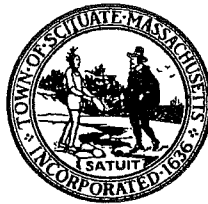


TOWN OF SCITUATE
TOWN CLERK

2018 OCT 15 PM 3:12

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600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
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Planning Board

October 15, 2018

Ms. Kathleen Gardner
Town Clerk
Town of Scituate

Re: CERTIFICATE OF ACTION
Site Plan Administrative Review Common Driveway
92 Neal Gate Street
Applicant/Owner: Gregory P. & Wendy S. Sears
Decision: Approved with conditions

Dear Ms. Gardner:

At their regularly scheduled meeting of October 11, 2018, the Planning Board discussed the Site Plan Administrative Review under Scituate Zoning Bylaw Section 720 for a Common Driveway of less than 500' in length serving two lots with adjoining frontage for a driveway of approximately 161 feet proposed to serve two homes at 92 Neal Gate Street for applicant Gregory P and Wendy S Sears. The members present and voting were Ann Burbine, Stephen Pritchard, Patricia Lambert, William Limbacher and Benjamin Bornstein. The following motion was voted favorably with a unanimous vote of the members present:

MOTION: Based on the Site Plan entitled Common Driveway Plan in Scituate, MA showing a Division of Parcels 57-1-3 and 57-1-6 revised dated September 28, 2018 by Stenbeck and Taylor, the comments, reports and testimony provided, the Planning Board opines that the requirements of the Town of Scituate Zoning Bylaw Section 770.6, Site Plan Standards of Review have been met to a

degree consistent with the use of the site for the purpose permitted in the regulations of the district in which the land is located and to approve the Site Plan Administrative Review for a Common Driveway for 92 Neal Gate Street Parcels 57-1-3 and 57-1-6 with the following conditions:

1. All site work shall be in substantial conformance with a plan entitled Common Driveway Plan in the Town of Scituate, Massachusetts Showing a division of Parcels 57-1-3 and 57-1-6 92 Neal Gate Street by Stenbeck and Taylor, Inc. revised dated 9/28/18 Sheet 1 of 4, Sheet 2 of 4, Sheet 3 of 4 and Sheet 4 of 4 except as may be modified to meet the conditions below.
2. Documentation should be provided that the deed for each lot served by the common driveway include a restrictive covenant stating that the common driveway 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 common driveway.
3. A preconstruction conference is required prior to starting construction. The applicant will provide a deposit of \$5,000 prior to the pre-construction conference to guarantee cleanup of the site and providing an as-built plan showing the common driveway, its easement and the site grading and amenities.
4. The Homeowners of the properties serviced by the common driveway shall be responsible for the maintenance associated with the common driveway and stormwater management system.
5. Additional clarification should be added to the plan to specify the width of the spillway and clarify the contours shown at the basin, adjacent to the driveway.
6. The application has been reviewed for compliance to the Town of Scituate Stormwater Bylaw and Regulations. The engineering review indicated that it was their opinion that the requirements and standards have been met if the plan is constructed as shown.
7. The Town Planner is to be notified upon completion of construction.
8. The Common Driveway is contingent upon the endorsement and recording at the Registry of Deeds of Plymouth, MA of a Form A plan for property at 92 Neal Gate Street, Scituate, MA.
9. The standard conditions for common driveways approved by the Planning Board after a public hearing on December 17, 2015 shall be included as conditions of this decision.

Very truly yours,



Ann Burbine, Chairman

Cc: Planning Board
DPW Director
Building Commissioner
Gregory P. & Wendy S. Sears
Steven M. Guard, Esq.
Terry McGovern, Stenbeck & Taylor

Common Driveway Standard Conditions

12/17/15

1. The lots shown on the plan shall be accessed over a single Common Driveway. 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.
2. Prior to obtaining building permits, the applicant must obtain all necessary approvals from the Board of Health, Conservation Commission, Fire Department, Building Department and Department of Public Works, and these shall be deemed conditions of the Planning Board's approval.
3. All utilities shall be placed underground.
4. 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 this policy, all irrigation systems installed in Scituate must be supplied by on-site sources at the expense of the property owner.
5. The Common Driveway and drainage system shall be owned by the homeowners, and always shall remain private and shall not be maintained by the Town. This condition shall be stated in a note on the plan.
6. The plans for the Common Driveway shall be submitted to the Planning Board for their signature after the expiration of the twenty day appeal period of this special permit. The plans and special permit shall be recorded together at the Plymouth County Registry of Deeds.

Common Driveway Agreement

7. A Common Driveway Agreement shall assign the responsibilities and costs of maintenance and repair of the Common Driveway and emergency turnaround, as well as the stormwater management system serving the common driveway, to the owners of the lots shown on the plan.

A description of other typical maintenance such as snow-plowing, pavement repair or repair, landscaping and protection from erosion shall be included in the Common Driveway Agreement. The homeowners' responsibilities shall include all requirements of the approved Operation & Maintenance Plan for the stormwater management system, which shall be attached to the Agreement.

The Agreement shall require annual certification by an engineer that the stormwater system is being properly inspected and maintained per the Operation & Maintenance Plan.

8. A standard format for the Common Driveway Agreement is available from the Planning office and shall be used. A final draft of the Agreement shall be provided to the Planning Board within two

weeks of the approval of this special permit. The Agreement shall be recorded at the Registry of Deeds.

9. The Operation & Maintenance Plan shall also be provided to the Planning Board as a stand alone document.

Construction

10. Prior to scheduling the pre-construction conference, a schedule of construction activities 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.
11. A pre-construction conference will be required prior to the start of construction including the Planning Board's consulting engineer, the site contractor and the Town Planner.
12. The hours of construction shall be limited to 7 AM to 7 PM weekdays and 8AM to 7PM or sunset, whichever is earlier on Saturdays. No construction is permitted on Sundays or legal federal or state holidays.
13. There shall be no parking or idling of vehicles on the road providing access to the common driveway during construction.
14. Noise mitigation and proper dust controls shall be used, with clean-up of all areas of the site as needed, and there shall be no truck idling on the site or adjacent street.
15. No Certificate of Occupancy shall be issued until 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 special permit.

Inspections

16. The Town Planner is to be notified when construction begins and when construction is completed. 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.
17. Construction of the Common Driveway shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board at completion that the driveway, grading and drainage structures 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 engineer. The costs of this supervision and certification shall be born by the applicant.
18. Inspections will be required for staking of limits of drainage basins and roadway limits prior to clearing and grubbing; grading of drainage basins; placement and compaction of gravel subbase; placement of base/binder; and placement of the top course of the common driveway.

Administration

19. This special permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk or following the resolution of any appeals. The owner shall provide proof of this recording to the Planning Board.
20. This special permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.
21. Failure to comply with any condition of this special permit shall cause it to be deemed invalid.