

SCITUATE PLANNING BOARD MINUTES September 8, 2022

Members Present: Patricia Lambert, Chair; Benjamin Bornstein, Vice Chair; Stephen Pritchard, Rebecca Lewis and Bob MacLean, Alternate

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

Members absent: Ann Burbine

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

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

Chair Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 9/8/22 Planning Board Amended Agenda

ACCEPTANCE OF AGENDA: Chair Lambert indicated there was a posted agenda. Mr. MacLean seconded the motion for the posted agenda and the vote was unanimously in favor.

Discussion/Update – Sky Sail (aka The Residence at Drew Place) – Drew Company

Attendees: John P. Drew, Developer; John E. Drew, Developer; Theonie Alicandro, Attorney; Chris Grant; Project Manager

Mr. John P. Drew indicated the project is a little behind schedule, but they hope to have the residences and other buildings open in March/April of 2023. They had previously thought they would do some phasing of the project; however, that is no longer the case and all buildings will open at the same time. There will be a month delay in the MBTA parking in the back. He said there have been some changes that have been made, but nothing significant and the changes have improved the project. He said they are prepping for landscaping that will be planted in the spring; there has been a good deal of interest in the retail spaces, a variety of retail and that is with no marketing. They have interest in the rental units as well and think the project is going to be very successful. Mr. Drew opined they have worked well with the Town and there haven't been any major issues; anything that needed to be addressed Mr. Grant addressed quickly.

Mr. Pritchard asked what kind of retail they are looking for. Mr. Drew said they are looking for a mix, there has been a lot of restaurant interest, there is not a lot of commercial space, just the second floor, but thinks that will be full with office use. He said they have always been looking for grab-n-go type uses for the commuters and residences and that has been the majority of the interest. He said there have been a lot of restaurant groups and some retailers; they have just engaged a broker. He said the building on the Driftway has had a lot of interest and they have always seen it as some sort of coffee type spot. That building may be part of the April opening along with the MBTA parking lot.

Mr. Grant said they have progressed with all the utilities; a new watermain was installed on Driftway so they had lots of coordination with Town departments, gas has been installed by Eversource, they are now at a point where more road work will be done, i.e. curb work, etc., they do not want to

impede traffic and think they will do paving in the fall. He said everyone from the Town, Planning Department, Building, Inspectors have been great.

Ms. Lambert asked where they stand on the affordable units. Mr. Drew indicated they have retained a group to assist them with the process; they understand it is a focus and urgent; it is underway and they have been told they are right in line with the timing to get the process completed since they had a slip in the opening date. He said they do not expect any problems; the units are spread throughout the buildings and it is a major focus for the team.

Mr. John E. Drew said they have a third-party group that specializes in the process/paperwork for the affordable units. Ms. Joseph indicated they are using the same group that 50 Country Way used. She said it is a process and the chief elected official actually has to sign and submit the application and it can take a few months for the State get through the paper, but they are working on everything so they should be okay.

There was discussion about the Board going on a site visit, the date is TBD, some date in October to be planned so the model unit is ready.

Mr. John P. Drew indicated they owe the Town wayfinding signage and a new updated photographic plan as well so everyone is on the same page.

Mr. Pritchard said the Board has had the least amount of friction on this project and he appreciates them working with Karen, the Town Planner; he opined it is moving in the right direction.

Mr. John E. Drew said the fire team has been in and done their walk-thru; all the alarms and any concerns they would have had have been addressed.

Mr. John E. Drew said the only surprise they have had is delays in materials; materials have not been available. He discussed the landscaping and said the trellises with the ivy will go up, but they are not ready for it yet. He said the earliest the landscaping can go in is March-April, but everything will be built up and the soil will be in, but the plants will be missing. He said extra effort has been made to save the trees in along Driftway; they believe the trees are valuable and should be kept there so they have made great effort to protect the roots. He also said the Drew Company has received calls about when the rentals will be available; which is a very good sign. He said the lease is being finalized and they have worked with the Hoffman's to protect them regarding any sound issues.

Mr. Bornstein asked if they are still on track to have a high efficiency and low impact/sustainable builds that were discussed during the permitting process with the supply chain issues they have encountered. Mr. Grant said absolutely; the Drews retained consultants, PBA Exterior Envelope Consultants who are out on a routine basis doing inspections along with a LEED Consultant that does inspections periodically before walls are closed up to ensure insulation, thermal breaks are all considered. He said all the lighting is LEED, the exteriors are all Hardie Board siding.

Ms. Joseph said they have also done a lot of recycling of materials as well. Mr. Grant said they will do donating the mock up to the Fire Department.

Mr. John E. Drew said they also addressed in the landscaping, using plant materials that take less water, need less irrigation, etc. They are also taking water off the roofs to feed the plants. Mr. Grant explained how the water is being captured and leached off a hose to feed the plants.

Mr. John E. Drew said the MBTA parking and the South Road will be the last things done.

Ms. Lambert said hopefully this project can be the “gold standard” of projects.

Discussion – Central Field – Mark Novak, Activitas

Documents

- PDF 22009-Scituate-JV-BB-Concept-2022-07-28

Attendees: Mark Novak, Engineer/Landscape Architect

Mr. Novak said he wanted to give the Board an overview of the project and assuming it passes at Town Meeting he will back in front of the Board for a Stormwater Permit because of the amount of disturbance.

- Scope of the project
 - Create a 90’ baseball field
 - Creation of the new High School Fields eliminated a 90’ field
 - Renovation of fields addressed Title IX issues
 - Softball field was built at the High School in place of the JV Baseball Field
 - Town has been operating with only one 90’ Baseball Diamond
 - Can’t have good baseball program with only one 90’ diamond
 - Project applicant is Darren Hamilton, former President of Scituate Little League
 - Looked at two potential sites for the field
 - Central Field
 - Recreation Field behind old Gates
 - Decision made to pursue Central Field
 - Working group
 - Maura Glancy, Recreation
 - Scituate Lacrosse
 - Scituate Soccer Club
 - Scituate Senior Softball
 - Athletic Director, Scott Payne
 - Youth Center
 - Someone from each organization that use the fields
 - Existing field on northern side was previously the Varsity Softball Field, is now the JV Softball Field
 - Field renovated 5-8 years ago
 - Existing Softball field on the southern end was not renovated
 - Will be location of the 90’ Baseball Diamond
 - Scope of the project grew to support the Senior Community
 - Seniors have approximately 90 members that play on off hours
 - Utilize 3 fields for the program
 - 2 fields at Central Field
 - 1 field at Recreation, old Gates
 - Additional softball field added at the corner of Branch Street

- Softball fields are 600' apart from home plate to home plate
 - Two games can happen simultaneously
- Existing softball field will remain untouched
- Where the 90' Baseball field is proposed there is sufficient room to have JV Baseball game and JV Softball game going on simultaneously
- Budget of \$1.0M has been approved by CPC, Select Board and Advisory Committee
 - If bids come in slightly over small adjustments can be made to the project while still maintaining the entire scope
 - Scoreboards could be eliminated if needed
- Handicapped accessible walkway from the existing parking area along Central Park Drive
- Installing 20' athletic ball netting along the edge of Central Park Drive
 - 150' of netting moved closer to the parking to provide additional ball protection for parked cars
- Batting cage between the two softball fields
- One Softball batting cage and one Baseball batting cage
- Back stop for 90' Baseball field similar to what is at the High School
 - Tension netting system, 30' - 40' high
- Team areas will be shade structure, fence, benches with concrete slab
- Proposed Softball field will have benches, fences and concrete slab, there is no need for shade structure and backstop will be chain-link
 - Ball control requirements are different for Softball
- Water will be provided by existing irrigation system
 - Bylaws allow for modification of an existing system
 - Field is natural grass, irrigation will be necessary

Mr. Novak said they are testing the soils and the organic content of the soil and will amend to the best they can with additional organic content soil to increase the water holding capacity of the soil. He said it is a balance because you don't want to have too much organic material because when it does rain the field will be like a sponge, like marsh. He said they will be working with an irrigation consultant that is a Water Sense Partner; they are aware of water conservation techniques. The water used would be town water.

There was some discussion about rainwater catchment systems and Mr. Novak said they don't really work for athletic fields.

Mr. Pritchard asked how much water would be used. Mr. Novak said it depends on the climatic conditions, but in a dry summer like this one irrigation would have to take place around three times per week at night and a very heavy irrigation, close to a 1" of water on the surface, not including the area where there is dirt. He said it is over 200,000 gallons/water for each watering. He said with the design and the soil mechanics they are doing whatever they can to reduce the amount of water; but natural grass fields require water.

Ms. Joseph asked about draught tolerant seed mixes. Mr. Novak said it is possible, but they are working on an existing field where they are trying to blend in to an existing field that is all Kentucky Blue Grass. He said they are trying to minimize the footprint of the project so they are looking to continue with Kentucky Blue Grass; the evapotranspiration rates are slightly higher than some turf

grass varieties, but when it comes to an athletic field it is the gold standard in New England for athletic fields.

Ms. Lambert said that puts the Board “between a rock and hard place”; she said we need to be very transparent we are doing our best and working together. She understands how important this is, but they need to be mindful that people can’t water their grass.

Mr. Novak said they are acutely aware of the issues here in Scituate; he is also a resident of Scituate.

Mr. Pritchard asked how many weeks would be required with watering at 200,000 gallons/event three times a week would be 600,000 gallons; Mr. Novak said on average from June thru August. He said worst case scenario would be 12 weeks. Mr. Pritchard said that would be 7-8 million gallons of water that hasn’t been used before. Mr. Novak said the system will have a rainfall sensor system so if it rains the system will not turn on. He said it is also important to properly manage the irrigation system; there will have to be conversations with DPW for the maintenance of the fields.

Ms. Lambert asked if there will be training provided to the Town. Mr. Novak said similar to what was done with the High School, there was an education morning where the town was shown what to do and how to properly maintain the fields. That would also be done for these fields, part of the closeout documents for the project would be a maintenance plan for the Town and recommended follow-up and the irrigation consultant will run through the details of the irrigation system and how to conserve water.

Ms. Joseph said the Board would want to see the Operation & Maintenance Plan as part of the stormwater permit.

Ms. Joseph asked about parking and said that people park everywhere, site distance gets impeded out of Central Park Drive. Mr. Novak said they have not been tasked with looking at parking as part of the project. He said Mr. Hamilton has been looking into the parking with the high school baseball coach, but they do not see the numbers increasing over what they currently have. Ms. Joseph said there needs to be someone managing it so that Police and Fire can get through, cars can’t get be parked on both sides of the road. Mr. Novak said that is a management issue.

Ms. Lambert said the biggest issue is water.

Mr. Pritchard said if it gets done he would want the project metered to know what is being used.

Mr. Novak said they will continue to refine the numbers and they could be less; the irrigation consultant has not run a full calculation, he is just basing the total square footage and applying an inch of water as a quick volume calculation he generated to come up with the numbers.

Mr. Pritchard said that is fair, but this year there is a significant drought and everyone has extreme water control; these fields will have to be watered three times a week at 600,000 gallons/wk. it is a big thing for the town to do. Mr. Novak said amount of water would be to keep the fields in pristine conditions, in extreme conditions extreme measures need to be taken; there is rationing and figuring out the level where it can be kept alive without losing the surface, but it is not brilliant green like Fenway Park.

There was discussion about the dimensions of the fields and what they will be used for; primarily JV Baseball and Softball, some Senior baseball and Babe Ruth and up baseball. The fields will so be used for soccer, with one regulation soccer field. The middle will stay as it was in terms of uses.

This depends on a vote at Town Meeting, but they received votes of support from CPC, Select Board and Advisory.

Mr. Novak indicated there will be a community meeting next week on the 13th at the library and assuming everything goes well at Town meeting they will finalize the documents and be back before the Board for a Stormwater Permit and put the project out to bid over the winter with the hopes that construction would start as soon as the weather breaks in the spring and have the fields ready and playable by mid-summer.

Mr. Pritchard asked if there is any consideration to wells. Mr. Novak said no; they thought about it, but with the irrigation system already there it is a big cost with the risk of not finding a source or the amount of water and flow that would be needed to support the use. The budget for the project is tight and the scope has been increasing. He said if it is something that is dictated it is something they will look into. Mr. Pritchard said he is thinking of the near-term cost and what is the impact on the overall water use in town. He said it sounds like a big impact and it is all treated water.

The Board thanked Mr. Novak for coming in.

**Continued - Public Hearing – Major Site Plan Administrative Review and Special Permit
Tandem Parking – 14 & 16 Old Country Way
Assessor's Map/Block/Lot 48-2-56 & 57
Applicant/Owner: 14-16 Old Country Way LLC – Robert Proctor, Manager**

Documents

- PDF 14-16 Old Country Way Review 2
- Doc Motion 14-16 OCW SPAR-SP TDM PKG 1
- PDF Motion 14-16 OCW SPAR-SP TDM PKG 1
- Doc Motion 14-16 OCW SPAR-SP TDM PKG 2
- PDF Motion 14-16 OCW SPAR-SP TDM PKG 2

Attendees: Robert Proctor, Manager/Owner

Ms. Lambert indicated the Ms. Lewis has filed a Mullen Certificate for this project.

Mr. Proctor indicated not much has changed on his end since the last meeting.

Ms. Joseph indicated the applicant has provide all the materials she has provided a draft decision and the project is ready for a decision.

Motion:

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

1. On May 24, 2022, the Applicant, 14-16 Old Country Way, LLC, Robert Proctor, Manager, filed an application for a Site Plan Review for a residential multi-family project in the Village Center

and Neighborhood District under Scituate Zoning Bylaws Section 580, 750 and 770 and a Special Permit under Scituate Zoning Bylaw Section 760.8 (D) (2) Tandem Parking. The Application included, but is not limited to, the following:

- a. Application Forms, locus deed, and narrative demonstrating compliance with Bylaw Section 770.6;
 - b. Filing Fees and Abutters' List;
 - c. Site Plan for 14-16 Old Country Way in Scituate, MA dated May 19, 2022 by Ross Engineering Co., Inc a subsidiary of Grady Consulting, L.L.C. consisting of 10 sheets;
 - d. Landscape Plan 14-16 Old Country Way, Scituate, MA dated October 12, 2020 by Bernice Wahler Landscapes consisting of 2 sheets;
 - e. Alterations to Design of Barn 4 Dwelling Units, New Construction, --@ 4 Unit Condominium Buildings, 14-16 Old Country Way, Scituate, MA dated 8-20-21 with revisions through 5-19-22 by SDA consisting of 6 sheets; Townhouse building design consisting of 4 sheets – AH 101, AH 102, AH 200 and AH201 by Jill Neubauer Architects dated 8/31/20;
 - f. Lighting specification sheets for Allegra Medium and lighting design for 14-16 Old Country Way dated 9/30/2020 by Robert J. Lindstrom, Designer;
 - g. Stormwater Report for 14-16 Old Country Way dated May 19, 2022 by Ross Engineering Co., Inc. a Subsidiary of Grady Consulting, LLC.
2. The Property that is the subject of the Application is a 29,249 sq. ft. parcel located off of Old Country Way, Scituate, Massachusetts. The Property is currently improved with two residential buildings, sheds and bituminous concrete and concrete impervious surfaces and an underground 24" RCP pipe traversing the site out letting across Old Country Way and is tributary to Old Oaken Bucket Pond.
 3. The Project is located in the new Village Center and Neighborhood (VCN) Zoning District, Greenbush-Driftway Gateway District (GDG) and the Greenbush Village Center Subdistrict (GVC) – VCN-GDG-GVC.
 4. The Zoning Bylaw in effect for this project is the bylaw approved by the Scituate Annual Town Meeting on 4/12/2021 and the Attorney General on 9/13/2021 and posted to the website in October 2021.
 5. The Project proposed by the Applicant consists of eight (8) residential units in two buildings. The Buildings are proposed as Multi-family Buildings (MFB). The west building – Building 1- Townhouse building- will have four (4) residential units in a two-story building. The east "barn" building, Building 2, will have four (4) residential units located in a two-story building. The residential units each have two (2) bedrooms each for a total of 16 bedrooms. One affordable dwelling unit is proposed. The Building 1 has a maximum building height of 30'-6" to top of ridge which is less than the maximum height of 40' as set forth in the Scituate Zoning Bylaw. The east barn building, Building 2 has a maximum building height of 29' to the top of the ridge which is less than 40' tall as set in the zoning bylaw.
 6. Building 1, Townhouse building, provides eight (8) parking spaces for the units with four (4) outside and four (4) garage spaces, providing a total of two (2) spaces per unit in tandem parking form. Building 2, the barn building, will have two interior garage spaces and four

outside parking spaces for 1.5 spaces per unit to be located southwest of the building. Parking is proposed per Section 760.8 of the Scituate Zoning Bylaw for parking in Mixed-Use Districts (Table 2) with 1.5 spaces for a 2-bedroom unit in a multi-family building as the site is in the VCN District except that Building 1 has 2 parking spaces for two bedrooms in tandem fashion so a Special Permit for parking is required. Building 2, the barn building, complies with parking requirements of 1.5 spaces per two-bedroom multi-family building. Section 760.7 does not apply as the site is proposed for residential use in the VCN.

7. The property at 14 – 16 Old Country Way does not include a requirement for a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw.
8. In the VCN-GDG-GVC a multi-family building is an allowed use per Section 420 and 580.3 of the zoning bylaw and an allowed building type per Section 750 of the zoning bylaw.
9. The base residential density in the VCN-GDG-GVC subdistrict per Section 580.4 of the zoning bylaw for a multi-family building is 12 units per acre by right and 24 units per acre by special permit. Eight (8) units are allowed by right and 8 are proposed. No density bonus is required for this project; however, the Applicant previously committed to provide \$10,000 to fund a municipal study of the off-site traffic and pedestrian improvements and to fund in part traffic and pedestrian improvements in the greater Greenbush area. The Applicant has now committed such funds on behalf of this project to be used for improvements in the Greenbush-Driftway area as approved by the Planning Board.
10. Section 580.4 also has minimum bulk standards for dwelling sizes. A two (2) bedroom unit is required to have 900 sq. ft. of usable floor area. Units 1 through 4 have 1,400 sq. ft. without the garage, Units 5 and 6 have 1,410 sq. ft. without the garage and Units 7 and 8 have 1,390 sq. ft. according to the plans. This requirement is met.
11. No Public Realm Standards are required for this development.
12. One (1) affordable housing unit is required for the development among the 8 units. The unit shall be distributed throughout the remaining proposed housing units and is a two-bedroom unit. The affordable unit is designed so that the exterior is compatible with the market rate units. No monitoring agent or affordable housing information has been submitted at this time. The Applicant requests a waiver for the information to be submitted if the project is approved. The affordable unit must be able to count toward the Town of Scituate's Subsidized Housing Inventory and comply with the Local Initiative Program (LIP) 760.CMR 56.00.
13. The Applicant met with the Design Review Committee ("DRC") and Planning Department Staff on the previous project. The Board did not refer the Applicant to the DRC for this project. Design Standards under Section 580 and 750 of the Zoning Bylaw must be met or waived.
14. A MFB includes Lot Standards and Design Standards found in Section 750.6 including:
 - A minimum lot size is not required;
 - Street frontage of 80' is required. There is 143.8' of frontage on Old Country Way.
 - Lot depth is not required.
 - The front yard build-to-zone (setback) is 10' minimum and 30' maximum. 15' is provided on Old Country Way for Building 1. Building 2 has 126' exceeding the 30' maximum and a waiver has been requested.

- Minimum side yard is 15'. 32.7' is for Building 1 and 26.2' is provided for Building 2.
- Minimum rear yard is 20'. Approximately 90' is provided for Building 1 and 20.3' is provided for Building 2.
- Outdoor Amenity Space Coverage required is 20% of the lot. 21% or 6,100 sq. ft. is provided per the plans. The permitted outdoor amenity space is per Section 752 of the bylaw is a Common Yard and Garden (PS) with a fire pit and seating areas. The fire pit is on the southeast side of Building 2 along with some seating. There is also seating between Building 1 and Building 2.
- The building height will conform to the height regulation set forth for an MFB at 30'-6" to top of ridge for Building 1 and 29' to top of ridge for Building 2 which is less than 4 stories and 40' with the height measured from the average ground level to the average height between the eave and ridge for a building with a pitched roof.
- The minimum street facing wall width is 60' and the maximum is 100'. Approximately 40'-3" is provided for Building 1 and 82' is provided for Building 2. A waiver has been requested for Building 1.
- A street facing entrance is required. Building 1 does not have a street facing entrance. Building 2 has a street facing entrance. A waiver will be needed for Building 1.
- A maximum building footprint is not applicable.

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

- More than one principal building is allowed on a lot if the building lot dimensional standards are met for each principal building individually. There are two buildings on this lot and a waiver has been requested for the front setback for Building 2.
- The lot is not a corner lot and has no requirements for corner lots.
- Multi-family buildings taller than 25' shall be required to be setback or stepped back from the street right-of way. Building 1 is setback 15'. For setbacks 0 – 25', a maximum height of 25' is required. Building 1 has a height of 24'-10" to the midpoint of the attic. The Building 1 meets the height requirement as in a multi-family building height is calculated as the average height between the eave and ridge for a building with a pitched roof.
- The scale of the buildings are visually compatible with the site and with its neighborhood,
- Building articulation standards have been met with buildings greater than 50' in width designed to read as a series of smaller buildings with varied articulation.
- No street facing building elevation (*e.g. width*) is wider than 100'.
- Horizontal modulation and articulation are not required as the building is less than 3 stories.
- Street facing building facades shall provide surface relief through dormers and door canopies.

- Façade transparency is required for multi-family buildings. Windows shall be evenly spaced along the façade, windows shall be low reflectivity glass, the façade glazing shall fall between the height of 2' and 12'. Façade glazing requirements are only applicable to front facades facing a street right-of-way. The project meets the requirements with window spacing, façade glazing occurring between 0' and 9'-4". Low reflectivity glass is ~~proposed~~ *required*.
- The roof pitches meet the criteria of 6:12 minimum and 12:12 maximum except for Building 2 dormers which are 5:12 and Building 1 is 7:12.
- Exterior treatments will be provided. Exterior treatments will be synthetic materials intended to provide the look and character of traditional building materials i.e. cedar shakes. The windows will be operable. Architectural elements are continued from the front to the side. The proposed buildings have textures and patterns.

16. Development site standards include (Section 750.8):

- The development site consists of two buildings;
- The development site does not include any existing or proposed right –of-way;
- A multi-family building is a permitted building type in this district;
- A minimum of 50 feet of frontage on a public or publicly accessible street providing access to the development is provided;
- Development block standards are not applicable;
- Site Landscaping is provided. The existing tree is not preserved as it is in poor condition. Plantings are arranged to not obscure the vision of traffic.
- Parking must be located a minimum of 5 feet behind the front façade. Building 1 meets this requirement. Parking is not directly in front of Building 2. It is off to the front east side where it will be screened. Project meets this requirement. A street screen shall be required where parking is visible from a public street or sidewalk. The tandem parking spaces for Building 1 will be screened with shrubbery.
- A driveway servicing the site is shown off Old Country Way. It is proposed as 20 feet wide.
- New public utilities are proposed as underground
- Trash storage areas outside are not proposed. Garage doors are located on the front façade of Building 2 and front façade of Building 1. The front façade of Building 1 does not face the street. There is no other feasible location for garage doors.

17. Sustainable Site Design is required in the VCN District per Section 751 of the zoning bylaw. Stormwater management shall conform to best management practices described in the Commonwealth of Massachusetts Stormwater Management Handbook. Predevelopment hydrology is maintained by infiltrating, storing and detaining storm water in a subsurface recharge system, a bio retention system with a sand filter and lawn basins. The post construction peak rate and volume of runoff is not exceeded for the 1, 2, 10, 25 and 100-year 24-hour rain events. Stormwater Best Management Practices are required. Minimization of impervious surfaces is partially provided by providing only the required parking; however, the

project maximizes the development of the lot with building and parking. Subsurface retention facilities have been provided.

18. A Landscape Plan shall be required for all submissions, except where waived by the Planning Board. To the greatest extent possible, native plants shall be maintained and no plants listed as Invasive or Prohibited by Massachusetts shall be used. Existing invasive plants shall be removed. A Landscape Plan has been provided. Native landscaping is reasonably proposed. Lawn area in the front yard is minimized and fertilizer use is discouraged. This requirement has been met.
19. Multi-family residential developments shall provide access from parking lots to a public sidewalk and the primary building as indicated in Section 760.8. F. 2. public ways. This will be provided when the Applicant extends the sidewalk on Old Country Way to the proposed driveway as conditioned. No walkway is provided to the sidewalk on Old Country Way, but the driveway will provide access.
20. Section 760 Parking - Tandem parking spaces require a special permit from the Planning Board. Four (4) tandem parking spaces are proposed. The tandem parking spaces are for residential units, they are assigned to the same dwelling unit, they are not used to provide guest parking and meet the size requirements. They serve the public good of the development and have no substantial adverse effect.
21. Scituate Zoning Bylaw, Section 770.6 sets forth the standard of review for approval of proposed site plans which are required for proposed developments which are of a size that may have significant impacts on neighborhoods. Multi-family buildings require a site plan reviewed by the Planning Board.
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 site is currently a residential use and is proposed to be the same. This standard is met.
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 site is located on Old Country Way. The project will consist of two Multi-Family Buildings with eight (8) 2-bedroom units. The proposed development will have its own separate off-street parking meeting the requirements of Section 750.8. Access for the parking will be off Old Country Way. The Applicant maintains there is capacity on Old Country Way to handle the minor increase in traffic that will be generated by changing the development from two (2) existing single family homes to 8- 2-bedroom units. The Applicant maintains there is adequate sight distance. There is currently minimal traffic volume on the existing streets, level grades and the Applicant maintains adequate sight distance. Driveways within 100 feet of the site have not been shown. This standard is met.
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 proposed development will have its own separate off-street parking meeting the requirements of Section 750.8. Access will be from Old Country Way. The main access off Old Country Way is 20' wide. There are no internal walkways to reach the sidewalk on Old Country Way. The Applicant indicates the site will have sufficient access for service vehicles. This standard is met.

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 project proposes to connect to the existing sewer service in Old Country Way and connect to the water main located in Old Country Way. A fire hydrant will be extended into the site. The DPW Sewer Division has indicated that the Town's sewer system is at capacity, sewers designed for these lots will be limited to a lateral for each lot and a sewer connection fee of \$16,000 will be assessed above the existing betterment of 2 units. The Water Division indicated that the existing service to the property will need to be able to be flushed so a water main should have a hydrant at the end of the line. They recommend individually metered units. The buildings will have fire sprinklers. This standard is met.

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 proposed project consists of a subsurface recharge system and a bio-retention area for the proposed building and driveways. The site is located within the Water Resource Protection District and has been designed to comply with its requirements. Snow storage areas are provided. The Board engaged Horsley Witten Group to evaluate the adequacy and accuracy of Grady Consulting, L.L.C.'s stormwater report and data as well as the efficacy and adequacy of the design. Horsley Witten Group submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and Grady provided responses, revised reports where requested and updated the site plans. After further review by Horsley Witten Group, the Applicant was determined to have adequately addressed the comments and recommendations if the stormwater management system is built as designed. The Applicant has submitted a stormwater management plan and Operation and Maintenance Plan that ensures that the project will be managed appropriately before and after the completion of construction.

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

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

27. Section 770.6.F Site Plan Approval Standard F: Adequacy of provisions made to protect against toxic or hazardous materials or oil discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as spill control provisions in the vicinity of fuel delivery points, secured storage areas for toxic or hazardous materials or oil, and indoor storage provisions for corrodible or dissolvable materials.
- Finding: The project has been designed to comply with requirements of the Water Resource Protection District. This standard is met.
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 proposed site is 29,000 sq. ft. and minor grade changes are proposed; therefore, there is minimal cut and fill. No 6" caliper trees are proposed to be removed. This standard is met.
29. Section 770.6.H Site Plan Approval Standard H: Minimize obstruction of scenic views from publicly accessible locations.
- Finding: The site does not consist of any scenic views from publicly accessible locations and, therefore; the Applicant complies with this requirement.
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 project consists of one residential driveway with fourteen (14) proposed parking spaces – 6 in garages and 8 outdoors. 4 parking spaces are screened by the adjacent building. Shade trees are proposed within the parking area. Exterior lighting shall be arranged to minimize glare and light spillover to adjacent properties thereby meeting the requirements of the Bylaw. This standard is met.
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 surrounding area provides safe, functional and convenient pedestrian access. There is a sidewalk located on Old Country providing access to Greenbush and the train station which will be conditioned to expand to the driveway for this project. A 7-space bicycle rack is proposed. There is no walk connection in the site to the sidewalk. This standard is met.

Mr. Pritchard second the motion; there was discussion.

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

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

Decision:

Based on the Findings of Fact and testimony provided at the public hearing, the Planning Board approves the Site Plan Review in the Village Center and Neighborhood District and Tandem Parking Special Permit for 14-16 Old Country Way with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Grady Consulting, L.L.C. entitled "Site Plan for 14-16 Old Country Way in Scituate, MA ", consisting of 10 sheets dated May 19, 2022 with revisions of 7/6/2022 and 7/12/2022 ii) Architectural Plans by SDA for the Townhouse Building consisting of a Cover, dated 8-3-21 with revisions through 8/4/22, Sheet A200 Townhouse Building Basement Plan dated revised 8/4/22 10/8/20, A201 Townhouse Building Floor 1 Plan revised 8/4/22, A202 Townhouse building Floor 2 Plan revised 8/4/22, A203 Townhouse Building attic plan revised 8/4/22, A301 Townhouse Building Approved Front Elevation revised 8/4/22, A302 Townhouse Building Approved Right Side Elevation revised 8/4/22; iii) Architectural Plans by SDA for the Barn Building consisting of a Cover, dated 8-20-21 with revisions through 2/23/22, Sheet A200 Foundation Plan Barn revised dated 2/23/22, A201 Barn 1 unit Plans and Garage revised 2/23/22, A202 Plan Barn Floor 2 revised 2/23/22, A301 Revised Barn Front Elevation revised 2/23/22, A302 Revised Barn Right Side Elevation revised 2/23/22; iv) Stormwater Report for 14-16 Old Country Way dated 5/19/22 with revisions through 8/4/22 v) Landscape Plan 14-16 Old Country Way, Scituate, MA dated October 12, 2020 by Bernice Wahler landscapes consisting of 2 sheets; vi) Lighting specifications sheets for 14-16 Old Country Way dated 9/30/2020 by Robert J. Lindstrom Designer and any additional revisions needed to conform to the conditions contained therein (the "VCN Site Plan Review and Tandem Parking Special Permit "). Final Building elevations must be approved by the Town Planner prior to issuance of a building permit for conformance to submitted material. A complete hard copy and electronic copy set of the latest revised plans with revision dates is required prior to application for a building permit. All existing condition sidewalks and zoning districts must be correct. A copy of the approved plan and conditions must be kept on-site at all times during construction.
2. Where this Site Plan Review and Tandem Parking Special Permit requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's (the "Planning Board" or the "Board") approval of this Site Plan Review and VCN Special Permit, including, but not limited to approval of work by the Board of Selectmen and Department of Public Works ("DPW") in all public rights of way including Old Country Way. Construction shall meet all applicable federal, state and local laws and regulations including, but not limited to, those of the Scituate DPW, Fire Dept., Building Dept., Board of Health, Planning Board as well as the Massachusetts DEP and State Building Code. All necessary permits and approvals must be received prior to construction.

3. Construction shall meet all requirements of the Scituate Zoning Bylaw. All conditions of approval shall be inscribed on the Site Plan Review and Tandem Parking Special Permit Plans.
4. The Applicant shall mean the current Applicant and all its successors in interest. This site plan review and special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause. The Planning Board may extend said period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which request shall provide a detailed description of the good cause necessitating an extension. A public hearing may be required.
5. The total number of residential dwelling units on the site shall not exceed eight (8). All units will be two-bedroom units. There will be one (1) affordable unit among the eight units. The total number of bedrooms shall not exceed sixteen (16). A bedroom shall be defined in accordance with Title V of the State Sanitary Code. Massachusetts Architectural Access Board ("MAAB") requirements must be met. All units will be under condominium ownership.
6. The Applicant shall obtain the plan endorsement from the Planning Board for the Site Plan Review and Tandem Parking Special Permit within 90 days of the expiration of the appeal period and this decision becoming final.
7. The uses allowed on the site shall be restricted to the uses allowed in the Zone A. Uses prohibited are in Section 520.6 of the Scituate Zoning Bylaw. Storage of fertilizers and pesticides is not allowed unless they are covered or contained.
8. No vehicle washing is to occur on the site.
9. The units on the new building shall be numbered on the outside for identification, fire protection and emergency response purposes.
10. The third floor of neither building shall not be allowed for living space now or in the future.

Waivers

11. A waiver is requested from 754.4 and 754.5 of the Zoning Bylaw to allow for the monitoring agent and other affordability requirements to be submitted after approval and prior to application for the first occupancy permit. *The Board approves this.*
12. A waiver is requested from Section 750.6 2.4 Lot Standards for the front yard build to zone (setback) for Building 2 of 126' exceeding the maximum of 30'. *The Board approves this.*
13. A waiver is requested from Section 750.6 3.2 Design Standards for a minimum street facing wall width of 40'-3" for Building 1 where 60' minimum is required. *The Board approves this.*
14. A waiver is requested from Section 750.6 3.4 Design Standards for a street facing entrance. Building 1 does not have a street facing entrance. *The Board approves this.*

Utilities, Parking, Traffic and Street Improvements

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

16. All parking is limited to designated spaces as shown on the plan. Four (4) tandem parking spaces are approved for Building 1, Units 1-4.
17. No permeable pavement is allowed now or in the future.
18. 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.
19. 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.
20. An independent inspector contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities. The inspector shall be approved by the Town Planner and DPW and shall work under the direction of the Town Planner. The costs for these inspections shall be paid by the Owner. Written reports shall be submitted to the Applicant and the Planning Board in a timely manner stating results of any and all required inspections during construction unless more frequent reports are needed. 48 hours' notice minimum advance notice is required for all inspections. All stormwater recharge structures require inspection of the bottom of the excavation by the consulting engineer. Noise, dust and air quality control shall be in accordance with DEP regulations.
21. Construction of the proposed driveways, parking areas, proposed drainage system, proposed water system and proposed sewer system shall be supervised by a registered professional engineer. Said supervising engineer shall certify in writing to the Planning Board and DPW at completion that the proposed driveways, parking areas, drainage system, water system and sewer system were constructed in accordance with the approved plans and that said systems are functioning in full accordance with the approved design.

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

Interchange Format registered to the Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1983 compatible with the Town's system along with stamped and signed copies of said plans.

22. An easement shall be provided allowing the Condominium Trust access to drainage and stormwater management systems, including but not limited to the 24" underground concrete pipe culvert which traverses the Site, all of which will be privately maintained to allow inspection, maintenance and repair, and allowing the town access in case of an emergency or to test water quality if this is deemed in the public interest.

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

23. All materials for utility construction shall meet DPW construction standards.
24. A street opening permit will be required for each individual utility connection.
25. The Applicant shall eliminate the existing driveway openings onto Old Country Way and add sidewalk and vertical granite curb to match existing walk and curb to DPW standards. A new section of walk with vertical granite curb and an ADA compliant ramp shall be added on Old Country Way from the proposed new driveway to the existing handicap access point of the walk per DPW specifications.
26. The specifications for the planting soil and engineered soil mixture for the bio-retention areas submitted by Bernice Wahler Landscapes must be strictly adhered to. Prior to endorsement, these specifications shall be resubmitted and clearly demonstrate that the infiltration capacity of the engineered soil mixture meets the infiltration rate used in the stormwater calculations. A full detail with soils included must be included on the plans prior to endorsement.
27. A determination of adequacy of the existing water service/fire flow for the proposed use shall be provided by the Applicant to the DPW and Town Planner for their approval prior to scheduling the pre-construction conference. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW. Any required upgrades, modifications or connections shall be at the Applicant's expense.
28. The Applicant shall obtain all necessary approvals for the use of Town sewer prior to scheduling the pre-construction conference and any construction commencing. Any required upgrades, modifications or connections shall be at the Applicant's expense. Installation of all sewer mains and appurtenances shall be performed according to the specifications of the DPW Sewer Division. Copies of all necessary approvals shall be furnished to the Town Planner by the Applicant.
29. All replacement of, or connection to, Town sewer, drainage and the installation of water mains and appurtenances shall be performed according to the specifications of the Scituate DPW with

an independent inspector contracted or employed by the Town to review the construction activity and assure compliance with the Town's rules and regulations. DPW personnel must be in attendance for any sewer, drainage and water infrastructure and appurtenance work in the Town rights of way and on the project site. In addition, the following must be addressed to the satisfaction of the Town Sewer Division prior to the commencement of construction:

- a. Confirmation that newly constructed manholes shall be furnished with watertight covers and frames bolted down with a gasket.
 - b. Confirmation that newly constructed manhole structures shall be vacuum tested paid for by the Applicant. The test must also be witnessed by the Sewer Division and/or by the town's approved independent inspector.
 - c. Confirmation that newly constructed sewer lines must be pressure tested in accordance with Town test standards and the test must be witnessed by the Sewer Division and/or by the Town's approved independent inspector.
 - d. A street opening permit for the sewer line shall be obtained; police details, if required for traffic management and safety, shall be provided through the Scituate Police Department and shall be the responsibility of the contractor.
 - e. Sewer permits are required for the buildings. Any building with a sewer unit that hasn't received a betterment will owe a \$16,000 connection fee per sewer unit.
 - f. External cleanouts and viewports: Each building line shall have an external cleanout.
 - g. The privately constructed sewer infrastructure will be owned and shall be maintained at all times by the Applicant. The sewer line from the property line in is owned by the property owner.
30. The building, parking, walkways and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities if applicable.
 31. No increase in perpetuity of impervious surface from 42.3% or 12,367 sq. ft. is allowed as the Site Plan represents a reduction from the existing impervious area of 44% and is located in the Zone A of the Water Resource Protection District which limits development to 20% impervious.
 32. The Applicant shall ensure that signs, landscaping and other features located within the sight triangle areas of the Project site driveways and the intersection of Old Country Way, are designed, installed and maintained so as not to impede lines of sight. (2.5 feet in height)
 33. 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.
 34. 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 Country Way exceed 3.5 feet in height or that would otherwise inhibit sight lines.
 35. 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. Deicing and sanding agents can only be stored on site if they are covered or contained.

36. Trash management shall be internal to each building. No dumpster is proposed. Any use of a dumpster in the future requires Planning Board approval.
37. All electrical, telephone, cable and similar utilities shall be located underground.
38. Except for the Town-owned segments of the sewer and water line from the property line outward, all utilities including but not limited to the stormwater drainage system and 24" concrete pipe culvert shall be maintained by the Applicant according to the Operation and Maintenance Manual revised dated 8/4/2022 by Grady Consulting, L.L.C. and the Long-Term Pollution Prevention Plan revised dated 8/4/2022 which are attached to this decision.
39. The Operation and Maintenance Plan and Long-Term Pollution Prevention Plan shall be provided to all property owners and all occupants of the property as conditions of their ownership agreements.
40. The Operation and Maintenance Plan and Long-Term Pollution Prevention Plan must be revised and resubmitted prior to endorsement to restrict salt for deicing and restrict pesticide and fertilizer use to none on site and to have no vehicle washing on site.
41. If the drainage system is not performing as designed and conditioned or stormwater is observed going to abutting properties or to the street, the Stormwater Authority can request necessary mitigation to remedy the situation. This condition applies to all construction activities and survives the issuance of a Certificate of Completion.
42. No separate Stormwater Permit is required as long as the site is built according to the approved plans and stormwater calculations.
43. The bicycle rack area shall be a crushed stone area for the full area of the rack and where bicycles park.

Affordability

44. All affordable units shall meet the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiative Program ("LIP").
45. According to Section 754 of the Zoning Bylaw, one (1) affordable unit is required for 6-10 units with no density bonus. One (1) affordable unit is proposed. The unit shall be distributed among the proposed housing units. The affordable units shall be designed so the exterior appearance is comparable in general design and appearance of the market rate units.
46. The affordable unit shall be constructed simultaneously as the market rate units. A final Certificate of Occupancy will not be issued for any residential dwelling building without the affordable unit being ready for occupancy.
47. The Applicant shall be responsible for preparation of a LIP Local Action Units application for the affordable unit to be submitted to DHCD by the municipality (chief elected official). Forms and assistance will be available from the Planning Department. All deed restrictions shall be in force in perpetuity. Compliance with the LIP program must be presented to the town Planner prior to the first occupancy permit.

Erosion Control and Phasing

48. An Erosion Control Plan with preliminary sequence of construction has been provided. The plan shall be updated and provided to the Board prior to scheduling the pre-construction meeting and prior to commencement of construction. The plan shall comply with the Wetlands Protection Act

and Order of Conditions for the project.

49. Stockpiles must be located outside of the 100-foot buffer zone of wetland resource areas and be protected with erosion control.
50. Stockpiles shall be located as shown on the plans and must be protected with erosion controls including but not limited to silt socks and temporary seeding.
51. The Applicant has indicated that the Project may be phased and construction of its two (2) buildings may be done at separate times. Completion of the buildings may occur at different times and the Applicant may seek a certificate of occupancy for each building upon its completion if it will not impact construction activities which shall be determined at the time of application for a certificate of occupancy. 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 pre-construction conference.

Environmental Conditions: Noise and Dust

52. 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.
53. 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.
54. The Applicant shall not operate any concrete crushing machinery on the project site.

Landscaping, Site Amenities and Public Realm Improvement:

55. The Applicant shall obtain the approval of the Planning Board through the Town Planner for any changes to the proposed plans. The Town Planner or the Board's inspector shall have the right to approve minor changes or deviations from the approved plans and/or any details needed for lighting, signage, paving materials, fencing or landscaping. Material selection shall be provided to the Town Planner for review for conformance to approved plans prior to installation.
56. A separate sign permit shall be required from the Building Department for any free-standing signs, unless otherwise exempted under the Zoning Bylaws. Signs shall be fully located on the Applicant's property and shall not block sight lines for traffic entry/egress from the site.
57. All proposed lawns and swale areas shall have a minimum of 6" of clean screened loam.
58. The Applicant has agreed contribute the sum of \$ 10,000.00 as previously agreed to in the Mixed-Use Special Permit to fund improvements in the Greenbush-Driftway area as approved by the Planning Board. 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 to be approved by the Planning Board and Town Planner.

Architecture/Design:

59. The building shall be constructed in accordance with the architectural elevations and plans submitted for the Project. The quality of materials, construction and colors shall not

substantially deviate from those as shown on the elevations and discussed during the public hearing without the review and approval of the Planning Board.

60. The final building plans, stamped by a registered architect, shall be provided to the Planning Department prior to scheduling the pre-construction conference for review for consistency with the elevations and renderings described in Condition 1. If the plans appear inconsistent, approval by the Planning Board will be required.
61. A certification shall be provided to the Town Planner by the architect prior to a Certificate of Occupancy that the building as constructed is in substantial compliance with the approved plans.

Required Prior to Scheduling the Pre-Construction Conference

62. The Applicant shall provide draft condominium trust documents and master deed to include the proposed owners of the units in the residential buildings. Pursuant to G.L. Ch.183 A, the Condominium Master Deed and Condominium Trust document must be recorded prior to any use of the units that comprise the condominium. The Condominium Master Deed and trust documents, in their final form, shall include:
 - a. A statement that the driveway, parking areas, drainage system, sewer, landscaping, 24' concrete pipe culvert and other common areas shall be owned by the Applicant or the future unit owner's organization (herein after the "Condominium Association") and shall be maintained by the Applicant and Condominium Association and shall not be the responsibility of the Town to maintain. The driveway, drainage system, landscaping, lighting, stormwater leaching system and other common areas shall be inspected, maintained and repaired by the Applicant or the Condominium Association. This shall also be stated in a note added to the plans prior to endorsement.
 - b. A requirement that: i) maintenance of the drainage system, parking, driveways, 24" concrete pipe culvert 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, landscaping, lighting and other common amenities.
 - c. A table of the number and general location of parking spaces assigned to each unit.
 - d. The Operation and Maintenance Plan shall be provided to the Planning Board as a stand-alone document.
 - e. A requirement that after the Applicant completes the construction of all the units and the units receive final occupancy certificates and the Condominium Association shall maintain an account always containing a reserve equal to one year's cost for maintenance. A contractor's estimate of this maintenance and proof of the available funds in the account shall be provided to the Planning Board with the agreement and annually on January 31 of every year.
 - f. A requirement that the Condominium Association notify the Planning Board of the name, address, phone number and email of the trustees within fourteen (14) calendar days of their election and to provide an annual report of the maintenance activities to the Planning Office by January 31 of every year.
 - g. A requirement that the Applicant notify contractors, builders and real estate agents that membership in a Condominium Association is required along with parking available to each

unit are required to be disclosed to all prospective buyers. Copies of the Condominium Master Deed and Condominium Association documents shall be provided to prospective buyers and owners. Proof of owner receipt must be provided to the Planning Board within 72 hours of the sale.

63. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
- a. Copies of the recorded site plan review and special permit and plans;
 - b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum, inspections of Subdivision Rules and Regulations Section 9.0, for the driveway, parking areas, walks, patios and stormwater management systems, water system, municipal sewage connection and sanitary sewerage line, new curbing and erosion and dust control measures, as well as any specific requirements contained herein which may require review and/or inspections by the Town. The specific amount shall be provided by the Planning Dept. based on the consulting engineer's estimate, shall be subject to amendment from time to time and shall be supplemented by the Applicant as requested by the Planning Dept.;
 - c. A construction schedule including approximate dates for installation of erosion control and other site protection/stabilization, construction of the building, and all applicable items in Subdivision Rules and Regulations Section 9.0; and
 - d. A type and amount of security provided by the Applicant reasonably satisfactory to the Planning Board to cover the satisfactory completion of site and infrastructure features shown on the site plan including landscaping, parking, drainage, signs, lighting and related conditions imposed by the Board. The amount shall be based on the Applicant's contractor's estimate of costs of these items, reviewed by the Town's consulting engineer and shall be approved by the Planning Board prior to the preconstruction conference.

Required Prior to the Start of Construction

64. Within two calendar weeks prior to the Applicant's notification to the Town Planner that it intends to commence any work on the project site, a pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, the Town Engineer and other DPW representatives as necessary, the Police Department, the Planning Board's consulting engineer and other representatives of the Town as the Board feels are necessary. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board, DPW and Police Department. At least one telephone contact shall be available 24 hours per day in the event of an emergency.
65. The property lines of the subject Property shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of three business days prior to the start of construction. The property line shall be staked or pinned at all times during construction.
66. A stabilized construction entrance and silt fence/sock must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing. Construction fencing shall be required as necessary to comply with federal, state and local laws.

Required During Construction

67. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturday and shall cease no later than 7:00 PM or dusk whichever is earlier. No construction shall take place on Sundays or legal state or federal holidays.
68. The Board reserves the right to require the consulting engineer to visit the site weekly or as often as necessary during construction to observe and report on matters within the scope of the Planning Board's authority.
69. 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.
70. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
71. No sediment (including silty water) shall be allowed to leave the site during construction.
72. No parking or unloading on Old Country Way shall be permitted during construction unless approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access.
73. The Applicant shall notify the Scituate Police Department 48 hours in advance of any significant equipment and construction material arrival to the site which may cause a safety hazard or material disruption of the public way such that a police detail is necessary to ensure safe passage. Any Police detail required is at the expense of the Applicant and is required when the Police Department determines it is necessary.
74. 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 Old Country Way.
75. The Applicant shall provide the Town with the route(s) construction traffic will use so that if a safety hazard or material disruption of the public way impedes safe passage, a police detail would be obtained by the Applicant at its expense.
76. 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.
77. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant may be available at the water treatment plant for construction use during non-water ban times.
78. In an effort to reduce noise levels, the Applicant shall keep all equipment that emanates sounds from the structures or site in proper working order through regular maintenance.
79. 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

80. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the driveway, parking areas, and installation of necessary utilities is in full compliance with the approved plans and the site plan review and special permit.

81. Prior to application for a Certificate of Occupancy, a copy of the contract for inspections and maintenance of the Stormwater System per the Operation and Maintenance Plan shall be provided to the Planning Office.
- ~~82. Permanent signs indicating the prohibited uses and requirements for handling of hazardous materials shall be installed in each commercial unit in a prominent location prior to obtaining a Certificate of Occupancy. Yearly verification of signage shall be submitted. Signage shall be submitted for review and approval by the Town Planner.~~
83. Following review and approval by the Planning Board, the Condominium Master Deed and Condominium Association Documents shall be recorded at the Registry of Deeds prior to the Building Department's issuance of any Occupancy Permits. Proof of Recording must be provided to the Planning Board.
84. Prior to applying for an Occupancy Permit, the Applicant shall provide:
- a. A copy of an executed regulatory agreement between the developer, municipality and DHCD to insure long-term affordability.
 - b. The proposed sale price of the affordable unit and estimated condominium fee;
 - c. A draft deed restriction to restrict the subsequent price of the condominium to 80% of the area mean income according to the Department of Housing and Community Development (DHCD) in perpetuity. The draft deed restriction shall be approved by town Counsel and proof of recording provided to the Planning Board prior to the issuance of the Occupancy Permit for an affordable unit;
 - d. A plan showing the location of the affordable unit for the Building and Planning Departments;
 - e. The name and contact information for agencies, companies or individuals who will conduct marketing, hold the lottery and perform the monitoring;
 - f. A draft affirmative marketing plan meeting the guidelines for approval of DHCD. The marketing Plan must affirmatively provide outreach to area minority communities to notify them of the availability of the unit and must demonstrate the need for local preference as well as insure there will be no discriminatory impacts as a result of using local preference criteria. If the plan does not meet DHCD requirements for inclusion of the unit on the Subsidized Housing Inventory, revisions will be required prior to *issuance of* an Occupancy permit.
 - g. Any changes to the affordability documents must be approved by the Town Planner.

Administration

85. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
86. This Site Plan Review and Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 120 days of expiration of the appeal period or such extension of that time period 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.
87. 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.

88. 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.
89. All plan sheets of the Site Plan Review and VCN Special Permit shall be recorded at the Registry of Deeds.
90. All construction work shall be done in accordance with the plans. Failure to comply with any condition of this permit shall cause it to be deemed invalid.
91. Any condition contained herein that varies from the plan supersedes the plan where different.

Mr. Pritchard seconded the motion for discussion;

A condition about low reflectivity glass is to be added.

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

Ms. Lambert moved to close the public hearing. Mr. Bornstein seconded the motion; the vote was unanimously in favor.

**Continued - Public Hearing and Public Meeting – Stormwater Permit and Site Plan
Administrative Review – 109 Elm Street Lots 1 & 2 (aka 115 & 111 Elm Street)
Assessor's Map/Block/Lot 44-2-18
Applicant/Owner: Mark Richardson**

Documents

- PDF 20-289-115 & 111 Elm Street – Common Driveway – 8.22.22
- PDF 20-289-115 & 111 Elm Street – Response to Peer Review Comments 8.22.22
- PDF 20-289-115- & 111 Elm Street – SW Site Plan - 8.22.22
- PDF 20-289-115 & 111 Elm Street – SWP-8.22.22
- PDF 220826 – 3rd Peer Review -109 ElmStreet
- PDF Groundwater Certifications Lot 1 and Lot 2 Elm Street
- PDF Post Construction - O & M Rev 9.2.22
- Doc Motion CD-SPAR-SW 115 Elm Street Lot 1 and 111 Elm Street

Attendees: Greg Morse, Engineer; Mark Richardson, Owner

Ms. Lambert indicated that Mr. MacLean filed a Mullen Certificate.

Ms. Joseph said revised plans had been submitted and reviewed by the consulting engineer and she believes it is time for a decision for the site plan review for common driveway and stormwater permit.

Mr. Morse said they have made the changes that were requested and believes they are all set to close.

Motion:

Mr. MacLean moved to make the following Findings of Fact:

1. Mark Richardson (the “Applicant”) filed an application for a Site Plan Administrative Review for a Common Driveway less than 500 feet long to serve two lots with adjoining legal frontage and a Stormwater Permit for Lots 1 and 2 Elm Street known as Assessor’s Map/Block/Lot 44-2-18 portion of (the “Property”) with the Town Clerk on August 10, 2022. The Applicant’s deed is recorded with the Plymouth County Registry of Deeds at Book 52168, p. 1.
2. One Common Driveway is proposed (the “Common Driveway”). According to the revised plan dated August 22, 2022 which measures the drive from the property line, the length of it is 150’. It serves 2 lots with adjoining legal frontage.
3. Lot 1 Elm Street contains 20,001 sq. ft. of land of which all of it is upland. Lot 2 Elm Street contains 44,751 sq. ft. of land of which 40,221 sq. ft. is upland and 4,530 sq. ft. is wetland according to the Common Driveway Plan. The lots are in the Residence R-2 Zoning District. The lots are in the Water Resource Protection District (WRPD) and a portion of Lot 2 is also in Zone A, but this is not within the development area. The Planning Board endorsed a Form A Plan creating lots 1 and 2 on March 24, 2022.
4. Both lots are in the Water Resource Protection District. The zoning bylaw establishes a Water Resource Protection District “to include areas significant to the Town’s drinking water supply source which require zoning protection.” The Water Resource Protection District requires “all runoff from impervious surfaces to be recharged on the site, diverted toward areas covered with vegetation from surface infiltration to the extent possible or as otherwise directed from the Scituate DPW and Scituate Conservation Commission.” The first inch of runoff is recharged on Lot 1 and 2 for the rooftop runoff. The proposed stormwater management practices do not discharge into the Zone A, but do discharge into the WRPD.
5. The zoning bylaw prohibits rendering impervious any lot/parcel more than 15% or 2,500 sq. ft., whichever is greater, unless a system of artificial recharge is provided that will not result in degradation of water quality. This is further restricted in the Zone A to no more than 20% with artificial recharge. Lot 1 shows greater than 15% impervious with 16.1% of the total lot area. This is below the 20% maximum. Lot 2 is below the 15% impervious at 13.8% and is below the 20% maximum. Engineering certifications dated August 31, 2022 have been provided by engineer Gregory J. Morse, P.E. indicating water quality will not be degraded.
6. Under the Stormwater bylaw, Section 32050 of the General Bylaws, all development and redevelopment projects that will disturb over 15,000 sq. ft. of land in a Residential zoning district, render 25% or more of an undeveloped lot impervious or increase the impervious area of a developed lot by 25% or more, even if it is conducted over separate phases and/or by separate owners requires a Stormwater Permit. The proposed total impervious area of Lot 1 and 2 is 9,407 sq. ft. (as indicated in the application). There is 806 sq. ft. of existing impervious area on Lot 2 thus there is an increase of 1,067% according to the application. The proposed area of disturbance for re-grading or clearing is 30,500 sq. ft. according to the application or approximately 47% of the two lots combined. Disturbance was calculated as approximately 42,600 from our peer review engineer which is approximately 66% of the two sites combined. 90% TSS removal has been provided and adequate recharge has been provided.
7. The standards of the Common Driveway indicate that the location and construction of the Common Driveway should minimize soil disturbance, vegetation removal, and drainage

impacts, and preserve existing trees over 12" caliper and other natural features of special significance. The plan shows soil disturbance and vegetation removal for constructing the common driveway, its' drainage systems, and two single family dwellings, and two septic systems. Fill is needed to construct the site. Fill will be brought in to construct the two lots as shown. No trees over 12" caliper must be removed for the Common Driveway. The proposed stormwater management system has been reviewed by the Town's consulting engineer, Horsley Witten Group whose comments indicate the stormwater system is adequately addressed. Based on the Findings of Fact presented in numbers 1-7, the Common Driveway meets the standards of Section 720.7A

8. The Common Driveway is 16 feet in width for 107 feet, just past the separate driveway for Lot 1. The driveway has been widened to 20 feet up to the Lot 2 house. The Common Driveway Section includes two-foot grass shoulders on each side. The Fire Department has indicated that the width is acceptable to service two lots. The Common Driveway meets the requirements of Section 720.7B.
9. The Common Driveway is accessed from Elm Street, a public road in Scituate. The common driveway is not connected to any other common driveway. The Common Driveway meets the requirements of Section 720.7 C.
10. The Common driveway shall be located in an easement which allows space for installation of water lines and utilities. The water line, electric line and gas lines are shown to be in the common driveway for Lot 2. Lot 1 gas, water and electric lines are proposed to come directly from Elm Street. Utilities are shown as underground utilities. The common driveway **meets** the requirements of Section 720.7 D.
11. The Common Driveway cross section shows a top course of 1 ½" of bituminous concrete top course Type I-1 over a 1 ½ bituminous binder Type I-1 over a 12" processed gravel base Type C borrow per Mass Dot Spec. M1.03.1. Frost free subgrade shall be provided between the base and parent material. The common driveway meets the requirements of Section 720.7 E.
12. The Common Driveway is approximately 150' long measured from the property line to Sta 1+ 50, a location approximately 30' beyond the driveway for Lot 1. This is less than 1000 feet and meets the requirements of Section 720.7 F.
13. A Stormwater Permit has been filed simultaneously with the Common Driveway Permit. The plan indicates there is no increase in rate or volume of stormwater to abutting properties. The site is in the Water Resource Protection District, so the Board must review the adequacy of measures proposed to maximize recharge and surface infiltration of surface runoff from impervious surfaces and the diversion of runoff toward vegetated areas. The Applicant has stamped and certified there will be no increase in rate or volume of runoff to abutting properties for the 1, 2, 10 and 100 year 24-hour storm events. Horsley Witten Group has indicated the stormwater management system should work and runoff draining to abutting properties shall not exceed that which existed prior to construction of the Common Driveway and Lots 1 and 2. The common driveway meets the requirements of Section 720.7 G. A drainage swale collects stormwater runoff from the common driveway and directs it to the raingarden on Lot 1. As the site is in the Water Resource Protection District, infiltration of surface runoff is maximized by underground infiltration chambers for the entire roof area of Lot 1 and 2.
14. No impervious areas are located above the major components of the proposed septic systems. The Common Driveway meets the requirements of Section 720.7 H. as no impervious areas

are above the proposed septic systems. The proposed septic systems will meet all Board of Health requirements. The standards of review for Section 770.6 D. have been met.

15. The Common Driveway will be buffered by a proposed vegetation screen from the adjacent single-family house at 109 Elm Street. The Common Driveway Plan shows 13 evergreen plantings along the easterly edge of the common driveway. This should buffer the adjacent single-family home and not interfere with sight distance. The common driveway **meets** the requirement of Section 720.7 I. for screening and reducing visual impacts.
16. A turnaround for emergency vehicles shall be provided with a minimum length of 30' and width of 20' in locations approved by the Fire Chief. The Scituate Deputy Fire Chief indicated there was no issue with the turnaround. The Common Driveway meets the requirements of Section 720.7 J.
17. The Common Driveway Plan 115 and 111 Elm Street (Lots 1 & 2) in Scituate MA dated August 22, 2022 shows the stopping sight distance requirements at the Common Driveway entrance have been met for the posted speed limit of 25 mph and American Association of State Highway and Transportation Officials (AASHTO) standards are met. The common driveway **meets** the requirements of Section 720.7 K.
18. Lot width for lots served by a Common Driveway may be measured parallel to the Common Driveway, except in the case of fifty-foot frontage lots. The lot width of Lot 1 is specified as 145.4' and is measured parallel to the common driveway. Lot 2 is a 50-foot frontage lot and the lot width of 136.5 is not measured parallel to the common driveway. The common driveway meets the requirements of requirements of Section 720.7 L.
19. Based on these findings and information submitted by the applicant and reviewed by the Board, the Common Driveway **meets** the requirements of Section 720 of the Scituate Zoning Bylaw.

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

Based upon the testimony presented at the Public meetings and public hearing, application and plans, minutes of the meetings, documents and comments submitted and the Findings of Fact, I move to approve the Site Plan Administrative Review for a Common Driveway and Stormwater Permit at 115 Elm Street Lot 1 and 111 Elm Street Lot 2 subject to the following conditions:

1. The Common Driveway and Lot 1 and 2 shall be constructed according to plans entitled Common Driveway Plan 115 and 111 Elm Street (Lots 1 & 2) in Scituate, MA dated August 22, 2022 consisting of 2 sheets prepared for applicant Mark Richardson by Morse Engineering Co., Inc.; Stormwater Site Plan 115 and 111 Elm Street (Lots 1 & 2) dated 6/30/2022 with revisions through 8/22/2022 by Morse Engineering Co., Inc.; Stormwater Permit Application for proposed New Single Family Dwellings 115 and 111 Elm Street (Lots 1 & 2) dated July 1, 2022 with revisions through August 5, 2022 inclusive of all information including calculations, operation and maintenance information, Cultec stormwater chamber information ; all cover letters with submittals and as further revised to meet these conditions. A copy of the approved plans and conditions shall be kept on the site at all times during construction.
2. 115 Elm Street (Lot 1) and 111 Elm Street (Lot 2) shall access over the Common Driveway as depicted on the plans. No further extensions or attachments of any other roadways or Common Driveways, or other access to any other lots besides those created by the plan shall be permitted without the approval of the Planning Board. The Common Driveway shall remain private in

perpetuity and shall never be considered for acceptance as a Town road and that all maintenance and repair of the Common Driveway and drainage facilities shall be the responsibility of the owners of the property. A note shall be placed on the plan and deed for each lot serviced by the Common Driveway stating the above with proof provided to the Planning Board prior to occupancy of the first unit.

3. The Applicant shall mean the current applicant and all its successors in interest. This Common Driveway Permit and stormwater permit shall lapse within two years from the date of its issuance, which shall not include such time required to pursue or await the determination of appeal under Mass General Laws Chapter 40A, from the grant thereof unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9. The Planning Board may extend such period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which shall provide a detailed description of good cause necessitating an extension. The Planning Board office must receive written notification at least one week prior to any change of ownership of the property occurring during construction.
4. Copies of this approval including the plans and Common Driveway Easement shall be provided to subsequent owners who shall be advised of the need for maintenance of the Stormwater System per the Operation and Maintenance Plan and the need to retain the grading on the lot as approved. Prior to the transfer of the property, the owner shall provide to the subsequent owner and the Planning Office an inspection report certified by a professional engineer showing compliance with the Operation and Maintenance Plan. The Planning Office must receive written notification within one week of any change in ownership of the property during construction.
5. There shall be no further division or subdivision of any lot shown on the plan for purposes of constructing additional units or buildings; there shall be no further expansion of any building or impervious surface on the site; no additional dwelling units shall be added; no additional expansion of the limit of work is allowed without further approval of the Scituate Planning Board.
6. The Applicant shall consent to allow members and Town officials from the Planning Board and other persons acting under the Planning Board or its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their effort to verify that the layout, design and construction work are satisfactory and conform to Town specifications and requirements of the Board.
7. Prior to the pre-construction conference, the applicant must obtain all necessary approvals and meet all requirements from the Board of Health (BOH), Conservation Commission, Fire Department, Building Department and Department of Public Works (DPW), and these shall be deemed conditions of the Planning Board approval. Any state and federal permits must be obtained if required and supplied to the Planning Board Office prior to scheduling the preconstruction conference and are also deemed to be conditions of the Planning Board approval. This includes a NPDES Permit.
8. Construction shall meet all requirements of the Scituate Zoning Bylaw. All contractors are responsible for all conditions shown on the plans and in the written decision.

9. No new in ground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water. In accordance with this policy rule, all irrigation systems installed in Scituate must be supplied by on-site sources at the expense of the property owner. Fines for violating this rule may be levied on the homeowner as well as the system installer.
10. The septic systems shall meet all the requirements of Title V and 310 CMR 22 including a reserve area. Any changes to the plan necessitated by compliance with any BOH provision, requires notification of the Town Planner to determine if the change is significant and requires further input from the Planning Board.
11. No work is allowed beyond the limit of work/tree line without approval of the Planning Board. The entire limit of work is to be staked with erosion control during construction. Fines shall be imposed for disturbance beyond the limit of work and any disturbance beyond the limit of work will be subject to full restoration with a restoration plan to be submitted to and approved by the Planning Board.
12. The Post Construction Operation and Maintenance Plan shall be strictly adhered to so that 90% Total Suspended Solid (TSS) removal is achieved at all times. An annual report is to be provided to the Planning Board yearly by June 30 certifying all required maintenance has been completed per the plan.
13. All utilities shall be placed underground.
14. The recharge chambers shall be installed to have the bottom elevation a minimum of three feet above seasonal high groundwater elevations. Stormwater during construction as well as after construction is not allowed to increase in rate or volume to adjacent properties, the street or offsite.
15. A stabilized construction entrance shall be installed prior to any work on the site and shall be maintained throughout construction to prevent dirt tracking onto the road.
16. No sediment (including silty water) shall be allowed to leave the site during construction.
17. A planting plan for the planting screen on the east side of the property shall be provided to the Town Planner for approval prior to a building permit being issued. The 13 plantings shall be evergreen trees of mixed varieties with a minimum height of 6' to provide the intended screening. The plantings shall not interfere with sight distance. No substitutions are allowed without written permission of the Town Planner/Planning Board.
18. The grassed swale on the east side of the common driveway may not be altered in any form without additional permission from the Town Planner/Planning Board. No water shall flow to the adjacent property during construction. The seed mix in the rain garden may not be altered. The Operation and Maintenance Plan includes maintenance of the seed mixes to include manufacturer's recommendations for installation and maintenance of the seed mix.
19. The roof top runoff infiltration chambers, pea stone diaphragm and rain garden and swale must be retained and maintained as designed as they are components of the stormwater system. Maintenance must be per the approved Post Construction Phase Operation and Maintenance

Plan. Proper maintenance of the systems is required beyond the issuance of a Certificate of Completion.

20. Any condition contained herein that varies from the plans supersedes the plan where different.
21. Trees to be protected as shown on the plan must be protected prior to construction. Replacement trees of minimum 4" caliper will be required should these trees die during construction.
22. A sign shall be placed at the entrance of the driveway prior to occupancy clearly depicting house numbers. House numbers must be clearly visible at all times for emergency response purposes.
23. A new Stormwater Application form shall be provided to the Town Planner prior to a building permit to show that land disturbance is more than 30,500 sq. ft. for both lots as both lots are part of a plan of development that is disturbing more than 15,000 sq. ft. of land and does not meet the exempt criteria of landscaping for a single-family home with alteration of less than two feet with maintenance of drainage characteristics.

Common Driveway Agreement

24. A Common Driveway Agreement shall assign to the owners of 115 and 111 Elm Street Lot 1 and 2 the responsibilities and costs of maintenance and repair of the Common Driveway (including snowplowing), as well as the pea stone diaphragm, grassed swale and rain garden, and all other drainage devices, grading and all other improvements for stormwater management in the Common Driveway Easement.

The responsibilities of maintenance in the Common Driveway Agreement shall include all requirements of the Operation & Maintenance Plan, which shall be attached to the Agreement together with other typical maintenance such as snow-plowing and driveway repair.

The agreement shall indicate no parking is allowed in the Common Driveway Easement area and a sign indicating there is no parking must be placed in the easement area.

The Agreement shall require annual certification, to be submitted to the Town Planner by June 30 yearly, by an engineer that the stormwater system is being properly inspected and maintained per the Operation & Maintenance Plan. The Operation & Maintenance Plan shall also be provided to the Planning Board as a stand-alone document.

The standard format from the Planning office shall be used. A final draft of the Agreement shall be provided to the Planning Board within two weeks of the approval of this Site Plan Review and Stormwater Permit. The Agreement shall be recorded at the Registry of Deeds with the Site Plan Review Permit and Stormwater Permit. No preconstruction conference or building permits will issue without a recorded Common Driveway Agreement.

25. Any plan changes or changes from the proposed materials shall be submitted to the Planning Office to determine if the changes are insignificant or require a permit modification approved by the Board or Town Planner. The stormwater management system including all recharge chambers and components of the system, house, driveways, grading and site amenity locations shall not be changed or expanded without prior written approval of the issuing authority.

Expansion includes additional pavement areas. Failure to obtain written approval is a violation of the Town of Scituate Stormwater Bylaw and subject to fines.

26. The use of pesticides and fertilizers shall be strictly prohibited.

Construction

27. A pre-construction conference will be required prior to the start of construction including the Planning Board's consulting engineer, a representative of DPW, the site design engineer, the owner, the site contractor and the Town Planner.

28. Prior to scheduling the pre-construction conference, the applicant shall provide to the Town Planner:

- a. Record copy of the plan, decision and Common Driveway Agreement at the Plymouth County Registry of Deeds and proof of recording;
- b. An initial deposit with the Town Planner of \$5,000 under G.L. c. 44 s 53G to secure construction review and inspections by the Town of Scituate consulting engineer. The deposit shall be applied toward the cost of construction inspections for the common driveway and stormwater improvements. The specific amount provided to the Planning Department shall be based on the consulting engineer's estimate and shall be subject to amendment from time to time and be supplemented by the Applicant as requested;
- c. The Applicant shall provide surety for \$10,000 in a form acceptable to the Planning Board prior to beginning construction of the Common Driveway to guarantee completion of the common driveway(s), the drainage system(s), site work, landscaping and clean-up of the site and compliance with the stormwater plan and conditions. After the Town Planner has inspected the site and found grading, loaming and seeding, clean-up of earth materials and construction debris to be complete along with the as-built approved and a Certificate of Completion issued, these funds shall be returned to the applicant. and
- d. A schedule of construction activities including approximate dates for installation of erosion control and other site stabilization features for all phases of the project and all applicable items in the Subdivision Rules and Regulations 9.1.3 shall be given to the Town Planner and the Applicant shall provide funds to cover the cost of inspections and attendance at the pre-construction conference by the Town's consulting engineer. Temporary drainage measures shall be provided onsite in the initial phase of construction prior to house construction.

29. The Town Planner is to be notified when construction begins and when construction is completed.

30. Prior to scheduling the preconstruction conference, the Applicant shall provide the Town Planner with permits from the Scituate DPW for street openings and a curb cut. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Any upgrades, modifications, or connections shall be at the Applicant's expense. The consulting engineer along with the Town shall review the construction activity to assure compliance with the Town's rules and regulations.

31. The property line and boundary of the limit of clearing shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting

Engineer a minimum of five days prior to the start of construction. The property line and limit of clearing shall remain staked in the field throughout construction.

32. All clearing and earth moving operations shall only occur while erosion and sedimentation control measures, approved by the Town Planner and shown on the plan are in place. Such control measures shall remain in place until the Town Planner determines that the danger of erosion or sedimentation no longer exists.
33. Any proposed changes in grading and drainage from the approved plan must be reviewed by the Town Planner and Town's consulting engineer to determine if they are materially significant. The Applicant's Engineer shall certify that such changes shall result in no impact on the drainage system and shall not increase runoff onto Country Way, abutting lots, or the rate and volume of the post condition from the predevelopment condition.
34. All proposed lawns and swale area shall have a minimum of 6" of clean screened loam.
35. There shall be no flow to the subsurface systems until the tributary area is stabilized.
36. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant may be available at the water treatment plant for construction use if water supply allows and permission is obtained from DPW.
37. The inspections for this development will be done in accordance with Section 9.1.3 of the Town of Scituate Subdivision Rules and Regulations as modified in the next sentence. The Town's consulting engineer shall perform these inspections with costs paid by the Applicant. All required inspections shall take place and be inspected by the consulting engineer including water lines (along with DPW). Timely reports shall be submitted to the Planning Board stating results of all required inspections unless more frequent reports are needed. 48 hours minimum advance notice is required for all inspections. All stormwater recharge structures require inspection of the bottom of the excavation by the consulting engineer. SWPPP inspections for the NPDES permit by the applicant must be submitted after every ½" storm.
38. Construction of the Common Driveway, site drainage systems, grading and water system shall be supervised by a registered professional engineer approved by the Planning Board who shall certify in writing to the Planning Board at completion that the driveways, grading, drainage structures and utilities were constructed in accordance with the approved plans. This certification shall be accompanied by as-built plans, signed and stamped by a registered professional land surveyor and the supervising professional engineer. No Certificate of Occupancy shall be issued until the Planning Board is satisfied that access, construction of the driveways, grading, installation of drainage structures and stormwater management features, installation of utilities and site stabilization are in full compliance with the approved plans and permit. The stormwater system must be functioning in accordance with design requirements and the as-built certification must include a statement that any variation in grade is immaterial and does not materially alter the performance of the stormwater system. All grading and landscaping must be submitted prior to the final as-built submittal.
39. Grade stakes shall be provided for inspection of the consulting engineer prior to gravel and shall remain for inspection through final paving installation.

40. Prior to the issuance of an occupancy permit, the Board's Consulting Engineer shall inspect the lots and notify the Board and Building Commissioner that the common driveways, grading drainage, site utilities and stabilization conforms to that shown on the Common Driveway and Stormwater Permit Plan.
41. Construction work shall not begin prior to 7 am on weekdays and 8 am on weekends and shall cease no later than 7 pm or sunset whichever is earlier. No construction is permitted on Sundays and federal and legal state holidays. Construction work includes any operation of machinery and idling of vehicles. The name and phone number of a 24-hour contact shall be provided to the Town Planner, Building Department, Police Department and Department of Public Works to be used in the event of an emergency prior to the preconstruction conference.
42. There shall be no parking, loading or unloading of construction equipment, staging or idling of vehicles on Elm Street or adjacent public roads during construction unless a Police Detail is provided if warranted as determined by the Police Department.
43. Stockpiles shall be located as shown on the plans and must be protected with erosion controls including but not limited to silt socks and temporary seeding.
44. Construction activities shall be conducted in a workman like manner at all times. Noise mitigation and proper dust controls shall be taken so that levels conform to Mass DEP policies. All equipment that emanates sound shall be kept in proper working order through regular maintenance. Street sweeping shall be used to control dust from leaving the site. A wheel wash station may be required to prevent sediment from leaving the site. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down or other proper storage and disposal methods.
45. Construction activities on site shall conform to Town of Scituate General Bylaws.
46. Sight lines on Elm Street shall be maintained per the plans.
47. All construction shall comply with all applicable requirements of the Water Resource Protection District in Section 520 of the Zoning bylaw as applicable. No finished slope shall exceed 4:1 in the WRPD.
48. No Certificate of Occupancy shall be issued until both the Planning Board and Building Commissioner are satisfied that access, construction of the Common Driveway and installation of necessary utilities are in full compliance with the approved plans and the Site Plan Administrative Review.
49. If the drainage system is not performing as designed and conditioned or stormwater is observed going to abutting properties or to the street, the Stormwater Authority can request necessary mitigation to remedy the situation. This condition survives the issuance of a Certificate of Completion.

Administration

50. This Site Plan Review and Stormwater Permit shall run with the land and be void if it is not recorded at the Registry of Deeds within 90 days of the expiration of the appeal period. The Applicant shall provide proof of this recording to the Planning Board prior to construction.

51. Failure to comply with any condition of this permit shall cause it to be deemed invalid.

Mr. Bornstein seconded the motion for discussion;

Mr. Bornstein asked that a condition be added in that...any imported fill be verified as clean fill and uncontaminated and that it be accompanied by proper documentation. He said we have used some standard kind of wording in the past.

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

Minutes **Documents**

- Meeting Minutes 8.25.22

Mr. Bornstein moved to approve the meeting minutes for August 25, 2022.

Ms. Lambert seconded the motion; the vote was unanimously in favor.

Accounting **Documents**

PO #2312055 (\$2,9875.00), PO #2312054 (\$700.00), PO #2312053 (\$525.00), PO #2310251 (\$67.50), PO #2312050 (\$1,170.00), PO #2312049 (\$342.30), PO #2312048 (\$202.50)

Mr. Bornstein moved to approve the requisition of \$2,975.00 to Merrill Corporation for peer review services for 20 Mann Hill Road, for \$700.00 to Merrill Corporation for peer review services for Sky Sail/The Residence at Driftway Place/Drew, for \$525.00 to Merrill Corporation for peer review services for 5 Cold Brook Circle, for \$67.50 to Chessia Consulting for peer review services for Residential Compound Country Way, for \$1,170.00 to Chessia Consulting for peer review services for 7 New Driftway, for \$342.30 to Chessia Consulting for peer review services for 48-52 New Driftway/Gas Backwards, for \$202.50 to Chessia Consulting for peer review services for 3 Poplar Ave.

Mr. MacLean seconded the motion; a vote was taken and was unanimously in favor.

Liaison Reports:

No liaison reports.

Ms. Lambert indicated that the ZBA will be hearing 5 Williamsburg Lane at their next meeting.

Ms. Joseph asked if the Board wants to make a comment. She indicated the applicant is trying to obtain a variance for disturbance that is within 50' of a tributary. The Board asked under what grounds would a variance be granted. The applicant has applied to the ZBA. Ms. Joseph said it is the same tributary as 305 Country Way; the DEP determined it was a tributary and therefore that development had to meet the requirements with respect to the 150'. The applicant is requesting a variance in order to build a single-family house. Ms. Lambert said this is the same tributary for White Ash Farm and that applicant had to abide by the buffer requirements.

The Board directed Ms. Joseph to write a letter to the ZBA expressing the Board is not in favor of granting a variance and does not see why it should be granted.

Planning and Development – reported by Ms. Joseph:

- Moderator's meeting is Tuesday
- Town Meeting is Monday September 19, 2022
 - Mr. Pritchard and Mr. MacLean will both miss town meeting
- Issuing Stormwater Permit for 5 Cold Brook
- MBTA Communities
 - Final regulations came out in August
 - Compliance model will be available in November
 - Action Plan deadline is due 1.31.23
 - Attended webinar today
 - Will submit what we have once the compliance model is available
- Had preconstruction meeting for 533 Country Way
 - Will not disturb the right of way this year
 - Sedimentation sump will be moved to the top of the hill in between the infiltration system and the property line
- Future meetings
 - No meeting Thanksgiving week, will meet the week prior November 17th
 - December meetings currently December 8th and 15th
- 48-52 New Driftway – Gas Station
 - Edge of patio called for fencing
 - Applicant is proposing guard rail instead like other side of driveway entrance
 - Liability is on the applicant
- Parking
 - Valet parking- Bylaw does not state if valet parking is off-site although “valet” implies off-site
 - Should off-site parking just be allowed for only for employees
 - Does the Board want to change the Bylaw
 - Bylaw is vague and should it be clarified
 - Planning Board can allow off-site parking for employees should the word “employees” be struck
 - Implication that valet parking could be set up and all cars could be moved to Cole Parkway.
 - Does the Board think “valet parking” is off-site or should it be clarified
 - Valet parking - is associated with driving up to the front door and someone taking the keys and parking in a different location.
 - Need to consider if there would be traffic problems
- Comments on the Common Driveway Bylaw needed

Documents

- Email to the Board from Shari Young dated 9.2.22 with the agenda for 9.8.22
- Email to the Board from Karen Joseph dated 9.2.22 with meeting materials for 14-16 Old Country Way, 111 & 115 Elm Street, Sky Sail/Drew, and Central Field.
- Email to the Board from Shari Young dated 9.6.22 with DRAFT minutes for 8.25.22.

These items were distributed to the Board electronically.

Mr. MacLean moved to adjourn the meeting at 9:30 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Clerk
Date Approved: September 22, 2022