

SCITUATE PLANNING BOARD MINUTES August 8, 2019

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

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

Members absent: Rebecca Lewis, Alternate Member.

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

Location of meeting: Joseph P. Norton, Emergency Operations Center, Scituate Public Safety Building, 800 C J Cushing Highway, Scituate.

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

Documents

- 8/8/19 Planning Board Agenda

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

Public Hearing – Senior Center – 327 First Parish Road – Major Site Plan Administrative Review, Scenic Road and Stormwater Review Section 32050

Assessor's Map/Block/Lot: 38-12-0

Applicant/Owner: Town of Scituate

Documents

- PDF Major Site Plan Application Drawings_Revision 070119
- Rec and Senior Centers Traffic Review 07.17.19
- Response to Merrill Comments 070119
- PDF Erdman Pre-school 7.25.19
- PDF First Parish Unitarian 7-31-19
- PDF Green Comments 6.20.19
- PDF Kiklis Comments 6.19.19
- Doc Letter to PB from Jim Hunt
- PDF Memo_Scituate Senior Center and Recreation Center_Major Site Plan Addendum
- Doc Planning Board Cover Letter from Council on Aging
- Email comments from Will Branton dated 6.21.19
- Doc Senior Center DRC 07092019 – Minutes
- Doc TRRC Input to Senior Center Project dated 11 June 2019
- PDF 327 First Parish Road Traffic Assessment 072419
- PDF 3379 Letter_Response to Traffic Peer Review 07 24 19
- PDF 3379 Memo_Aubtter Response 07 24 19
- PDF 3379 Memo_DPW Response 07 24 19
- PDF Memo_Merrill Response 06 21 19
- PDF Memo occupancy loads for parking 080719
- PDF 8.8.19 Planning Board Presentation

Attendees: Steve Kirby, Vertex; Rachel Young, BH+A; Linda Hayes, Council on Aging; Amy Archer, Traffic Engineer; Tara McGrill ,Coastal and Civil Engineer; Joel Bargmann, BH+A

Mr. Kirby gave a brief overview of the project and how it has been evolving.

- Vertex began the process in March of 2018 and BH+A came on shortly after
- Original scope of the project was for a standalone Senior Center
- Scope of project expanded to new Senior Center and full renovation of the Recreation/Gym building including driveways
- Current scope of the project is for new Senior Center with maintenance modifications to the Recreation Center/Gym building
- Conducted studies:
 - Use of old Gates School for Senior Center – cost prohibitive
 - Tearing down Gates Building - Town did not want
 - Currently locating the Senior Center on the northwest side of the Gates School with modifications to the Recreation Center
- 4 Public information sessions
- Initial submission for Major Site Plan Review in May with revisions in June
 - Comments have been received from Merrill Engineers on the site plan, Vanasse & Associates on traffic, Design Review Committee, Traffic Rules & Regulations Committee, Sewer Department and several abutters
 - Responses have been provided back to the Planning Board on 6/27, 7/1, 7/25 and recently on 8/7.

Mr. Bargmann reviewed the site plan.

- A wing – Gymnasium will have renovations to roof and elevator installed, rest of wing remains unchanged
- C wing will be replaced by new building
- Removal of circular driveway

Ms. McGrill reviewed the civil engineering plan.

- Demolition plan
 - C Wing will be removed
 - 2 curb cuts to be removed
 - One on to First Parish Road
 - One on the intersection of Cudworth Road
 - Circular driveway around the center green to be removed
 - Prior to any demolition, Stormwater Pollution and Prevention Plan will be prepared to EPA standards
- Engineering site plan
 - Western existing conditions runoff from the area flows towards First Parish Road and enters into existing drain systems in the road
 - Area is in a Water Resource Protection District
 - Proposing 3 different water management systems
 - Eastern existing condition water flows to Cudworth Road
 - Proposing new stormwater management system in the area
 - Reducing amount of impervious area
 - New Sewer connections to First Parish Road
 - Grease trap for new building

- 2 new water service systems
 - Fire sprinkler system
 - Potable water
- Utilities will come in from First Parish Road

Ms. Archer from Pare Corporation reviewed traffic.

- Site observations on 2 different days
 - Speed study along Cudworth Road and existing driveways
 - Speed study along First Parish Road and where new driveway is proposed
 - Used 85th percentile speed as the design speed for sight lines, etc.
 - 85th percentile speed at First Parish Road speed found to be 38 mph westbound, 40 mph eastbound
 - Higher than actual speed limit; no speed limit sign posted
 - Cudworth – hard to capture speed study on, but found it to be close to 30 mph and slowing as approaching the intersection
 - Both driveways assessed with site lines relative to those speeds
 - Distance from the parking lot on Cudworth has clear visibility to the intersection with speeds being traveled
 - Driveway at First Parish Road fell shy of the 85th percentile captured, confident if posted signs for speed limit and/or reduce speed ahead would help; at 35 mph the sight distance is adequate at that speed
 - Recommendation the intersection of First Parish Road and the Cudworth driveway be removed; recommendations has been incorporated in the design
 - Crash data from MassDOT and Police Station indicates there have been 5 incidents over 3 year period
 - Recommend the town may want to further investigate the intersection
 - Trip generation and parking generation, use of ITE trip generation manuals – specific use of a Senior Center not provided, used Recreation Center as similar use to calculate.
 - Senior Center hours 9 am - 4 pm – after peak travel time of 7am-9am
 - 15,650 sq. ft. Recreation Center would generate up to roughly 450 trips/day
 - State recommendation for additional analysis if a site has between 3,000 trips/day or a combination of a 1,000 trips/day and construction of 150 new parking spaces
 - Parking
 - Maintain the existing number of spaces and add approximately 70 new spaces
 - Based on trip generation and number of parking spaces full level analysis is not necessary
- Recommendations
 - Remove the driveway near the historic houses, parking lot added near the Rec Center to accommodate loss of the looped driveway

- 70 spaces for the Senior Center, 1space for every 100-200 sq. ft.
- 2 way circulation entering off of First Parish circulating around the back of the building
- One-way loop in the back where Recreation pick up/drop off occurs
- Two-way traffic at the Historical Society
- Install the speed limit sign and driver feedback signs
- Set stop lines back so sight line is not blocked by historical walls or trees

Mr. Bargmann reviewed how they determined the number of parking spaces needed.

- 70 spaces dedicated to the Senior Center
- 11 spaces along road heading out to Cudworth
- 16 spaces for future overflow
- 23 spaces in new parking lot for overflow of Rec Center and Senior Center

Mr. Bargmann discussed the bylaw and table of use for parking; the Senior Center use is not addressed per se. He provided some information based on the activities, etc. at different times of day and the peak use and occupancy to help determine the number of spaces needed. They determined the worst case the highest occupancy would be at 197 people, which would slightly exceed the number of parking spaces needed, however not all people will be driving. Scheduling will need to be coordinated with the Recreation Department. Mr. Bargmann also noted the methodology of using the State building code occupancy for each room to calculate the number of spaces needed; by those methods only 61 spaces would be needed. He indicated they were more conservative to not overstate the parking because of stormwater management practices nor do they want to increase impervious surfaces unnecessarily.

Mr. Bargmann indicated they did a similar analysis for the Recreation Department and plotted out the number of people on site in the morning, afternoons and weekend use. Summertime would be most challenging, but it is more about trip generation than parking due to drop off /pick up.

Ms. Young reviewed the architectural plans.

- Campus
 - Large green space with smaller more intimate spaces
 - 2 faces
 - Face on the green - takes on the look of the Gates School, tie into existing historic structure
 - Rear face towards abutters – takes on the look of the residential homes
- Building height – 35' within the bylaw – reviewed image without the gables roofs
- Shadows
 - Most extreme would be in early morning during winter
 - Showed existing conditions – no additional impact from shade on the abutters properties

Ms. Glancy, the Director of Recreation Department and resident of Scituate, commented on the parking.

- Recreation Department has 40 staff members already difficult to park
- Large piece of land – parking is an issue with no one else on the property
- Circular driveway heavily used in the winter time

- Gym is used 24/7 - does not know if 22 spaces is enough
- Concerned there is no lighting for parking in the back

Mr. Nick Lombardo, Assistant Director of the Recreation Department, expressed concerns when there is more than one program going on at a time especially at night, i.e. Scituate Basketball Association, field use, etc. Ms. Glancy added that the tennis courts are used all the time especially on the weekends. She indicated that during the school day there is lighter use, but after school around 4-5 pm use picks back up. She does not want to get into a parking war with the Senior Center right away because she is afraid the people using the Recreation Department would take up all the parking spots. She addressed the condition of the back parking lot; it is in poor condition and needs to be fixed. She discussed the possibility of a ramp coming into the back door, currently it is not feasible to use and people need to walk all the way around to the building to get to the front door. She ended by saying she is looking forward to making this project work, but it needs a little more time to get the parking issue worked out and design it right as a campus.

Mr. James Boudreau, Scituate Town Administrator, commented that this is a good project; the Town has voted to go forward with it. He indicated some of the issues have been addressed, i.e. taking out the driveway at the intersection at Cudworth and we can continue with discussions about making Cudworth one-way. He opined that the design of the project before the Board is a really good project and will address the needs of seniors of the town for years to come; the Board should do their business and make their decision as quickly as they can.

Board Comments:

Mr. Bornstein asked how many existing spots there are for the existing B wing of the Gates school and how many would be proposed. Ms. Young indicated there are currently 90 spaces on site, inclusive of the circle, 31 along the back and 22 at the Historical society; the proposal is for 162 spaces inclusive of the 70 at the Senior Center, but not the 16 overflow spots. There was discussion if the proposed parking would accommodate any new/potential uses for the old Gates school building. Mr. Bargmann indicated that currently parking is not inclusive for any use of that building because they do not know how the building will be used. If additional parking for use of the B Wing is needed in the future, the field or tennis courts would have to be removed.

Mr. Limbacher asked what do those that envision this as a Campus see; what do we see as use for the B Wing building? Mr. Boudreau indicated the Board has not taken that up, it could run from a housing use to business use; it is on the agenda but, will not be determined any time in the near future. There will need to be Board and Community conversations about what people want and what it will be; it will be used, but that is not yet determined. The intent is to keep the green space out in the front. Ms. Hayes added that in keeping the green there is opportunity to connect the Senior Center and the Recreation Department with outdoor activities, etc.

Ms. Lambert opined if the B Wing is not addressed now the town will find its self being reactive instead of proactive. She also expressed concern on the distance from the Recreation Department parking that could be overflow parking for the Senior Center to the front door of the center. Ms. Lambert opined the box surrounding the generator will come into view when one would get to Ronnie Shones store; she does think it is set back far enough on the site.

Mr. Pritchard opined that the parking issue needs to be addressed. He commented on the placement of the emergency generator being right on the street and questioned if there was another place for it.

He also questioned how much the Senior Center blocks out the view of the B Wing of Gates; he has not seen a straight on view; how does the campus really feel and look.

Ms. Burbine shared her concerns on parking, the location of the elevator going into Veterans gym, traffic and traffic flow and connectivity from Central Park Drive. Mr. Bargmann said that if the elevator was in a different location the gym would not be accessible. Ms. Burbine indicated her concern is the distance from the handicapped parking spaces to the elevator.

Mr. Peter Palmieri, Merrill Engineering, Peer Review Consulting Engineer for the Town, indicated the plan has been reviewed twice. He opined in general it is a good civil design, but he did recommend additional soil testing to be done; the testing that was done was not in the location of where the stormwater systems will be placed and it should be done in the correct locations. He indicated the applicant would like to make this a condition of approval. He also indicated there is more information for erosion control during construction, location of sedimentation basins, stockpiling, etc. needed; the applicant has agreed to provide the information, but the Board needs to decide if it will wait for the information if the project is approved or require it before. He also indicated the project is proposing to tie into the close drainage system on Cudworth Road and DPW should review and authorize that direction.

Mr. Jeffery Dirk, Vanasse & Associates, Peer Review Consulting Engineer for traffic for the Town, indicated that the project is a good project and that Vanasse's comments are consistent with the comments from the Board. He said the on-site plan and circulation is laid out very well, but the off-site impacts and safety require that more information be provided, i.e. sight lines, etc. before a recommendation could be made to the Board. Mr. Dirk indicated he has provided written comments with exactly what is needed for a full analysis and has not received a point by point response; because it is a campus the Senior Center cannot be separated from the rest of what is going on, parking needs to be consider all uses around the campus to plan for the future with a parking management plan. The same needs to be considered for offsite traffic impacts, other uses in the campus moving traffic around, different interaction with traffic of today and all the new uses and what are those impacts. Mr. Dirk said that the criterion which was presented is for a MEPA filing. He is not saying there needs to be a MEPA filing, but a traffic analysis is necessary when there are changes in circulation, increase in traffic, etc. There does not need to be a full traffic analysis but the limited analysis that has been done points out some deficiencies. He opined the deficiencies can be addressed, but more data is needed. He cannot provide recommendations without more data; more traffic measurement data over a longer period of time.

Ms. Burbine addressed the audience and said the Board is trying to make this the best project it can be. Mr. Pritchard asked who is monitoring this project, who is in charge for the Town. Mr. Boudreau indicated himself as Town Administrator is responsible on behalf of the Town.

Public Comment:

Mr. Mark Matthews, Co-Chair of the First Parish Unitarian Parish Committee, said this is good project, but they have concerns about how people from Central Park will get to the Senior Center. Ms. Burbine said that is related to her comment about connectivity that needs to be addressed to get people safely to and from senior housing to the Recreation Center and Senior Center.

Ms. Jean Shildneck, resident at 511 Hatherly Road commented that we need a Senior Center, but it disturbs her to see a brand new building being crammed into the space when there is a vacant

building there. She understands that rehab would be difficult, but wishes the building was being rehabbed and then there would be enough space for parking and traffic flow. She is wondering if the field will be safe and usable since it is being cut off on the one end. She is also a member of the Church and is on the committee and is concerned about their property being used for over flow parking; it is private property and there are safety concerns. She feels that there is not enough space for the project and it does not take into account what is going to happen with the building when it is developed.

Mr. Jack Whalen, resident at 51 Oak Hurst Road, commented that they do not know what to do with the B Wing building; Plan A was too expensive. This plan has been voted on by almost 2,000 people with a re-count; he opined it is a nice looking building and a lot of work has been done. He does not believe it will impact the church. He asked how much this process will delay the project. Ms. Burbine indicated this hearing will be continued till September 12th and if all questions can be answered then it can move forward, but the Board has to protect everyone.

Mr. Jerry Klimek, resident at 91 Hatherly Road, opined that this project should not get bogged down or stopped because of Gates. He questioned how far out do they (Senior Center) need to expand their responsibilities, i.e. the church, senior housing, sidewalks; it should be the Town's responsibility. He feels there is some push back; he argued a vote was taken and a re-count that was upheld. He opined this is a really good plan and we should respect what the voters said and move forward with it.

Mr. James Hunt, resident at 66 Mann Lot Road, indicated that on July 17th a letter from the consulting traffic engineer recommended a full traffic study be included with the level of service and asked if that study has been undertaken and if not why not. Ms. Hayes indicated that it is beyond the scope of the project. She indicated that they did receive comments from Traffic Rules & Regulations Committee and have provided responses that were deemed adequate. Mr. Hunt responded that the Town's peer review engineer opined it was necessary to provide a full traffic study and the Board relies on those comments not those from the TRRC. Ms. Burbine agreed and said it is the Boards' job to ensure public safety. She opined that the applicant is creating this and it is within their prevue to respond and address. Mr. Kirby indicated responses to the Vanasse comments were sent back on July 24th. Mr. Dirk indicated a response was received; however it was not responsive to what had been asked. He indicated that if the applicant does not feel they need the information requested to complete their review they can explain why it is not necessary. He indicated that from the data provided is not sufficient and does not meet standards for him to render an opinion to the Board on the safety of entering and exiting the property where the driveways are located; the data provided does not meet the statistical standards required. He said there is nothing complicated or expensive about collecting the data.

Ms. Sally Maish, resident at 300 Beaver Dam Road, said she lives right at the intersection. She opined that we do need to look at the big picture with traffic, the intersection has been unsafe for over 20 years; the community needs to work together to make it better/safer.

Mr. Gordon Price, resident at 48 Mann Lot Road, commented the team has done a great job and has responded to most comments; could there still be modifications, yes. He opined that when you consider the site used to be a school he would estimate that there were probably about 300 car trips going in/out of the site and this use will have far less; he understands the need for safety and traffic flow, but thinks there needs to be reality check on the traffic flow with respect to this property. He does not know what will happen with Gates and feels it is unfair to hold the project without

understanding what is going to happen with Gates. He opined that what happens with the Old Gates should not be a consideration for this project to move forward.

Mr. Klimek spoke out saying that Gates should be off the table. Ms. Burbine indicated that the questions surrounding Gates will not hold up the building of the Senior Center, but the Board does need to ensure the public safety. Mr. Klimek continued to discuss the traffic and what is being proposed with removing the circular driveway and making it a safer ingress and egress.

Ms. Susannah Green, resident at 337 First Parish Road, said that she is one of the two most impacted abutters and the driveway is their biggest concern; she indicated they already have a hard time getting in/out of their driveway and this basically creates a 3 driveway intersection. She wants to know if anything will be done to ensure their safety. Ms. Burbine opined the driveway into the senior center needs to be moved further to the crest of the hill and that would ensure adequate sight distance up and down the street. Mr. Bargmann indicated the Fire Department commented that the fire apparatus would not have the turn radius if the driveway were to be moved.

Mr. Whalen asked who the Board needs to hear from by September 12th, do both gentleman that spoke need to be involved in the decision. Mr. Dirk stated that he is a licensed professional engineer in the state of Massachusetts and partner at Vanasse & Associates and that as the consultant hired by the Town he will not sign off on the safety of the access until he has the required information to review; once that is received he will provide the letter and stamp that certifies that it meets the required list of standards.

Mr. Tony Vegnani, Chairman of the Board of Selectman and resident at 92 Chief Justice Cushing Highway, appreciates the work that has been done and said we don't want to delay the project, but it needs to be safe. He said there should be much less traffic than when it was a school and the road has never been deemed unsafe, but the project needs to be looked at. He indicated the other building will be taken care off once we get through this process; something will happen with that building it will not be forgotten. He opined parking will not be an issue for future uses because the field will likely have to be rebuilt somewhere else and parking would have to go back in that location. He said safety is a concern and it is the Planning Board that needs to figure out how to get people there from different points, and they will figure that out and that should not delay the project. He opined the Town voted for the project, everyone wants it be safe, if we work together we can get through some of these hurdles.

Ms. Burbine said that applicant needs to respond to the traffic. Ms. Joseph added that there needs to be a memo to outline the uses of the building to justify the amount of spaces, because the Planning Board needs to find that the number of spaces is adequate for the use. There was discussion about what that means with Ms. Hayes.

Ms. Hayes did indicate the building could be used during hours other than the proposed hours of 9am-4pm for the Senior Center and opined that is an asset for the Town, there could be some occasional times when the center would be used outside of those hours.

Mr. Hunt stated that there are 10 standards of review and he assumes the Planning Board will use those as a basis for their findings to render a decision. Ms. Burbine confirmed, yes.

Mr. Klimek said that the center will be used outside of the 9am -4pm hours; one of the uses is to use it as an emergency shelter center.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the Major Site Plan Administrative Review, Scenic Road and Stormwater Review Section 32050 public hearing for the proposed Senior Center at 327 First Parish Road until September 12, 2019 at 7:00 pm and to continue the time for action for filing with the Town Clerk until September 30, 2019.

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

Continued - Public Hearing – Mixed Use Special Permit – Drew Company/MBTA – 247 Driftway

Assessor's Map/Block/Lot: 53-2-8, 53-2-8B, 53-2-9A, 53-2-10, and 53-2-10

Applicant: Drew Company, Inc.

Owner: Massachusetts Bay Transportation Authority (previously)

The Residences at Driftway Place, LLC an affiliate of Drew Company, Inc.

Documents

- PDF 19-023 PB Review Report – Greenbush Development 8-2-19
- PDF 190725 Drainage Report_18004
- PDF 190725 Greenbush Development Permitting Plans STAMPED SET_18004
- PDF 190725_Lighting_18004
- PDF Building B Plans
- PDF Greenbush Station – 11x17 Aerial View
- PDF Greenbush Station – 2019-08-08- Building C
- PDF Greenbush Station – 2019-08-08 – Bldg A-Shingle Style
- PDF Greenbush Station – 2019-08-08 – Building B
- PDF Greenbush Station – 2019-08-08 – Elevations All
- PDF Greenbush Station – Buildings D&E – Centre Way 08-08-19
- PDF Greenbush Station – Buildings D&E Plans and Elevations
- PDF Greenbush Station -2019-08-08 – Building C Plans
- PDF Greenbush Station_Zoning Compliance Diagram_08-08-19
- Doc 247 Driftway Drew MUSP decision draft 4

Attendees: John P. Drew, Drew Company; John E. Drew, Drew Company; Jim Sandell, Architect, Robert Galvin, Attorney; Jonathan Ford, Engineer Horsley Witten; Robert Walsh, Drew Company

Mr. John P. Drew recapped that they have answered all town questions and meet all conditions, an agreement on mitigation has been made, and there is nothing outstanding other than the conditions being covered tonight.

Mr. Galvin indicated that they have worked with the Town and agreed to traffic mitigation of \$60K; they are satisfied on the DRAFT language proposed by the Board for the decision.

Motion:

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

1. On January 18, 2019, the Applicant filed an application for a Village Business Overlay District ("VBOD") Special Permit under Scituate Zoning Bylaw Section 560 and Site Plan Approval

under Scituate Zoning Bylaw Section 770. The Application included, but is not limited to, the following:

- a. Overview/Application Narrative
 - b. Signed Purchase and Sale Agreement (redacted) by and between MBTA and ~~Drew~~ **The Applicant;**
 - c. Traffic Impact and Access Study dated July 31, 2018 revised January 16, 2019 performed by the Applicant's consultant VHB;
 - d. Master Site Plan and Building A-F Building Elevations and Floor Plans, Greenbush Development, Scituate, MA dated January 18, 2019 by Carr, Lynch and Sandell, Inc; and,
 - e. Filing Fees and Abutters' List.
 - f. Greenbush Development Permitting Plans Scituate, Massachusetts, by Horsley Witten Group, Inc. dated 3/14/19 with revisions of 4/18/19, 5/30/19, 7/1/19 and 7/25/2019 consisting of twenty one (21) individual sheets.
2. The Property that is the subject of the Applications is an approximately 4.46 acre parcel located off of Old and New Driftway and is also known as and numbered 247 Driftway, Scituate, Massachusetts. The Property is currently improved with a commuter parking lot used by the MBTA in connection with the MBTA's Greenbush commuter rail station on the westerly side of Old Driftway. The Property is located in the Commercial and Village Business Overlay District on the Town of Scituate Zoning Map and under the Scituate Zoning Bylaw.
 3. The Project proposed by the Applicant consists of seventy-eight (78) residential rental apartments. Building A will have two (2) residential units on the second floor of the building and seventy-six (76) apartments are located in four three-story buildings (Buildings B, C, D and E) with covered garage parking on the first floors of the buildings and approximately 10,500 square feet of retail and commercial space located in Buildings A, B and F. ~~The four residential buildings~~ **Buildings B and E** use podium/stepped retaining wall design to take advantage of the average finished grade of the sloped site and the lowermost story of these buildings will not have more than 60% of the wall surfaces enclosing that story above the natural grade ensuring that the buildings meet the height regulation set forth in the Scituate Zoning Bylaw.
 4. The seventy-eight (78) residential proposed units are a mixture of twenty-nine (29) one-bedroom and forty-nine (49) two-bedroom units. Each of the proposed residential buildings/units and the retail and commercial spaces will have dedicated parking spaces that meets the minimum parking thresholds. Approximately 80% of the parking appurtenant to the residential units in Buildings B, C, D & E is located on the first level of the buildings below the buildings in a covered garage area accessed from the ways and lanes to be constructed as a part of the Project. The remainder of the residential parking is dedicated surface parking.
 5. As required by the Section 560.7 of the Scituate Zoning Bylaws, the Applicant proposes fifteen percent (15%) of the total of proposed housing units or twelve (12) units, at the time of their initial rental, will be affordable to low-and moderate-income households with income at or below eighty (80) percent of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Scituate as determined annually by the U.S. Department of Housing and Urban Development ("HUD"). Thereafter the subsequent rents shall be controlled through a deed rider or an affordable housing restriction as

defined by Massachusetts General Laws Chapter 184, Section 31, recorded at the Plymouth County Registry of Deeds and/or Land Court as applicable, and shall be in force in perpetuity or as long a period as legally possible.

6. As part of the Project, the Applicant, as a result of its contractual obligations with the MBTA, has proposed to provide as a part of the mixed use development the MBTA with a permanent, perpetual easement in the Property to operate, maintain, repair and use 196 surface parking spaces, together with associated easements for (i) vehicular ingress and egress from the parking area to a public way; (ii) pedestrian access from the parking area to Greenbush Station; and (iii) utility and drainage easements to accommodate the MBTA's utility and drainage needs associated with the parking area.
7. As a part of the proposed Project, the Applicant will reconstruct the Old Driftway to provide for additional thirteen (13) spaces of parallel parking within the layout of the street as a significant public benefit to the Town. Three (3) of the spaces will be restricted to facilitate loading in the morning hours for the proposed retail component of the project.
8. In advance of and during the permitting process, the Applicant engaged Horsley Witten Group, Inc. to prepare an Inflow and Infiltration ("I & I") remediation plan intended to reduce I & I and thereby create significant additional sewer design capacity in the existing municipal sewerage system operated by the Town. Horsley Witten Group's plan which was reviewed by the Town's consulting engineers, identified remedial measures that when implemented will restore significant public sewer design capacity to the municipal system that will enable the Town to advance two development projects, including the subject Project **this development project and one approved project** that expand housing choices, diversity of housing stock, and increase affordable housing options. The Applicant's plan was utilized by the Town to obtain a recent \$2.2 million dollar MassWorks Infrastructure Grant designed to implement the I & I remediation plan and improve sewer infrastructure. This is a significant public benefit to the Town of Scituate.
9. In consideration of the MassWorks Infrastructure Grant (referenced in Finding #8 above, the Board of Selectmen through their role as Sewer Commissioners, agreed to accept a privilege fee of \$229,000 for the project to connect to the municipal sewer system.
10. In the VBOD, the Scituate Zoning Bylaw permits a mixed use development provided that a special permit is obtained from the Planning Board in accordance with the provisions of Section 560. A mixed use development includes a group of structures containing retail, office and/or residential uses, and including one or more mixed use buildings and may include buildings containing only multiple dwellings as long as there is an existing or proposed mixed use building on the same lot. The Applicant's Project qualifies as a mixed use development as Buildings A and B are mixed use buildings.
11. The Applicant proposes to construct seventy-eight (78) residential rental units. Two (2) residential units are located on the second floor of Building A and seventy-six (76) residential rental apartments are located in four three-story buildings (Buildings B, C, D and E) with covered garage parking on the first floors of the buildings and approximately 10,500 square feet of retail and commercial space located in Buildings A, B and F.
12. Section 560.4 of the Scituate Zoning Bylaw sets forth certain specific conditions applicable to mixed use developments. The Applicant has demonstrated on its plans and in its presentation that the lot or yard areas required for any new building or use do not include any part of a lot that is required by any other building or use to comply with any requirements of this bylaw.

13. The Applicant met with the Design Review Committee ("DRC") and Planning Department Staff, to review whether the proposed Project meets the Design Review Standards of Section 560.8. Under Scituate Zoning Bylaw Section 750, the three-member, Design Review Committee is charged with making recommendations to the Planning Board on building and site design. Following discussions with the DRC and Planning Staff, the Applicant modified its original architectural plans to address recommendations involving the scale, height, proportion and rhythm of solids, the building façades, roof shapes, façade materials, and compatibility of site features such as landscaping and parking with the building and its abutting properties. Based on the changes and as shown on the updated architectural renderings, the proposed Project meets the Design Review Standards of Section 560.8 (see also below).
14. Scituate Zoning Bylaw Section 560.4.D. requires applicants proposing mixed use development to concentrate retail uses in the center of each village, so they can better be supported by pedestrian activity and to accomplish this goal more than 50% of the net floor area of the first floor of a mixed use building shall be occupied by retail uses. Building A and Building B are the mixed use buildings in the proposed mixed use development and comply with this bylaw standard since 100% of the first floor of Building A is retail and more than 50% of the net floor area of the first story of Building B is proposed to be occupied by retail use(s).
15. Scituate Zoning Bylaw Section 560.4.E. sets forth certain dimensional requirements for mixed use buildings including limiting the number of units permitted to up to 16 units per 40,000 sq. ft. or the equivalent of 17 to 20 units per 40,000 sq. ft. if significant public benefits are provided (described below). The Applicant's proposed Project is consistent with the density limitations since it provides significant public benefits. Section 560.5 further allows bonus density of up to 20 units per 40,000 s.f. in the Greenbush area if parking is provided under the mixed use structure, provided the Board makes a written finding that the applicant will provide significant improvements providing a public benefit which can include off-site infrastructure serving a public purpose, such as sidewalks and also infrastructure for neighborhood wastewater treatment or other community infrastructure. The Applicant is providing significant public benefits, via its off-site parking and street improvements on Old Driftway, committing to a traffic safety audit post-construction, by paying for the cost of the past study of the sewer system, participating as a project in the public grant program, and agreeing to contribute a design and some funding for traffic and pedestrian improvements in Greenbush.
16. The Applicant will devote twenty- six percent (26%) of the lot to open space in excess of the twenty percent (20%) required by Section 560.4.E. The Property has significantly more frontage than the required 20' along both Old Driftway and New Driftway which will be utilized to promote safe and convenient access by cars and pedestrians to and within the site.
17. Scituate Zoning Bylaw Section 560.6 sets forth the parking requirements for mixed use buildings and parking in the VBOD. The Planning Board may waive these requirements in the Greenbush area due to the proximity of the MBTA parking area. The Applicant proposes a total of 160 parking spaces associated with the Project as shown on a Zoning Compliance Plan with the latest revision date of August 8, 2019. The parking includes 1.5 spaces for a 2 bedroom unit and 1 parking space for a 1 bedroom unit. The proposed parking plan is compliant with the Bylaw requirements of Section 560.6 without need of a waiver.
18. As required by Scituate Zoning Bylaw Section 560.8, Design Review Standards, the Planning Board has considered the extent to which the Project satisfies the Design Standards detailed below:

- A. Standard: Roof pitched to center, dormers encouraged not more than 20' in width, 8:12 pitch to roof; > 20% roof may be flat.

Finding: As depicted on the architectural plans, the proposed roof designs of the retail, mixed use and multi-family buildings are consistent with the pitch, style, dormers, and design variation requirements of the Bylaw; and, therefore, meets the requirements of Section 506.8.A-560.8.A. Building A, B, C, D, E and F all have roof pitches greater than or equal to 8:12 except for dormers which are exempt. Less than twenty percent (20%) of roof areas are flat or a design other design than a sloped or pitched roof.

- B. Standard: Facades - a minimum of fifty percent (50%) of ground floor building façades and thirty percent of second floor building façades facing public ways shall be glazed.

Finding: The Applicant has proposed architectural features for the proposed building facing the public ways that have been recommended by the Design Review Committee (DRC) and Planning Staff that include a mixture of glazed surfaces, finished surfaces, stone, brick, and/or surfaces that are designed to be screened by ivy or other natural planting. The Planning Board finds that the use of this design scheme recommended by the DRC and Planning Staff is superior to the glazing scheme contemplated by the Bylaw and grants a waiver to allow the approved design scheme as shown on the final architectural renderings.

- C. Standard: Front Yard Setbacks (min 5' and max 15' on Driftway – min. 10' and max 25' on all other streets).

Finding: The Applicant's site plans demonstrate that all buildings meet the minimum and maximum front yard requirements as they are located within these dimensions. Building A has a 5' setback, Buildings B and C have 5.1' setbacks to the foyer and Building F has a 12.1' setback. There is no parking in the front yard setbacks in accordance with this standard. The Project accordingly meets the requirements of Section 506.8.C. 560.8.C

- D. Standard: Side Yard and Rear Yards Setbacks – 8' in Greenbush.

Finding: The plans indicate that all buildings will have a side and rear yard setback of at least 8' in accordance with this standard and, therefore, meets the requirements of Section 506.8.D. 560.8.D

- E. Standard: Not applicable to Project.

- F. Standard: Greenbush Design Standards. To encourage new development on large parcels while visually maintaining the smaller residential scale characteristic of the area, the following limitations shall apply to mixed use buildings in Greenbush: (1) No building structure shall be longer than one hundred twenty feet measured along any side of the building which faces the street; and, (2) Front building facades shall be no longer than fifty feet (50) without articulation.

Finding: The plans indicate that all buildings facing a street are less than 120' along the side facing any street and front building facades are not longer than 50';-without articulation in accordance with this standard and, therefore, meets the requirements of Section 506.8.F. 560.8.F

- G. Standard 1: Parking and Landscaping: Driveways shall be no greater than twenty-four (24) feet in width. Shared access to parking lots by two or more businesses is to be encouraged wherever possible.

Finding: The site access driveways to the parking area are shown on the proposed plan and proposed site access driveways are less than twenty-four (24) feet in width; in accordance with this standard and, therefore, meets the requirements of Section ~~506.8.G.1.~~ **560.8.G.1**

- H. Standard 2: Parking and Landscaping: A Landscape Plan shall be required for all submissions, except where waived by the Planning Board.

Finding: The Applicant submitted a landscape plan prepared by a registered landscape architect in accordance with this standard and, therefore, meets the requirements of Section ~~506.8.G.2.~~ **560.8.G.2**

- I. Standard 3: Parking and Landscaping: Special Standards for the Water Resource Protection District.

Finding: Not applicable.

- J. Standard 4: Parking and Landscaping: New landscaping shall not include invasive plants, as identified on a list provided by the Planning Department, and to the greatest extent possible, existing invasive plants will be removed. Native plants shall be used in landscaping wherever possible.

Finding: The Applicant submitted a landscape plan showing appropriate plantings and prepared by a registered landscape architect in accordance with this standard and, therefore, meets the requirements of Section ~~506.8.G.4.~~ **560.8.G.4.** No invasive plants are proposed and native plants are used where possible.

- K. Standard 5: Parking and Landscaping: Screening: All buildings and parking areas within 50' of an adjacent residential zoning district shall be screened on each side adjoining residential premises, except where screening is already provided by an existing fence, wall, hedge or natural terrain feature. Said screening shall be maintained in good condition and no advertising shall be placed thereon, and shall be designed so as not to obstruct vehicle sight distances at entrances, exits or street intersections. Screening provisions may be modified or waived by the Planning Board for good cause.

Finding: There are no applicable screening requirements in the Commercial and VBOD; however, the Applicant has proposed trees and plantings that will screen the buildings from abutting uses. Screening is proposed at the edge of the property to buffer abutting uses.

19. As required by Scituate Zoning Bylaw Section 560.9, Special Permit Review Procedure, the Applicant engaged in the required Pre-Application Review and Review Process; accordingly, the Applicant met the requirements of Section 560.9.
20. Scituate Zoning Bylaw, Section 620.1 limits the building height of all structures in the Commercial zoning district, exclusive of chimneys, spires, towers and other projections not used for human occupancy to three (3) stories or forty (40') whichever is lower. The Applicant has met this standard since the proposed buildings do not exceed three stories as

the first story for the purposes of determining building height shall be the lowermost story with more than sixty (60%) of the wall surfaces enclosing that story above the natural grade (see Definition of Story in Section 200). The lowermost story of each of the buildings in the proposed Project meeting that standard is the first floor above the proposed garage levels and, therefore, the Applicant is proposing buildings that meet the building height requirements of Section 620.1

21. Scituate Zoning Bylaw, Section 770.6 sets forth the standard of review for approval of proposed site plans which are required for proposed mixed use developments.
22. Section 770.6.A Site Plan Approval Standard A: Protection of adjoining premises against detrimental and offensive methods of utilizing the site.

Finding: The proposed use replaces an illuminated commercial parking lot with a mixed use development, including retail, commercial, mixed use buildings, multi-family residential buildings and a reconstructed commuter parking lot for the MBTA. As depicted in the plans, the site work, drainage infrastructure, sewer connection, site plans, landscape plans the proposed Project represent a significant improvement of the site and a benefit to the neighborhood and abutting properties. The use as developed will not adversely affect the neighborhood and will improve it, will not be an undue nuisance or result in any hazard to vehicles or pedestrians as a result of the proposed use or structure, and is designed with adequate and appropriate facilities to assure the proper operation of the proposed Project and minimize any impacts to the neighborhood and abutting properties. The abutting uses to the north of a concrete pipe plant, to the east of the Town Transfer Station, to the west the Greenbush Station Commuter Rail and to the south a dog kennel all have some significant noise associated with them. Accordingly, the proposed Project, meets the requirements of Section 770.6.A

23. 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 Applicant engaged VHB, to prepare a Traffic Impact and Access Study. The Board, through its engineering peer review consultant Merrill Engineers and Land Surveyors, engaged Vanasse & Associates, Inc. (VAI) to evaluate the adequacy and accuracy of VHB's methodology, data, findings and conclusions. VAI submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and VHB provided responses, revised reports where requested and updated the site plans. After further review by VAI, the Applicant was determined to have adequately addressed VAI's comments and recommendations. The Board determines that the proposed Project, as conditioned, provides for traffic safety and eases of access at the street and access driveways, meets or exceeds all AASHTO standards for site distance, and will not create any undue congestion in the streets and ways abutting the proposed Project or in intersections within relevant proximity to the proposed Project.

24. 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 Board finds that the proposed Project has safe and convenient driveway layouts, makes adequate provision for pedestrian safety including access to and from the proposed Project across Old Driftway, makes adequate provision for off-street parking which meets the requirements of the Scituate Zoning Bylaw, adds off-site parking on Old Driftway, and has appropriate loading areas for the retail and commercial uses and can restrict additional spaces for additional loading spaces along Old Driftway, that there is adequate truck and public safety access including for emergency vehicles at all times.

25. 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 Board finds that there are adequate waste disposal facilities that are accessible abutting each of the proposed buildings and that wastewater will be connected with the municipal sewerage system to which the Applicant is contributing its study and resources to improve in order to free up necessary capacity through an I & I remediation plan. The Board is in receipt of consulting reviews that concur with the DPW and public safety officials of the town that there is adequate water supply for drinking water and for firefighting purposes, which capacities are currently being evaluated in a comprehensive Water Study by the DPW.

26. 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 Board finds that the proposed site plans show adequate snow storage areas and as conditioned will not present any significant concerns arising from or relating to snow storage. The Applicant engaged Horsley Witten Group, Inc., a civil engineering firm, to prepare a Stormwater Impact Assessment and Report to demonstrate that the proposed Project will meet state and local standards for the collection, treatment and disposal of stormwater. The Board engaged Merrill Engineers, Inc. ("Merrill") to evaluate the adequacy and accuracy of Horsley Witten Group's report and data as well as the efficacy and adequacy of the design. Merrill submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and Horsley Witten Group provided responses, revised reports where requested and updated the site plans. After further review by Merrill, the Applicant was determined to have adequately addressed Merrill's comments and recommendations if the stormwater management system is built as designed. The Applicant has submitted a stormwater management plan and erosion and sedimentation control plan that ensures that the project will be managed appropriately before, during and after the completion of construction.

The review of the stormwater management system by the Planning Board's consulting engineer and their approval of this special permit eliminates the requirement for a separate Stormwater Permit under the Stormwater General Bylaw and its regulations for any work that conforms to the plans. Richard A. Claytor, P.E. has certified that the drainage system can be expected to 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.

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

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

28. 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 existing site is a large parking area that is void of vegetation except along the very perimeter of the Property and is mostly paved and illuminated. The Project, as designed, utilizes the existing topography which is elevated and slopes from east to west to fit the proposed buildings into the site, increase the amount of open space, and add substantially to the open space with trees and landscaping that is an improvement over existing conditions.

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

Finding: Not applicable.

30. 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 Board finds that the parking areas for the proposed Project will include covered parking spaces, interior spaces in the center of Buildings B, C, D & E, perimeter parking, reconstructed parking for the MBTA, and off-street parking along Old Driftway. The parking areas are all buffered from abutting properties by fencing or vegetation and shaded where possible by existing or proposed trees **thereby** meeting the requirements of the Bylaw.

31. 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 Board finds that there is safe, functional, and convenient on-site and off-site pedestrian, bicycle, and transit access to the proposed Project that is opposite the Greenbush MBTA commuter rail station meeting the requirements of the bylaw. The proposed Project also ties into a network of public sidewalks that will be reconstructed in part in connection with the project providing the required continuity required by the Bylaw.

Based on these findings, the Planning Board finds the Village Business Overlay District Special Permit meets the requirements under the Village Business Overlay District, Section 560 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 commercial development plan, is designed with consideration for health and safety

and is superior to a conventional development plan in preserving open space, minimizing environmental disruption and allowing for more efficient provision of services.

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

Based on the Findings of Fact and testimony provided at the public hearings, Ms. Burbine moved to approve the Mixed Use Development Special Permit in the Village Business Overlay District for 247 Driftway with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Horsley Witten, Inc. entitled "Greenbush Development Permitting Plans Scituate, Massachusetts", dated 3/14/19 with revisions of 4/18/19, 5/30/19, 7/1/19 and 7/25/2019 any additional revisions needed to conform to the conditions contained herein (the "Mixed Use Special Permit "); ii) Architectural Plans consisting of a Master Site Plan, dated 1/18/2019, Building A – Floor Plans and Elevations Aa-1.1, Sections and Floor Plans Ab-1.1, Elevations Ab-1.2, Section and Floor Plans Ac-1.1, Elevations Ac-1.2, Building D & E Floor Plans & Sections Ade-1.1, Buildings D & E - Elevations Ade-1.2, Building F Floor Plans and Elevations Af-1.1 with revisions through 8/8/19; iii) Zoning Compliance Plan dated 2/14/19 with revisions through 8/8/19; iv) Old Driftway Street Elevation, dated 2/14/19 with revisions through 8/8/19; v) Aerial View Greenbush Development Scituate, ~~Ma~~MA The Drew Company dated 2/14/19 with revisions through 8/8/19; vi) View – Centre Way A & B received 2/14/19; vii) View Old Driftway A & B received 2/14/19; viii) View Centre Way received for 5/9/19 meeting; ix) View Old Driftway received for 5/9/19 meeting; x) View- Centre Way received for 5/9/19 meeting; xi) Building B Entry dated 5/9/19; xi) Building C – Three Dimensional View dated 5/9/19; xii) Building D & E – West Elevation dated 5/9/19 with revisions through 8/8/19; xiii) Section-Elevation – Centre Way received for 5/9/19 meeting; by Carr, Lynch and Sandell, Cambridge, MA; xiv) Photometric Plan dated 5/28/19 by Omni-Lite, Inc. for Greenbush Dev. and any additional revisions needed to conform to the conditions contained therein. Building elevations must be approved by the Town Planner prior to receipt of a building permit for conformance to submitted material.

Comment: renumber with correct Roman numeral's.

2. Where this Mixed Use 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 Mixed Use Special Permit, including, but not limited to approval of work by the Board of Selectmen's and Department of Public Works ("DPW") in all public rights of way including Old Driftway and New Driftway. Construction shall meet all applicable federal, state and local laws and regulations including, but not limited to, those of the Scituate DPW, Fire Dept., Building Dept., Board of Health, Planning Board as well as the Massachusetts DEP and State Building Code. All necessary permits and approvals must be received prior to construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw. All conditions of approval shall be inscribed on the Mixed Use Special Permit Plans.
4. The Applicant shall mean the current Applicant and all its successors in interest. This special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the

case of a special permit for construction, if construction has not begun by such date except for good cause. The Planning Board may extend said period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which request shall provide a detailed description of the good cause necessitating an extension. A public hearing may be required.

5. The total number of residential dwelling units on the site shall not exceed seventy-eight (78). There will be twelve (12) affordable units within the seventy-eight (78) units. The housing mix shall be twenty-nine (29) one bedroom units, four (4) of which units shall be affordable and forty-nine (49) two bedroom units, eight (8) of which units shall be affordable. The total number of bedrooms shall not exceed one hundred twenty-nine (129). A bedroom shall be defined in accordance with Title V of the State Sanitary Code. Massachusetts Architectural Access Board ("MAAB") requirements must be met. All units will be rented under long-term rental agreements as indicated by the Applicant.
6. The Applicant shall obtain the **plan** endorsement ~~of~~ **from** the Planning Board for the Mixed Use Special Permit within 90 days of the expiration of the appeal period and this decision becoming final. The signature block on the plans shall be revised to allow for five (5) signatures. The elevation of Bio-Retention Area 7b showing an elevation of 33.8 **ft.** should be revised to match the HydroCAD elevation of 34 prior to endorsement.
7. The property line shall be staked or pinned at all times during construction.

Utilities, Parking, Traffic and Street Improvements

8. Maintenance and repair of the driveways, MBTA parking areas (**initial maintenance and repair only**), pedestrian access to the MBTA commuter rail station, stormwater management system, snow removal, lighting and landscaping shall be the responsibility of the Applicant.
9. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy made effective by the Board of Selectmen on October 8, 2014 and reaffirmed by the Scituate Water Commissioners on May 26, 2015. All irrigation systems installed in accordance with the policy must be supplied by on-site sources or private water suppliers at the expense of the property owner.
10. The Applicant shall consent to allow members and town officials of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in the Special Permit Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
11. 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. Weekly written reports shall be submitted to the Applicant and the Planning Board stating results of any and all required inspections during construction unless more frequent reports are needed. Noise and air quality monitoring with equipment reporting in accordance with DEP regulations shall also be required.

12. Construction of the proposed roads, proposed drainage system, proposed water system and proposed sewer system shall be supervised by a registered professional engineer. Said supervising engineer shall certify in writing to the Planning Board and DPW at completion that the proposed roads, drainage system, water system and sewer system were constructed in accordance with the approved plans and that said systems are functioning in full accordance with the approved design.
13. The certification of the roadway construction and utilities shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and the supervising registered professional engineer. Prior to issuance of an occupancy permit for any building, a registered professional engineer shall inspect the exterior of each building as necessary and certify to the Planning Board and Building Commissioner with his signature and stamp on an as-built plan, that the grading and stormwater management systems conforms to that shown on Mixed Use Development Special Permit and are functioning in accordance with design requirements and any variation in grade is immaterial and does not materially alter the performance of the stormwater system. The site development As-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.
14. All materials for utility construction shall meet DPW construction standards.
15. A street opening permit will be required for each individual utility connection.
16. The Applicant shall be responsible to ensure an inspection of the existing water quality treatment systems located underneath the Greenbush commuter rail line west parking lot is conducted at least twenty (20) days prior to commencement of construction by the Applicant's registered professional engineer with a representative of the Planning Board also present in order to evaluate the condition and performance of the existing water quality treatment system. Acceptable water quality treatment for the proposed project area and the off-site system has not been included in the drainage calculations nor relied upon for the proposed development to meet applicable stormwater regulations. This inspection report shall be provided to the Board at least ten (10) days prior to construction commencing and scheduling the pre-construction conference and all recommended follow up work shall be completed prior to the start of construction.
17. Additional soil testing is required at the location of the proposed bio-retention area nos. 2, 3, 5 and 6 in order to confirm the soil conditions and depth to the estimated seasonal high groundwater elevation (ESHGW) used in the stormwater calculations. The soil testing shall be completed within thirty (30) days of construction commencing. Any required design modifications resulting from such testing shall be submitted to the Town Planner within 30 days of completion of the testing, all of which is required prior to installation of any drainage onsite.
18. The specifications for the engineered soil mixture for the bio-retention areas shall be submitted prior to the pre-construction meeting. These specifications shall clearly demonstrate that the infiltration capacity of the engineered soil mixture meet the infiltration rate used in the stormwater calculations.

19. 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. In addition, the following must be addressed to the satisfaction of the Town Sewer Division prior to the commencement of construction.
- a. An external grease trap with an inner baffle wall shall be required in any non-residential space with food preparation and shall be noted on the plans.
 - b. Newly constructed manholes shall be furnished with watertight covers and frames.
 - c. Newly constructed manhole structures shall be vacuum tested. The test must also be witnessed by the Sewer Division and/or by the town's approved independent inspector.
 - d. Newly constructed sewer lines must be pressure tested in accordance with Town test standards and the test must be witnessed by the Sewer Division and/or by the Town's approved independent inspector.
 - e. A street opening permit for the sewer line at Building F shall be obtained; police details, if required for traffic management and safety, shall be provided through the Scituate Police Department and shall be the responsibility of the contractor. Any proposed disruption/shutdown required to the existing force sewer main on the Driftway shall be reviewed, coordinated and agreed to with the Sewer Division.
 - f. Sewer permits are required and shall be obtained for each building. The privilege fees will be calculated from each building's permit application, which fees are based on the number of sewer units in each building; the total amount for the privilege fees for the Project shall be \$229,000 in accordance with the terms of an agreement between the Applicant and Board of Selectmen to be paid in one lump sum prior to any water use from the site.
 - g. External cleanouts and viewports: Given that the Applicant has confirmed that the proposed sewer infrastructure will be owned and maintained by the Applicant; the sewer division will allow the requirements for external cleanouts and viewports to be waived at the Applicant's discretion. Should the Applicant choose not to install external cleanouts, then an internal cleanout must be included for each building.
 - h. The privately constructed sewer infrastructure will be owned and shall be maintained at all times by the Applicant.
 - i. A letter of acceptance from the Sewer Commissioners shall be provided to DPW, Sewer Division and the Planning Board.
 - j. A flow assessment document certified by a professional engineer detailing the amount of flow from the project and impacts to the Town's collection system and impact to the capacity at the nearest pump station and the WWTP shall be provided to the DPW and Planning Board within 45 days of approval of this permit and no later than 60 days prior to the commencement of construction.

The final sewer permit shall be provided to the Planning Board prior to scheduling the pre-construction conference and any construction commencing.

20. Prior to commencement of work or as soon as practical thereafter, street signs shall be erected with approved street names. Such street names shall be approved by the DPW, Police Department, Fire Department and Planning Board.
21. The building, parking, walkways, paths and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities.
22. The Applicant shall provide a copy of the recorded Easement Agreement prior to endorsement that demonstrates that the remaining designated number of MBTA parking spaces has been mutually approved by the MBTA and the Applicant.
23. All parking shall be constructed as shown on the Zoning Compliance Plan, revised, dated 8/8/2019. Marketing material advertising the rental of the residential units shall include the parking limitations noted on the Plan (Zoning Compliance Plan) attached hereto and incorporated into this decision.
24. Any wayfinding signage shall be reviewed and approved by the Town Planner prior to implementation.
25. Parking on Old Driftway is controlled by the Town and shall be limited to two (2) hour parking enforceable by the Police Department and/or as otherwise determined by the Traffic Rules and Regulations Committee. No overnight parking shall be allowed on Old Driftway.
26. The site will include five (5) electric vehicle charging stations in the residential parking areas with necessary infrastructure (conduit, etc.). Final locations to be approved by the Town Planner.
27. The Applicant shall ensure that signs, landscaping and other features located within the sight triangle areas of the Project site driveway intersections with Old Driftway and New Driftway, and at all intersections within the Project site, are designed, installed and maintained so as not to impede lines of sight. (2.5 feet in height)
28. 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. A final sign and pavement marking plan shall be provided to the Town for review and approval by the Town Planner prior to the issuance of the first building permit.
29. The Applicant shall ensure that the property manager promptly removes snow windrows located within the sight triangle areas of the Project site driveway intersections with Old Driftway and New Driftway, and at all intersections within the Project site, that exceed 3.5 feet in height or that would otherwise inhibit sight lines. Sight line plans must be included in the plan set submitted for endorsement by the Planning Board.
30. Snow storage areas have been designated on-site. The Applicant shall ensure all maintenance personnel are informed of their locations. When on-site capacity is exceeded, an off-site location shall be used in compliance with all federal, state and local laws.
31. No drive-thru service or windows shall be permitted now or in the future for Building F without further written approval of the Planning Board.

32. South Lane shall be designated as one way into the site. There shall be no left turn from Old Driftway into South Lane. Appropriate markings shall be provided by the Applicant.
33. The Applicant shall design and construct two (2) pedestrian actuated Rectangular Rapid Flashing Beacons ("RRFB") for crossing Old Driftway at the center crossing location that serves the walkway situated between Building B and Building C and at North Road. Pedestrian crossing warning signs shall be installed at all crosswalks across Old Driftway. These RRFB's shall be completed prior to the issuance of the first Certificate of Occupancy for the Project.
34. The Applicant shall install radar speed feedback signs at one (1) location to be confirmed with the Town Engineer, Town Planner and Police Department on New Driftway. These signs shall be installed prior to the issuance of the first Certificate of Occupancy for the Project.
35. The Applicant and/or its property manager shall become a Mass RIDES employer partner to facilitate implementation of the Transportation Demand Management ("TDM") program.
36. The Applicant shall implement and maintain a TDM program for the Project that shall include specific measures to encourage the use of alternative modes of transportation to single-occupant vehicles by residents and employees of the Project.
37. The Applicant shall conduct a Road Safety Audit ("RSA") for the Scituate Rotary (Chief Justice Cushing Highway (3A), Country Way, New Driftway and Cornet Stetson Road (Route 123)) following the Massachusetts Department of Transportation (MassDOT) standards for conducting an RSA prior to the issuance of the ~~first~~ **final** Certificate of Occupancy for the Project. Results of the RSA should be provided to the Town Planner for review prior to the issuance of the ~~first~~ **final** Certificate of Occupancy.

Comment: Need to verify with Mr. Jeffrey Dirk first or final

38. The Applicant shall review the traffic signal timing at the New Driftway/Old Driftway intersection on or before achieving sixty (60) percent occupancy of the residential component of the Project and shall undertake the necessary review and analyses to determine if adjustments to the traffic signal timing are necessary to accommodate the resulting change in traffic volumes and/or distribution of traffic on the intersection approaches. To the extent that it is determined that adjustments are required to the traffic signal timing, the Applicant shall design and implement the timing changes subject to the review and approval of the Town.
39. The Applicant shall prepare design plans for the reconstruction of Old Driftway between New Driftway and Stockbridge Road to include the rehabilitation of the pavement surface by means of the removal and replacement of the wearing course in a manner that ~~this~~ **is** acceptable to the Scituate Department of Public Works and conforms to their standards as well as MassDOT construction standards. The improvement shall include the installation of new signs and pavement markings within the limits of work. These improvements shall be constructed by the Applicant and shall be substantially complete prior to the issuance of the final Certificate of Occupancy for the Project, with completion and subsequent acceptance of the improvements by the Town within six months (6) thereafter.
40. Controlled Density Fill will be required for excavations within the Driftway.
41. Proposed curbing along Old Driftway shall be granite curb, either reuse or install new granite curb. Any damages to the existing sidewalk shall be repaired in-kind (full width) with like materials.

42. The Applicant shall be responsible for the ongoing maintenance of the newly constructed sidewalk between from North Road to South Lane on Old Driftway on the east side, including all snow removal. The Applicant shall be responsible for maintaining all parking pavement markings In Old Driftway.
43. The Applicant has agreed contribute the sum of \$60,000.00 to fund a municipal study of the offsite traffic and pedestrian improvements and to fund in part traffic and pedestrian improvements in the greater Greenbush area. The Applicant shall provide such funds to the Town prior to commencement of construction. The funds shall be placed in an interest bearing account with expenditure of funds **for this said purpose** approved by the Town Administrator after consultation with the Town Planner, Director of Planning and Development and DPW Director and **Planning Board**, all of whom must concur.
44. Trash management shall be in the dumpster enclosures located and shown on the Site Plan Sheets C-7 and C-8 as follows: i) north of Building A, between Buildings B and C; ii) south of Building D; iii) north of Buildings F; and iv) north of Building E. All dumpster enclosure locations shall allow for easy movement of trucks with minimal pedestrian conflicts.
45. Loading and delivery activities shall be coordinated by the Applicant and/or Applicant's property manager and shall be limited to off-peak traffic periods. In no instance shall the staging of delivery vehicles block the traveled-way or impede pedestrian or bicycle travel without prior approval of the Scituate Police Department. The implementation or use of parking spaces along Old Driftway for loading activities shall require prior approval of the Traffic Rules and Regulations Committee, the initial requirements shall include:
 - a. Three (3) parallel spaces located on the Old Driftway shall be a restricted loading zone between the hours of 9:00am – 11:00 am. There will be NO loading between the peak traffic hours of 6:00 am to 9:00 am and 4:00 pm to 7:00 pm, Monday thru Friday.
 - b. Loading area use for Building A on site shall be restricted to non-peak traffic hours and limited to step vans or box trucks only. The Applicant shall manage the use of the loading area for Building A to ensure safe access.
 - c. All tenant moves shall be scheduled on dates and times that minimize conflicts with peak traffic periods on Old Driftway.
46. All electrical, telephone, cable and similar utilities shall be located underground.
47. Except for the Town-owned segments of the sewer and water line, all utilities including the stormwater drainage system shall be maintained by the Applicant according to the Operation and Maintenance Manual for Stormwater Drainage Systems, dated 4/18/19 by Horsley Witten, Inc.

Affordability

48. All affordable units shall meet the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiatives Program ("LIP").
49. According to Section 560.7 D of the Zoning Bylaws, the number of one and two bedroom affordable units shall be in the same proportion as the market rate units. Four (4) affordable units shall have one bedroom and eight (8) shall have two bedrooms.
50. The affordable units shall be constructed simultaneously with all the market rate units. A final Certificate of Occupancy will not be issued for any residential dwelling building without the

affordable units being ready for occupancy.

51. The Applicant shall be responsible for preparation of a LIP Local Action Units application for the affordable units to be submitted to DHCD by the municipality (chief elected official). Forms and assistance will be available from the Planning Department.

Phasing and Public Benefits

52. An Erosion Control & Site Preparation 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. The plan shall be in compliance with the NPDES Permit Plan and its Stormwater Pollution Prevention Plan.
53. The Applicant has indicated that the Project will not be phased and construction with of its six (6) buildings will be done simultaneously, provided, however, that completion of the buildings may occur at different times and the Applicant may seek a certificate of occupancy for each building upon its completion. The project shall be constructed according to the Applicant's proposed construction sequencing which shall be provided to the Town Planner prior to construction and scheduling of the construction conference.

Environmental Conditions: Noise and Dust

54. 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.
55. The Applicant shall follow all regulations under the Massachusetts Department of Environmental Protection, 310 CMR 7.00: Air Pollution Control, 7.01 General Regulations to Prevent Air Pollution and 310 CMR 7.09 U Dust, Odor, Construction and Demolition. Per 310 CMR 7.09 U Dust, Odor, Construction, and Demolition water must be used to prevent excessive emission of particulate matter throughout the construction Project.

Landscaping and Site Amenities:

56. The Applicant shall obtain the approval of the Planning Board through the Town Planner if minor changes from the plan and/or details are needed for lighting, signage, paving materials, fencing or landscaping. Material selection shall be provided to the Town Planner for review for conformance to approved plans prior to installation.
57. A separate sign permit shall be required from the Building Department for any free standing signs. Signs shall be fully located on the Applicant's property and shall not block sight lines for traffic entry/egress from the site.
58. A final full planting/landscape plan including full details of the bioretention planting and ivy screening shall be provided to the Town Planner for review 10 days prior to the start of construction.
59. The Applicant shall use reasonable efforts to preserve the six (6) existing trees on the east side of Old Driftway as shown on the plan to remain. If the trees cannot be preserved, then they are to be replaced with minimum 4" caliper trees to match the west side of the street.
60. A photometric lighting plan and all lighting details shall be provided prior to endorsement. All lighting features shall be shielded to not shed light onto abutting properties. Uplighting is not recommended.

Architecture/Design:

61. The buildings shall be constructed in accordance with the architectural elevations 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.
62. All proposed uses and functions of Building A, B and Building F shall be as proposed and shall be approved and inspected by the necessary Town departments and boards including but not limited to Board of Health, Fire Department and Building Department.
63. The final building plans, stamped by a registered architect, shall be provided to the Planning Department prior to scheduling the pre-construction conference for review for consistency with the elevations and renderings described in Condition 1 and the Zoning Compliance Plan. If the plans appear inconsistent, approval by the Planning Board will be required.
64. A certification shall be provided by the architect prior to a Certificate of Occupancy that the building as constructed is in substantial compliance with the approved plans.
65. **The Applicant shall make reasonable efforts to obtain LEED Silver Certification.**

Comment: condition #65 was added

Required Prior to Scheduling the Pre-Construction Conference

66. The Applicant shall provide a draft document to include:
 - a. A statement that the driveway, drainage system, sewer, walkways through the site, landscaping and other common areas shall be owned by the Applicant and shall be maintained by the Applicant and/or MBTA and shall not be maintained by the Town. The driveway, drainage system, walkways at the site, landscaping, lighting, stormwater leaching system and other common areas shall be inspected, maintained and repaired by the Applicant and /or MBTA. This shall also be stated in a note on the plan.
 - b. A requirement that: i) maintenance of the drainage system, pedestrian walks, parking, driveways, and landscaping shall be in accordance with the Operation and Maintenance Plan approved by the Planning Board's consulting engineer; ii) provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways has been provided; and iii) a description of the required annual maintenance of the driveway, parking areas, walkways, landscaping, lighting and other common amenities.
 - c. A table of the number and general location of parking spaces assigned to each unit.
 - d. The Operation and Maintenance Plan shall be provided to the Planning Board as a stand-alone document.
67. The Applicant shall obtain all necessary approvals for the use of Town sewer prior to scheduling a pre-construction conference. 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 Planning Board.
68. A determination of the adequacy of the existing water service for the proposed use shall be provided by the Applicant to the DPW and the Town Planner for their approval prior to scheduling a pre-construction conference. Installation of all water mains and appurtenances shall

be performed according to the specifications of the DPW Water Division. Any required upgrades, modifications or connections shall be at the Applicant's expense.

69. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
- a. Copies of the recorded special permit and plans;
 - b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum, inspections of Subdivision Rules and Regulations Section 9.0, for the driveways/roads, parking areas and stormwater management systems, water system, sanitary sewerage system, new curbing, retaining walls and erosion and dust control measures, as well as any specific requirements contained herein which may require review and/or inspections by the Town. The specific amount shall be provided by the Planning Dept. based on the consulting engineer's estimate, shall be subject to amendment from time to time and shall be supplemented by the Applicant as requested by the Planning Dept.;
 - c. Copies of the NPDES Permit including its Stormwater Pollution Prevention Plan ("SWPPP"). The SWPPP must be submitted to the Planning Board at least fourteen (14) days prior to any land disturbance;
 - d. A construction schedule including approximate dates for installation of erosion control and other site protection/stabilization, construction of the buildings, and all applicable items in Subdivision Rules and Regulations Section 9.0 and
 - e. A type and amount of security reasonably satisfactory to the Planning Board to cover the satisfactory completion of off-site infrastructure improvements on any Town property including the layout of New Driftway and Old Driftway including roads/driveways, parking, drainage, water and sewer utilities, landscaping, cross walkways, radar signage, lighting, signs, fences and trash enclosures shall be provided by the Applicant. The amount shall be based on the Applicant's contractors' estimates of the costs of these items, reviewed by the Town's consulting engineer and shall be approved by the Planning Board prior to the pre-construction conference. The type and amount of security may be reduced based on completion progress with the approval of the Board.

Required Prior to the Start of Construction

70. Within three calendar weeks prior to the Applicant's notification to the Town Planner that it intends to commence any work on the project site, a pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, the 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.
71. 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.
72. A stabilized construction entrance and silt sock as shown on the Plan (Sheet C-4 of 18 of the Greenbush Development Permitting Plans) 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

73. 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. Interior work may be allowed up until 10:00 P.M. on permitted days. No construction shall take place on Sundays or legal/federal holidays.
74. Inspections and observations made according to the SWPPP shall be submitted to the Board within 48 hours after the inspections or weekly. The Board reserves the right to require the consulting engineer to visit the site weekly or as often as necessary during construction.
75. 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.
76. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
77. No parking or unloading on Old Driftway/New Driftway shall be permitted during construction unless approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access.
78. The Applicant shall notify the Town 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.
79. 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 and Old Driftway.
80. The Applicant shall provide the Town with the routes 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.
81. 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.
82. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant is available at the water treatment plant for construction use.
83. 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.
84. Construction of the proposed driveways/roads, parking, site drainage system and water and sewer systems shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board at the completion of the project that the driveway/roads, parking, site drainage system and water and sewer systems were constructed in accordance with the

approved plan. This certification shall be accompanied by as-built plans, showing all site utilities and grading, signed and stamped by a professional land surveyor and the supervising professional engineer. The as-builts shall be reviewed by the Town's consulting engineer for compliance with the design.

85. 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

86. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the driveway/roads, parking areas and installation of necessary utilities is in full compliance with the approved plans and the special permit. Nothing herein shall be construed so as to preclude the Applicant from obtaining Certificates of Occupancy for some of the Buildings prior to other Buildings; however, safe pedestrian, vehicle and public safety access and egress shall be required prior to the issuance of such certificates.

Administration

87. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
88. This Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 120 days of expiration of the appeal period or such extension of that time period granted by the Planning Board following approval of this Special Permit. The Applicant shall provide proof that the Special Permit was recorded to the Planning Board.
89. The Planning Board may in its discretion waive or modify conditions of this Special Permit at a duly called meeting of the Board if the Board determines that such waiver or modification is insignificant and does not materially adversely affect the purpose of this special permit decision.
90. 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.
91. The following plan sheets of the Mixed Use Development Special Permit Plan shall be recorded at the Registry of Deeds including sheets 1-6, 8-11 and a conditions sheet. All construction work shall be done in accordance with the plans.
92. All construction work shall be done in accordance with the plans

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

Motion:

Ms. Burbine moved to close the public hearing.

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

Curtis Estates –Lot Released 9 & 14

Documents

- Email to Karen Joseph dated 7.24.19 requesting Lot Releases
- Email to Karen Joseph dated 7.31.19 Curtis Estates- Proposed Maintenance for Basins 1 & 4

Attendees: Paul Sheerin, Jr., Manager 90 Ann Vinal, LLC; Paul Mirabito, Ross Engineering, Inc.

Mr. Sheerin is before the Board asking for lot releases for lots 9 & 4.

There was discussion about some work that needs to be done on site regarding the cleaning out of some of the basins and when work on the septic system would begin. Mr. Sheerin indicated that work on the septic system would begin in the next 3-4 weeks and be completed in mid-October.

Mr. Pritchard opined he doesn't want to release everything without the infrastructure being ready. Mr. Sheerin argued that the Bond is in place, they have the funding for the septic system and it will be constructed in 3-4 weeks and be completed in early October.

There was discussion about how the Board wanted to proceed. Mr. Pritchard opined he does not want to release lots until the septic system is built.

Ms. Joseph indicated that there may be some fragilities in basin 1 and 2 and leading to basin 4 that should be attended to.

The Board agreed they would release the 2 lots.

Motion:

Ms. Lambert moved to accept Paul Sheerin's request, as Manager of 90 Ann Vinal LLC, to release Lots 9 and 4 of Curtis Estates Flexible Open Space Development approved by the Board on 2/8/2018 and endorsed on 4/12/2018 from the covenant dated 4/10/2018 and recorded 5/15/2018 in the Plymouth County Registry of Deeds in Book 49800 Page 91 as a bond has been provided in the amount of \$250,000.000, ~~and that the Town Planner hold the lot releases until Basin 4 and Basin 1 are free from accumulated sediment,~~ and proof of the recorded lot releases is furnished to the Town Planner.

Mr. Pritchard seconded the motion as amended; the vote was unanimously approved.

Minutes

Documents

- Meeting minutes 7.11.19

Ms. Lambert moved to approve the meeting minutes for July 11, 2019.

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

Accounting

Documents

PO #2000767 (\$26.81), PO #2000650(\$4,148.21), PO #2000877(\$10,000.00), PO #2001215 (\$140.00), PO #2001292 (\$375.00)

Ms. Lambert moved to approve the requisition of \$26.81 to WB Mason for office supplies, for \$4,148.21 to Merrill Corporation for peer review of Drew/247 Driftway, to Douglas Sheerin for \$10,000.00 refund from Stormceptor per Special Permit Condition, to Scituate Public Schools for \$140.00 for use of Gates Dining Common for the Master Plan Community meeting, to Merrill Corporation for \$375.00 for peer review of Deer Common.

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

Liaison Reports:

Master Plan – reported by Mr. Bornstein:

- August 13th public kick off for Master Plan – 6:30 at Gates Dining Plan

Planning and Development – reported by Ms. Joseph:

- Seaside at Scituate - authorized to go into Phase 2
 - Basin D - has large rock that will stay in it; all volume has been accounted for
 - Trees to be cut before school starts and then earthwork to begin
 - Fence has been installed
 - Construction schedule coming for Phase 2
 - Funds for Peer Review Services for Phase 2 have been provided
 - Additional Services contract
- The Glen - surety reduction
- Coptic Church coming in for a Waiver
- Studley Farm and Deer Common looking to get final paving complete
- Senior Center
 - Test pits now or as a condition – the applicant wants to do during construction
 - Construction would need to stop if test pits are not sufficient
 - Planner to discuss with applicant
 - Discuss with Fire Department comments about turning and moving the driveway
- 365 Chief Justice Cushing Highway will be going to town meeting to have deed restriction removed
- Zoning Articles for Town Meeting
 - Humarock Village Residential Overlay District – Board to decide if they want to sponsor or not
 - Sign bylaw
 - Housekeeping corrections

Documents

- Email to the Board from Karen Joseph dated 7.17.19 with materials for the Senior Center
- Email to the Board from Karen Joseph dated 7.25.19 with materials for the Senior Center
- Email to the Board from Karen Joseph dated 8.2.19 with meeting minutes from 7.11.19 and agenda for 8.8.19
- Email to the Board from Karen Joseph dated 8.5.19 with meeting materials for Drew, Senior Center and Curtis Estates
- Email to the Board from Karen Joseph dated 8.7.19 with meeting materials for the Senior Center

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 10:56 p.m. Ms. Lambert seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young

Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: August 22, 2019