/9/23 with revisions through 7/12/2023 stamped by Sean Papich, Registered Landscape Architect; ii) Architectural Plans by Axiom Architects consisting of a colored rendering, Building 1 Mixed-Use Building A1 First Floor Plan, A2 Second Floor Plan, A3 Third Floor Plan, A4 & A5 Elevations all dated 7/7/2022 with revisions through 2-8-23 with A4 revised 7-3-23 and A6 Stepback Section Diagram dated 3-8-23 ; iii) Building 2 Apartment Building A6 First Floor Plan, A7 Second Floor Plan, A8 Elevations dated 5/6/2022 all with revisions through 4-13-2023 with further revisions to A8 dated 7-3-23 and A9 dated 5-6-22; iv) Stormwater Permit Application, Town of Scituate Stormwater Bylaw (Sec.32050) & Stormwater Regulations for Proposed Mixed-Use Development, 33 New Driftway & 7 MacDonald Terrace in Scituate, MA dated July 6, 2022 with revisions through July 3, 2023; v) Sewer System Review for 33 New Driftway Redevelopment, Scituate, MA by Weston & Sampson dated May 9, 2023; vi) Water Service Evaluation for 33 New Driftway Redevelopment, Scituate, MA **by Weston & Sampson** dated May 9, 2023; vii) Lighting Plan dated 2/7/2023 for 33 New Driftway by Visual; viii) Traffic Impact Study for Proposed Mixed-Use Development for 33 New Driftway, Scituate MA by McMahon Associates, Inc. dated July 2022 and updated February 2023 and ix) Cut and Fill Plan for 33 New Driftway by Morse Engineering Co., Inc dated 7/31/2023. Final Building elevations must be approved by the Town Planner prior to issuance of a building permit for conformance to submitted material. A copy of the approved plan and conditions must be kept on-site at all times during construction.

Comment: vi – does not say who made water service recommendations and should be added, who did the evaluation.

2. Where this Site Plan Review and Special Permit requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's (the "Planning Board" or the "Board") approval of this Site Plan Review and VCN Special Permit, including, but not limited to approval of work by the Select Board and Department of Public Works ("DPW") in all public rights of way including New Driftway. Construction shall meet all applicable federal, state and local laws and regulations including, but not limited to, those of the Scituate DPW, Fire Dept., Building Dept., Board of Health, Planning Board as well as the Massachusetts DEP and State Building Code. All necessary permits and approvals must be received prior to start of construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw.
4. The Applicant shall mean the current Applicant and all its successors in interest. This site plan review and special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause. The Planning Board may extend said period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which request shall provide a detailed description of the good cause necessitating an extension. A public hearing may be required.
5. The total number of residential dwelling units on the Site shall not exceed twenty (20). There will be five (5) one-bedroom units and fifteen (15) two-bedroom units. There will be four (4) affordable units constructed between the two buildings. The total number of bedrooms on the Site shall not exceed thirty-five (35). A bedroom shall be defined in accordance with Title V of the State Sanitary Code. Massachusetts Architectural Access Board ("MAAB") requirements

must be met. All units constructed at the Site shall be under rental conditions or ~~owner~~ **Applicant** occupied.

6. The Applicant shall obtain the plan endorsement from the Planning Board for the Site Plan Review and VCN Special Permit within 90 days of the expiration of the appeal period and this decision becoming final. All conditions shall be inscribed on the plans prior to endorsement.
7. Storage of fertilizers and pesticides is not allowed unless they are covered or contained.
8. No vehicle washing is to occur on the Site.
9. The units in the new building shall be numbered on the outside ~~or~~ **and** on a map in the building lobby for identification, fire protection and emergency response purposes.
10. The Planning Board is not the Special Permit granting authority for the Flood Plain and Watershed Protection District and this decision does not incorporate any approval or conditions related to this district as the Zoning Board of Appeals is the permit granting authority for that district.
11. The only work allowed on the 17 New Driftway site shall be for the relocation of the driveway, the closing of the curb cut, the elimination of three (3) parking spaces and the construction of seven (7) new parking spaces with appropriate screening. No storage of materials or other activities are allowed except in relation to the approved construction noted above. This includes construction parking is not allowed. No construction parking on 17 New Driftway is allowed.
12. The two parcels must be combined into one lot prior to endorsement.
13. Gates are not allowed at the entrance now or in the future.
14. The crosswalk across the new entrance shall be 10 feet wide and must comply with Town Standards and the MUTDC. This must be reflected on the final plans prior to endorsement.

Waivers and Special Permits

15. A waiver is requested from 750.5 A. 3. b. Building Setback and Stepback Standards to allow a 32' high building within 12.5' to 37.5' of the front property line where 30' is allowed as the small increase in height for 6% of the overall façade helps with the articulation of the façade. The Board **grants** this waiver.

Vote was taken and was unanimously in favor; the Board grants the waiver.

16. A waiver is requested from 754.4 and 754.5 of the Zoning Bylaw to allow for the monitoring agent and other affordability requirements for the affordable units to be submitted after approval and prior to application for the first occupancy permit. The Board **grants** this waiver.

Vote was taken and was unanimously in favor; the Board grants the waiver.

17. All parking is limited to designated spaces as shown on the plan. A Special Permit is requested to allow fourteen (14) tandem parking spaces to be located on-site for use by the MFB and MUB. The Board **grants** this Special Permit by a 4-1 vote.

Vote was taken and was 4-1 in favor; the Board grants the waiver. Ms. Burbine voted no.

18. The building is 117 feet long along New Driftway. A Special Permit is needed under Section 750.5 B.2 d. to allow a building wider than 100 feet facing the street. The Board **grants** this Special Permit by a vote of 4-1.

Vote was taken and was 4-1 in favor; the Board grants the waiver. Ms. Burbine voted no.

Access, Utilities, Parking, Traffic and Street Improvements

19. Maintenance and repair of the driveway and parking areas, stormwater management system, site utilities, snow removal, lighting and landscaping shall be the responsibility of the Applicant ~~and/or his property manager.~~
20. All parking is limited to designated spaces as shown on the plan. Thirty-four (34) surfaces parking spaces including two handicap accessible spaces and four (4) garage parking spaces are provided. This includes fourteen (14) tandem parking spaces that are approved by Special Permit.
21. No vehicular access to MacDonald Terrace is allowed during construction or in the future **except for the one trip** at the start of construction with an excavator so that the construction entry can be made to New Driftway. The excavator carrier must be moved on-site as soon as possible and shall not obstruct MacDonald Terrace.
22. A fully re-paved cul-de-sac, with pavement and materials to town construction standards, is required on MacDonald Terrace prior to any occupancy permit on site. Radii are needed to connect to the existing pavement. Saw cut of existing pavement is required to remove existing pavement in cul-de-sac prior to new cul-de-sac pavement. Minimum width of pavement is 55 feet as shown on the plan. Curbing is not required, but Applicant shall stabilize the transition between the pavement and ground to prevent erosion and undermining of the pavement edges. Construction vehicles for the cul-de-sac work only, except as otherwise limited, can access from MacDonald Terrace.
23. The Applicant shall extend the center turn lane in New Driftway from where it left off for the Petrol Realty project to beyond the site driveway as indicated on Sheet 5 of 13 to enhance turning functions onto New Driftway. Thermoplastic paint shall be used. This work shall be reviewed, approved and coordinated with the Town Planner and DPW Engineering prior to implementation and must be completed prior to any occupancy permit.
24. No new underground irrigation systems are allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy made effective by the Select Board on October 8, 2014 and reaffirmed by the Scituate Water Commissioners on May 26, 2015. No on-site sources of water are proposed. All irrigation systems installed in accordance with the policy must be supplied by on-site sources or private water suppliers at the expense of the property owner.
25. The Applicant shall allow members and town officials of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in the Special Permit Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
26. An independent inspector contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities. The inspector shall be approved by the Town Planner and DPW and shall

work under the direction of the Town Planner. The costs for these inspections shall be paid by the ~~Owner~~ **Applicant**. Written reports shall be submitted to the Applicant and the Planning Board in a timely manner stating results of any and all required inspections during construction unless more frequent reports are needed. 2 business days minimum advance notice is required for all inspections. All stormwater recharge structures require inspection of the bottom of the excavation by the consulting engineer. Noise, dust and air quality control shall be in accordance with DEP regulations.

27. Construction of the proposed driveways, parking areas, proposed drainage system, proposed water system and proposed sewer system shall be supervised by a registered professional engineer as the Supervising Engineer. Said Supervising Engineer shall certify in writing to the Planning Board and DPW at completion that the proposed driveways, parking areas, drainage system, water system and sewer system were constructed in accordance with the approved plans and that said systems are functioning in full accordance with the approved design.

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

28. All materials for utility construction shall meet DPW construction standards.
29. A street opening permit shall be obtained for each individual utility connection.
30. A Curb Cut permit shall be obtained from DPW prior to the preconstruction conference.
31. ADA compliant ramps shall be constructed along New Driftway at the proposed entrance location to Town standards and in conformance to the Site Plans.
32. The Applicant shall eliminate the existing driveway opening to 17 New Driftway onto New Driftway and add sidewalk and vertical granite curb to match existing walk and curb to Town of Scituate DPW standards and Mass DOT Construction specifications. Cast iron tactile pads shall be used for the detectable warning strips in the Town right of way. Saw cutting of the pavement is required. This shall be completed prior to any occupancy permit for the site.
33. The Applicant shall verify prior to endorsement and show on the plans that a delivery truck can exit the 17 New Driftway driveway with the 15' turning radius provided. If this cannot be accomplished, then a larger turning radius shall be provided.

34. Signage and pavement striping including a double yellow centerline will be implemented to reiterate the one-way counterclockwise circulation around the parking lot. One-way circulation cannot be changed without Planning Board approval.
35. The shared driveway must be constructed as shown on the plans all at one time for the top coat of bituminous. There shall be no segmenting construction of the shared driveway. No changes are allowed without Planning Board approval.
36. A shared driveway agreement/*easement* shall be provided to the Town Planner at least one month prior to occupancy. The agreement shall provide for maintenance and access agreements for the two properties.
37. The Applicant shall obtain all necessary approvals for the use of Town water prior to scheduling the pre-construction conference and any construction commencing. Any required upgrades, modifications or connections shall be at the Applicant's expense. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Copies of all necessary approvals shall be furnished to the Town Planner by the Applicant.
38. A determination of adequacy of the existing water service/fire flow for the proposed use shall be provided by the Applicant to the DPW and Town Planner for their approval prior to scheduling the pre-construction conference. Prior to endorsement the plans must be revised as noted below:
 - Separate connections for fire and domestic service to the existing 8" or 12" water main are required.
 - The water service(s) that serve the existing building should be identified on the plans. Notes should be added to abandon the existing water service (s) by excavating, closing, and capping the corporation stop. If existing tees are found, they should be removed and replaced with 8" ductile iron water main and solid sleeve couplings.
 - The existing hydrant near the entrance on New Driftway shall be replaced in accordance with DPW ~~comments~~ **requirements**.
 - The Applicant shall meet Town of Scituate Water Division Specifications.
 - The size of the proposed domestic and fire water services shall be confirmed. Sizes for domestic and fire lines to be provided on a revised plan to Planning prior to application for a building permit.
 - Fire flow conditions shall be calculated per the Weston & Sampson report. Flow tests and building type calculations shall be performed to ensure proper fire protection requirements.
 - All units shall be individually metered. No master meters are allowed.
 - Building on New Driftway will require \$14,000.00 water connection fee and \$500 for each additional 5/8" water meter.
 - All proposed 2" water services shall be either Type K copper or poly (CTS) tubing. All services 2" and smaller in diameter shall be installed with a curb stop. The Applicant shall include callouts to indicate the locations of the proposed curb stops and how the proposed potable water will be connected to the existing water mains (with corporation stop, saddle, etc.)
 - The Applicant shall include callouts to indicate how the fire services will be connected to the existing water mains (with a tee or tapping sleeve), and to identify the locations of the proposed gate valves.

- The Applicant shall include callouts for the proposed linework for the existing hydrant to be replaced in New Driftway to include the replacement of the existing hydrant only. If an inspection at the time of construction reveals problems with the existing tee, gate valve or 6" hydrant lateral pipe then they will need to be replaced as well. The plans shall reflect this prior to endorsement.
 - The Applicant shall ensure that the hydrant located within the snow storage area will always be accessible and not be buried/surrounded by snow.
 - The typical trench detail shall show the minimum required cover for the proposed water main and services to be 5'.
 - The typical hydrant detail shall show the minimum required cover for the proposed hydrant lateral pipe to be 5'. Additionally, the dimension from the finished grade to the bottom of the hydrant flange shall be 3".
 - The Applicant shall provide a detail for the proposed 2" potable water service.
39. The Applicant shall obtain all necessary approvals for the use of Town sewer prior to scheduling the pre-construction conference and any construction commencing. Any required upgrades, modifications or connections shall be at the Applicant's expense. Installation of all sewer mains and appurtenances shall be performed according to the specifications of the DPW Sewer Division. Copies of all necessary approvals shall be furnished to the Town Planner by the Applicant.
40. All replacement of, or connection to, Town sewer, drainage and the installation of water mains and appurtenances shall be performed according to the specifications of the Scituate DPW with an independent inspector contracted or employed by the Town to review the construction activity and assure compliance with the Town's rules and regulations. DPW personnel must be in attendance for any sewer, drainage and water infrastructure and appurtenance work in the Town rights of way and on the Project Site. In addition, the following must be addressed to the satisfaction of the Town Sewer Division prior to the commencement of construction with notes added to the plan prior to endorsement:
- a. The Applicant shall perform light cleaning and closed-circuit television (CCTV) inspection of the existing sewer lines between SMH STA 2 + 04 and SMH STA 0+00 +SMH STA 1+20E (Record drawing C-19, File No. 143-47) to further assess the current condition of the existing sewers.
 - b. As per Sewer Rules and Regulations in Scituate, MA, all joints in sewer mains, sewer services, and sewer infrastructure shall be double wrapped with a self-adhesive external PVC (10 mil minimum) or EDPM rubber wrap (30 mil minimum) tape, with a minimum wrap width of 6-inches. This will be required for all 6-inch pipe (existing or proposed) from the Town right of way (approximately at the existing clean out) to the proposed building.
 - c. New proposed sewer cleanouts are required within ten (10) feet of the proposed MFB and MUB buildings. A cleanout shall be provided at all bends, if any, along the proposed service connection pipe.
 - d. Confirmation that newly constructed manhole structures, if any, shall be vacuum tested and such testing paid for by the Applicant. The test must also be witnessed by the Sewer Division and/or by the Town's approved independent inspector.

- e. Sewer permit costs are in addition to connection fees at a rate of \$50 per residential and \$125 per commercial.
- f. Betterments for 2 units have already been assessed to these lots. To connect to town sewer the applicant will owe connection fees for the remaining 17.5 units at \$16,000 per unit for a total of \$280,000 in connection fees. Such fees will be due at the time of start of construction.

Comment: Mr. DeLisi proposed that the betterments be paid upon activation of the sewer line vs. at the time of construction. The Board did not agree to change it.

- g. External cleanout on building B sewer service will be required.
 - h. All external cleanouts to be furnished with metal protective covers.
 - i. Minimum slope of 2% is required for sewer services. Slopes shall be shown on the plan prior to endorsement.
 - j. PVC sewer pipe to be SDR 35.
 - k. The privately constructed sewer infrastructure will be owned and shall be maintained at all times by the Applicant. The sewer line, from the property line in, is owned by the property owner.
 - l. The Applicant shall provide as-built plans to the Sewer Division once the sewer is constructed.
- 41. The building, parking, walkways and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities if applicable.
 - 42. The Applicant shall ensure that signs, landscaping and other features located within the sight triangle areas of the Project site driveways and the intersection of New Driftway, are designed, installed and maintained so as not to impede lines of sight. (not to exceed 2.5 feet in height)
 - 43. All signs and pavement markings to be installed shall conform to the applicable specifications of the Manual on Uniform Traffic Control Devices (MUTCD). All pavement markings in the public way shall be thermoplastic.
 - 44. The Applicant shall ensure that the property manager promptly removes snow windrows located within the sight triangle areas of the Project Site driveway intersection with New Driftway that exceed ~~3.5~~ 2.5 feet in height or that would otherwise inhibit sight lines.
 - 45. ~~Snow storage areas have been designated on-site on the Site Plans; however, with the hydrant location within the snow storage area is inadequate.~~ The Applicant shall provide snow storage areas on the site plan **prior** to endorsement **that address the problem with the hydrant location.** The Applicant shall ensure all maintenance personnel are informed of snow storage locations. When on-site capacity is exceeded, an off-site location shall be used in compliance with all federal, state and local laws. Deicing and sanding agents can only be stored on site if they are covered or contained.
 - 46. Trash management shall be internal to the building. A dumpster is proposed with a concrete dumpster pad. Trash removal shall occur as often as needed so debris is not placed outside the covered fenced dumpster, but at least on a weekly basis.
 - 47. All electrical, telephone, cable and similar utilities shall be located underground.

48. Except for the Town-owned segments of the sewer and water line from the property line outward, all utilities including but not limited to the stormwater drainage shall be maintained by the Applicant according to the Post-Construction Phase Operation and Maintenance Plan Best Management Practices revised dated February 8, 2023 by Morse Engineering Co., Inc. and which are attached to this decision. The Post- Construction Phase Operation and Maintenance Plan Best Management Practices shall be provided to ~~all property owners~~ *the Applicant* and property management people. The Post Construction Operation and Maintenance Plan shall be revised as a stand-alone document prior to endorsement and include snow removal conditions.
49. If the drainage system is not performing as designed and conditioned or stormwater is observed going to abutting properties or to the street, the Stormwater Authority can request necessary mitigation to remedy the situation. This condition applies to all construction activities and survives the issuance of a Certificate of Completion to apply during all on-going operations.
50. No separate Stormwater Permit is required as long as the Site is built according to the approved plans and stormwater calculations. This approval and conditions constitute the Stormwater Permit.
51. Inspection of all infiltration systems must be performed by the Planning Board's consulting engineer and the design engineer prior to any backfill or system component installation to confirm suitability of the soils.
52. Electric vehicle charging stations shall be provided for two (2) vehicles for use by residents of the development.
53. No gated entry is allowed now or in the future.
54. Flowable fill will be required for any excavation in the New Driftway roadway, including to but not limited to natural gas, water and sewer.
55. Soil conditions at the bottom of the proposed infiltration area shall be inspected by the Town's Engineer prior to infiltration devices being installed and backfill.

Affordability

56. All affordable units shall meet the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiative Program ("LIP") or other similar state-approved program in effect at the time of application.
57. According to Section 754 of the Zoning Bylaw, for projects receiving a density bonus, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. Four affordable units are required for the project. The units are distributed throughout the proposed housing units. There are three (3) units proposed in the Mixed-Use building. Two are two-bedroom units and one is a one-bedroom unit. There is one (1) unit proposed in the Multi-family building and it is a one-bedroom unit. Two of the units shall be at 60% AMI and two at 80% AMI.
58. The affordable units shall be constructed simultaneously with the market rate units. No Certificate of Occupancy will be issued for any residential dwelling building without the affordable units ready for occupancy.
59. The Applicant shall be responsible for preparation of a LIP Local Action Units application to be submitted to the Executive Office of Housing and Livable Communities (EOHLC) formerly DHCD by the municipality (chief elected official). Assistance will be available from the

Planning Department.

Erosion Control and Phasing

60. An Erosion Control Plan with preliminary sequence of construction has been provided. The plan shall be updated and provided to the Board prior to scheduling the pre-construction meeting and prior to commencement of construction so that the Phase 1 and 2 and the new shared driveway Erosion Control Plans will be operational. The plan shall comply with the Wetlands Protection Act and Order of Conditions for the project. See Condition 93 on SWPPP Plan.
61. Stockpiles shall be located as shown on the plans and must be protected with erosion controls including but not limited to silt socks and temporary seeding.
62. There shall be full unimpeded access during all phases of construction for the fire truck and ambulance without backing out.
63. Phasing shall be per the phasing schedule indicated on the plans or as otherwise conditioned here.
64. Phase 2 shall start not more than 6 months after the completion of Phase 1 pending extraordinary circumstances (e.g. such as extraordinary weather) and the Board must concur with the circumstances. If Phase 2 is abandoned, then a meeting with the Board is required to adjust Phase 1 and a modification public hearing shall be required as Phase 2 is fully anticipated to be built. During the full duration of all phases of the project's construction, legally configured parking adequate to serve the inhabited units must be provided in the following ratio: 1 space for a 1-bedroom unit, 1.5 spaces for a 2-bedroom unit and 1 space per 500 feet for the mixed-use component/non-residential occupancy. Phase 2 construction parking should be revised on the phasing plans prior to endorsement to address this requirement. The connection to 17 New Driftway must be completed in binder form *and the old driveway closed off* prior to occupancy of Phase 1.
65. The Board of Health (BOH) requires the property to be baited by a licensed exterminator two weeks prior to the demolition of the buildings and a report sent to the BOH.
66. The Construction Phase Operation & Maintenance Plan Best Management Practices shall be adhered to and added to the plans prior to endorsement.

Environmental Conditions: Noise and Dust

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

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

71. All changes to the proposed plans must be presented to the Town Planner for approval. The Town Planner or the Planning Board's inspector shall have the right to approve minor changes or deviations from the approved plans and/or any details needed for lighting, signage, paving materials, fencing, landscaping or stormwater management. All other changes shall be approved by the Planning Board. Material selection shall be provided to the Town Planner for review for compliance with approved plans prior to installation.
72. A separate sign permit shall be required from the Building Department for any free-standing signs, unless otherwise exempted under the Zoning Bylaws. Signs shall be fully located on the Applicant's property and shall not block sight lines for traffic entry/egress from the Site. Any signs must be reviewed by the Design Review Committee prior to permitting.
73. All walkway connection approvals to the MBTA easement must be provided to the Town Planner prior to the preconstruction conference.
74. A density bonus of seven (7) units has been requested not including the affordable units for the project and has been approved by the Planning Board provided the density bonus benefits are delivered as recorded herein. The Planning Board may approve this additional density by special permit if the Applicant provides benefits to the residents of the project and VCN District and surrounding area. Finding #11 indicates the Applicant has agreed to provide the relocation of the 17 New Driftway driveway so it is combined with the driveway for the project creating a shared entrance off of New Driftway; building a paved cul-de-sac on MacDonald Terrace to Town standards; and providing two (2) of the four affordable units at 60% AMI and two (2) at 80% AMI. The two (2) units at 60% AMI increase the affordability of two units and thus is a public benefit. ***These are approved as the density bonus for the project.*** The sidewalk connection to the MBTA easement, turn lane and handicap accessible sidewalk improvements along New Driftway are not density bonus benefits. These density bonus improvements are made under Section 580.4 C of the zoning bylaw.
75. The Applicant has agreed to contribute the sum of ten thousand dollars (\$10,000.00) to fund traffic and pedestrian improvements/studies in the Greenbush-Driftway area as approved by the Planning Board. The Applicant has agreed to stipulate in express written terms or conditions of the contribution that the funds may be expended as part thereof by the Planning Board without further appropriation. Use of the funds for specific improvements shall be approved by the Town Planner, Planning Board and Town Administrator. The Applicant shall provide such funds to the Town prior to the commencement of construction.
76. All proposed lawns and swale areas shall have a minimum of 6" of clean screened loam. A bill of laden shall be provided to the Town Planner during construction to show that the loam is clean.
77. Outdoor amenity areas must be shown by type, size in square feet and percentage of lot area and labelled on plan prior to endorsement. Landscape plan shall not be used for this purpose.
78. There shall be no lighting spillover to any abutting properties. Lighting fixtures shall be cut off/down lighting style. All fixtures shall be LED and no higher than 18 feet.
79. Street trees shall be a minimum of 3" caliper and 10 feet high.
80. The existing loam shall not be spread on the site if it contains invasive species i.e. knotweed.

Architecture/Design:

81. The building shall be constructed in accordance with the architectural elevations and plans submitted for the Project. The quality of materials, construction and colors shall not substantially deviate from those as shown on the elevations and discussed during the public hearing without the review and approval of the Planning Board.
82. The final building plans, stamped by a registered architect, shall be provided to the Planning Department prior to a building permit being issued for review for consistency with the elevations and renderings described in Condition 1. If the plans appear inconsistent, approval by the Planning Board will be required.
83. Detailing of exterior materials with emphasis on the brick and trim details and review of the locations of the utilities and mechanical equipment must be reviewed by the Design Review Committee with concurrence by the Planning Board prior to a building permit
84. Low reflectivity glass is required.
85. The stockade fence or equal approved by the Planning Office at the north property line shall be 6' tall.
86. There shall be a minimum of six (6) benches located throughout the site which are to be to be field located during construction with the approval of these locations by the Town Planner.
87. Calculations for gutter capacity, downspout sizing and pipe sizing shall be submitted and approved by the consulting engineer prior to issuance of a building permit.
88. A certification shall be provided to the Town Planner by the architect prior to a Certificate of Occupancy that the buildings as constructed are in substantial compliance with the approved plans.

Required Prior to Scheduling the Pre-Construction Conference

89. As the units are rental units, the Applicant shall provide a draft document and a master deed review to include:
 - a. A statement that the driveway, parking areas, drainage system, sewer, landscaping, amenity spaces and other common areas shall be owned and maintained by the Applicant and shall not be the responsibility of the Town to maintain. The driveway, drainage system, landscaping, lighting, stormwater leaching system and other common areas shall be inspected, maintained and repaired by the Applicant. This shall also be stated in a note added to the plans prior to endorsement.
 - b. A requirement that: i) maintenance of the drainage system, parking, driveways, and landscaping shall be in accordance with the Post-Construction Phase Operation & Maintenance Plan Best Management Practices approved by the Planning Board's consulting engineer; ii) provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways has been provided; and iii) a description of the required annual maintenance of the driveway, parking areas, landscaping, lighting and other common amenities.
 - c. A table of the number and general location of parking spaces assigned to each unit.
 - d. The revised Post-Construction Phase Operation & Maintenance Plan Best Management Practices shall be provided to the Planning Board as a stand-alone document with snow storage areas and best management practices indicated.

90. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
- a. Copies of the recorded site plan review and special permit and plans;
 - b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum and not limited to, inspections of Subdivision Rules and Regulations Section 9.0, for the driveway, parking areas, walks, patios and stormwater management systems, water system, municipal sewage connection and sanitary sewerage line, new curbing and erosion and dust control measures, MacDonald cul-de-sac as well as any specific requirements contained herein which may require review and/or inspections by the Town. The specific amount shall be provided by the Planning Dept. based on the consulting engineer's estimate, shall be subject to amendment from time to time and shall be supplemented by the Applicant as requested by the Planning Dept.;
 - c. A construction schedule including approximate dates for installation of erosion control and other site protection/stabilization, construction of the building, and all applicable items in Subdivision Rules and Regulations Section 9.0; and
 - d. A type and amount of security, cash or bond acceptable to the Town Treasurer, provided by the Applicant that is reasonably satisfactory to the Planning Board to cover the satisfactory completion of site and infrastructure features shown on the site plan including the MacDonald cul-de-sac, shared driveway, walkways, landscaping, parking, utilities, drainage, signs, lighting, the **MFB (Building 2)** and related conditions imposed by the Board. The amount shall be based on the Applicant's contractor's estimate of costs of these items, reviewed by the Town's consulting engineer, and shall be approved by the Planning Board prior to the preconstruction conference.

Comment: check the name of the buildings and make consistent throughout.

- e. Provide contact data for the Site Contractor, General Contractor and 24-hour number for responsible party in the event of an emergency.

Required Prior to the Start of Construction

91. Within two calendar weeks prior to the Applicant's notification to the Town Planner that it intends to commence any work on the project site, a pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, the Town Engineer and other DPW representatives as necessary, the Police Department, the Planning Board's consulting engineer and other representatives of the Town as the Board feels are necessary. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board, DPW and Police Department. At least one telephone contact shall be available 24 hours per day in the event of an emergency.
92. The property lines of the subject Property shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of three business days prior to the start of construction. The property line shall be staked or pinned at all times during construction.

93. The SWPPP Plan shall be provided to the Planning Office for review and approval one (1) month prior to construction and **prior** to submission to the EPA. The SWPPP must include the temporary basin sizing and swales.
94. A stabilized construction entrance and silt fence/sock must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing. Construction fencing shall be required as necessary to comply with federal, state and local laws.

Required During Construction

95. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturday and shall cease no later than 7:00 PM or dusk whichever is earlier. No construction shall take place on Sundays or legal state or federal holidays.
96. The Board reserves the right to require the consulting engineer to visit the site weekly or as often as necessary during construction to observe and report on matters within the scope of the Planning Board's authority.
97. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures are in place and approved by the Town Planner or Town's Consulting Engineer. Such control measures shall remain in place until the Board's consulting engineer determines after consultation with the Town Planner, that the danger of erosion or sedimentation no longer exists. It is the Applicant's affirmative responsibility to ensure the maintenance and management of all stormwater control measures at all times during construction to ensure there are no increases in stormwater flow velocity or volume to abutting properties at any time.
98. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
99. No sediment (including silty water) shall be allowed to leave the site during construction.
100. MacDonald Terrace may not be used for construction parking or access of any kind, except as previously conditioned for one trip for delivery of the excavator to construct the site entrance, and no curb cuts are allowed on MacDonald Terrace and will require a modification of the proposed plans if ever proposed.
101. No parking or unloading on Ford Place, MacDonald Terrace or New Driftway Way shall be permitted during construction unless approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access on-site.
102. All construction parking shall be on site unless otherwise approved by the Planning Board. The Burwick property, 53-5-27, 17 New Driftway, shall not be used for construction parking.
103. The Applicant shall notify the Scituate Police Department 48 hours in advance of any significant equipment and construction material arrival to the site which may cause a safety hazard or material disruption of the public way such that a police detail is necessary to ensure safe passage. Any Police detail required is at the expense of the Applicant and is required when the Police Department determines it is necessary.
104. The Applicant shall not allow any large construction equipment or trucks to stage or idle on public roads and shall not allow such equipment or trucks to idle onsite prior to 7:00 AM. Police details may be required for construction access or work within the layout of New Driftway and for construction of the cul-de-sac at MacDonald Terrace.
105. The Applicant shall provide the Town with the route(s) construction traffic will use so that if a safety hazard or material disruption of the public way impedes safe passage, a police detail would be obtained by the Applicant at its expense.

106. 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.
107. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant may be available at the water treatment plant for construction use during non-water ban times.
108. 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.
109. Blasting, if necessary, shall be conducted according to all necessary permits and meet all of the requirements of the Scituate Fire Department.

Required Prior to Issuance of Occupancy Permits

110. No Certificate of Occupancy shall be issued until both the ~~Planning Board~~ **Town Planner** and Building Commissioner are satisfied that the building (s), driveway, parking areas, and installation of necessary utilities is in full compliance with the approved plans and the site plan review and special permit.
111. Prior to application for a Certificate of Occupancy, a copy of the contract for inspections and maintenance of the Stormwater System per the Operation and Maintenance Plan shall be provided to the Planning Office.
112. Prior to an occupancy permit for any building on the site, the cul-de-sac on MacDonald Terrace must be constructed to town standards.
113. Prior to applying for an Occupancy Permit, the Applicant shall provide:
 - a. A copy of an executed regulatory agreement between the developer, municipality and EOHLC (DHCD) to insure long-term affordability.
 - b. The proposed rental price of the affordable units;
 - c. A draft deed restriction to restrict the subsequent price of the rental units for two at 60% and two at 80% of the area mean income (AMI) according to the Executive Office of Housing and Livable Communities- EOHLC (DHCD) in perpetuity. The draft deed restriction shall be approved by Town Counsel and proof of recording provided to the Planning Board prior to the issuance of the Occupancy Permit for an affordable unit;
 - d. A plan showing the location of the affordable units for the Building and Planning Departments;
 - e. The name and contact information for agencies, companies or individuals who will conduct marketing, hold the lottery and perform the monitoring;
 - f. A draft affirmative marketing plan meeting the guidelines for approval of EOHLC/DHCD. The marketing Plan must affirmatively provide outreach to area minority communities to notify them of the availability of the units and must demonstrate the need for local preference as well as insure there will be no discriminatory impacts as a result of using local preference criteria. If the plan does not meet EOHLC/DHCD requirements for inclusion of the units on the Subsidized Housing Inventory, revisions will be required prior to an Occupancy permit.
 - g. Any changes to the affordability documents must be approved by the Town Planner.

Administration

114. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
115. This Site Plan Review and Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 120 days of expiration of the appeal period or such extension of that time period *following final adjudication of any appeals* 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.
116. The Planning Board may at its discretion waive or modify conditions of this Special Permit at a duly called meeting of the Board if the Board determines that such waiver or modification is insignificant and does not materially adversely affect the purpose of this special permit decision *or is otherwise warranted*.
117. This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with M.G.L. Chapter 40A, Section 9.
118. All plan sheets of the Site Plan Review and VCN Special Permit shall be recorded at the Registry of Deeds.
119. All construction work shall be done in accordance with the plans. Failure to comply with any condition of this permit shall cause it to be deemed invalid.
120. Any condition contained herein that varies from the plan supersedes the plan where different.

Ms. Lewis seconded the motion for discussion.

Ms. Burbine stated that from the beginning she has felt the buildings should be built at the same time, she disagrees with tandem parking and is not sure the parking spaces are adequate for what is going on, she does not agree with this.

Mr. DeLisi made some additional comments regarding the recording of all plan sheets. He opined not all sheets need to be recorded, some have too much detail on them that is not necessary and it is an expense for the applicant. The Board did not agree and required that all sheets be recorded.

Mr. DeLisi also discussed the conditions (#26 and #40) for the hiring of an independent consultant, he was unclear if they reference someone other than Chessia Consulting. He does not view Chessia consultant as independent consultant. Ms. Joseph indicated Chessia Consulting will continue as the consulting engineer.

Mr. Pritchard seconded the motion as amended; the vote was 4-1 in favor. Ms. Burbine voted no.

Ms. Joseph said there is an extension of time for action until the end of September.

The Board thanked Ms. Joseph for all the work she did on the decision.

Motion:

Ms. Burbine moved to close the public hearing.

Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Planning and Development – reported by Ms. Joseph:

- Water Treatment Plant came in today, plans are available for pickup
- Traffic scope has been sent, please provide comment
- Certificates of Occupancy have been issued for Buildings B, C, D and E
 - Retail spaces are not yet known
- Small Cells Meeting
 - Dr. Ayers has requested a meeting along with her Attorney
 - Ms. Lambert and Mr. Pritchard have been asked to attend
 - Discuss re-writing the Bylaw
 - Meeting is set for 9.8.23 at 10:30 am

Documents

- Email to the Board from Shari Young dated 8.4.23 with meeting agenda 8.10.23 and DRAFT minutes 7.27.23.
- Email to the Board from Karen Joseph dated 8.1.23 with meeting materials for 33 New Driftway/7 MacDonald Terrace.
- Email to the Board from Karen Joseph dated 8.4.23 with meeting materials for 33 New Driftway/7 MacDonald Terrace, Stormwater Regs, and Small Cells
- Email to the Board from Karen Joseph dated 8.7.23 with meeting materials for 33 New Driftway/7 MacDonald Terrace.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 9:27 p.m. Mr. Pritchard seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Clerk
Date Approved: September 14, 2023