

TOWN OF SCITUATE
SELECT BOARD



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May 1, 2021

Mr. Michael Busby
Relationship Manager
MassHousing
One Beacon Street
Boston, Massachusetts 02108

Re: Proposed 40B-Cottages at Old Oaken Bucket, Scituate MA

Dear Mr. Busby:

The Scituate Select Board would like to thank you for the opportunity to comment on the Project Eligibility/Site Approval Application for a proposed 34 unit condominium project located at 279 Old Oaken Bucket Road in Scituate. The Town's comments include reviews done by relevant Town Departments. In addition, representatives of the Town have had the opportunity to meet with the prospective developer and walk the site with representatives of MassHousing and the project development team.

The Board has major concerns over the density and location of this development. Should this application be approved, the Board hopes to continue working with the applicant to address the Town's concerns and improve the concept for the site so that the developer's need for a feasible project and the Town's desire to provide affordable housing for its residents can be met to the satisfaction of both parties.

Background

The proposed development for The Cottages at Old Oaken Bucket is a new development that has been presented to the Town. The project would consist of a mixture of two and three bedroom cottage style condominiums on a total site of 11.22 acres, of which approximately 8.74 would be considered buildable upland and the remaining 2.48 acres is wetland. The site currently contains an existing structure that meets the Town of Scituate's definition of an historic structure. Current plans call for incorporating this structure into the new development. Of the proposed 34 units, 9 would be considered affordable under existing state guidelines.

The Town has worked hard to increase the supply of affordable housing in Scituate. Stockbridge Landing, a 40B project originally approved in 2003 is now under construction. This project consists of 68 condominium units of which 7 will be affordable. Approximately 3.5 miles south on Route 3A. Herring Brook Meadow, a 60 unit rental 40B project is also under construction. Both of these are expected to be completed late 2021 or early in 2022. The Town has also permitted and completed the Lawson Green Apartments 40B project that was undertaken in conjunction with the Town of Scituate Housing Authority. 30 age restricted apartments were completed and occupied in February of 2021. The Town has also permitted a project submitted by the Drew Company for a project to be constructed on the MBTA Commuter Rail Lot in the Greenbush section of Scituate. This project will consist of 78 apartments, with 12 being deemed affordable under the Town's Mixed-Use Zoning By-law and they will be Local Action units. Finally, although not an affordable project, Toll Brothers is in the process of constructing 152 age restricted condos on what is known as the Proving Grounds site off Hatherly Road, known as Seaside at Scituate. Again, although not an affordable housing development, it is the Town's considered opinion that older residents of

Scituate will be attracted to this new development, thereby opening their current housing units to new home owners and families.

Utilities

The primary concern surrounding this project is the Town's ability to provide sufficient clean, safe drinking water to this project and the current residents of Scituate. The Town of Scituate regularly institutes water use restrictions starting in May each year. These restrictions are steadily increased as the summer months continue and as available water supply dwindles. As it currently stands, in periods of relatively dry weather, the Town of Scituate *"is currently struggling to meet peak demands in the summer months."* (Sean Anderson, Scituate Water Department Superintendent. Attached #2). The Town has also recently completed an analysis of the Town water system. The study found that with two of our wells currently off-line as we build treatment facilities, *"at current production rates with Wells 17A and 18B offline, restricted capacity from OOB WTP due to existing treatment processes and redundancy, and reduced production rates from other wells due to seasonal (drought) impacts, the Town's supply sources cannot meet maximum day demands."* (See attached #3) At the same time, we are also preparing to meet the state mandate to test for PFAS, the so-called "forever chemical" in our water supply. Although treating for PFAS is a relatively simple process, we would need to take any wells that had a PFAS exceedance off line in order to bring that well(s) into compliance, further straining our already taxed water system.

The project would utilize an on-site septic system for wastewater disposal as there is no connection to the municipal wastewater system available. The primary system is shown to be located within the Central Green area of the project site. The system will need to be reviewed and permitted by the Scituate Board of Health and will need to meet all applicable local, state and federal guidelines.

Planning/Zoning

Mass Housing must find that the conceptual design is appropriate for the site. The application shows approximately 8.74 acres of the 11.22-acre site is buildable with the remainder of the site of approximately 2.48 acres being wetland. The existing wooded area contains a historic duplex house which is hoped to be saved and a single-family dwelling which will be razed. Most of the site will be clear cut for the development with most of the development and buildings within 20 feet of the property line or 25 feet of the bordering vegetated wetlands with no grading shown thus impacts to the site are potentially to the property line and in some cases within feet of the bordering vegetated wetlands. This is suggesting that 34 units are too dense for the site. It is not known at this time the volume of fill material that will be needed to be brought in for the development as the site has a potential high groundwater elevation and stormwater management design must be taken into account. A planted buffer around the project where it abuts adjacent residential development and site boundaries is essential to reduce sound, noise, light and density impacts from the development.

The site is located in the Water Resource Protection District (WRPD) which requires runoff from impervious surfaces to be recharged on-site with rooftop runoff designed to accommodate the first inch of runoff and there is a required three-foot minimum separation between the bottom of infiltration structures and the maximum groundwater level. The WRPD also requires that impervious area is limited to 2,500 sq. ft. or 15% whichever is greater unless a system for artificial recharge is incorporated which will not result in the degradation of water quality. A certification will need to be provided that water quality is not being degraded. These requirements are necessary to protect the Town's groundwater and surface water supplies and are not uneconomical for a development to meet. DEP stormwater standards must be met. The Town of Scituate Stormwater bylaw and its regulations require both rate and volume of runoff not to exceed pre-development conditions. This should be respected as it does not make a project uneconomical. Subsurface stormwater features are proposed with no Low Impact Development features indicated.

The PEA indicates existing water and sewer infrastructure will be used. The Town of Scituate currently has limited water supply to meet peak demands and is uncertain that there will be adequate water to supply the Cottages at Old Oaken Bucket Road project. A new septic system will be needed to meet Title 5 for the site. Additionally, the only open space created or preserved is the new septic system area and the reserve septic area. There is really no other usable open space for the project despite the PEA claiming 51%.

A traffic study will be needed to show safe site access and available sight distance. The entry is proposed at a bend in the road with a hill to the east. The intersection of Maple Street and Old Oaken Bucket has had many accidents over the years and should be included in the traffic study area. Emergency access must be sufficient for the health, safety and welfare of the future occupants and town.

The PEA indicates the development is pedestrian friendly as there are internal walkways. The PEA indicates the proposed site is walkable to public transportation and a transportation corridor. Public transit is located over a mile from the development with no sidewalk on Old Oaken Bucket Road, a scenic road with many stone walls and trees in the right of way of the winding road. It is a stretch to say that the site is walkable to public transit, down town village, schools, library and retail as Old Oaken Bucket Road and Maple Street in Scituate and the adjacent Winter Street in Norwell are scenic roads with stone walls and trees in the public right of way with no sidewalks. It is risky to walk on these streets with no to minimal shoulders. The site does not reduce the dependence on automobiles.

The PEA indicates the development will contribute to the revitalization of the neighborhood. There are already vibrant homes in the neighborhood.

If there are any on-site irrigation systems, they are not allowed to use town water. This needs to be considered in planning landscaped and lawn areas.

The Financials will need review. It is assumed that the cost of earthwork includes on and off-site utilities as well as roads and walks as there is a 0 number for them. The Town has traditionally required peer review during permitting and construction and there appear to be no numbers in the estimate for that.

Conservation

An Area of Resource Area Delineation (ANRAD), DEP #68-2842, for 279 Old Oaken Bucket (the "Site") was reviewed and approved as an Order of Resource Area Delineation (ONRAD) by Scituate Conservation Commission (SSC) on 1/23/2020 for applicant identified as Lovendale LLC of Duxbury, Massachusetts. The ORAD approved "Existing Conditions Plan of Land at 279 Old Oaken Bucket Road, Scituate, MA" revised to January 21, 2020. The site was confirmed to contain Bordering Vegetated Wetlands (BVW) and a top of Inland Bank and an intermittent stream.

Additionally, a Notice of Intent (NOI) for property at 281 Old Oaken Bucket was reviewed and approved as an Order of Conditions (OOC) by the Scituate Conservation Commission on January 11, 2021 for applicant identified as Lovendale LLC of Duxbury, Massachusetts. The Orders approved a temporary crossing for the purpose of perc tests and approved Resource Areas on the site.

The proposed duplex development will require submittal of a Notice of Intent (NOI) and review of the NOI by all applicable state and local agencies under the Massachusetts Wetlands Protection Act (WPA) due to the proposed disturbance within 100' of buffer to BVW.

The review of the NOI by the Massachusetts Department of Protection (MA DEP) and SCC will evaluate whether or not the proposed project meets the interests of the WPA, and may result in approval of the project by an Order of Conditions (OOC) or denied if the project does not meet the WPA and 310 CMR 10.00. The review will include evaluation of the proposed development with respect to the eight interests of the WPA including protection of public and private water supply, protection of groundwater, flood control, storm damage prevention, pollution, and wildlife habitat.

The review of the NOI by SCC will also include a Stormwater Management Standards review per 310 CMR 10.00. The project is required to meet the requirements of the most current DEP Stormwater Handbook in effect at time of submittal of the NOI, and if at all possible, Scituate's Stormwater Bylaw. Most stringent rainfall data should be utilized in design of stormwater infiltration systems. A peer review of the NOI and proposed stormwater design will be performed on behalf of the SCC by a qualified engineering consultant.

Proposed stormwater management details were not included in the project eligibility submittal. Also, the town will be requiring an inspecting engineer as part of the construction to monitor the compliance of the local permits.

The Town of Scituate Wetlands Protection Bylaw and Stormwater Bylaw are more stringent than the WPA. Based on initial representations by the developer, it appears the developer will not be meeting the local no touch buffer setback of 50' and it is unclear at this time what stormwater management systems are proposed and how the designs will comply with Stormwater management standards.

Public Safety

The proposed development will have an impact on the operations of the fire department during the construction process and will continue to create an increased response challenge for fire and EMS services after its construction.

A preliminary review of the site plan indicates a lack of access to the rear of the residential buildings, which is potentially problematic from a fire suppression point of view. Sufficient space around the perimeter of the buildings should be maintained to accommodate the placement of twenty-four foot ground ladders. In addition, the turns look like they may be too tight for Scituate Ladder 1 which is our longest apparatus. A swept path analysis should be done using the specs from Ladder 1 and adjustments should be made accordingly.

The plan shows that there is only one means of access to the site of Old Oaken Bucket Road, with no secondary means of access provided or available. An impediment on this access road would essentially cut the development off from emergency access in or out. Also, the exit/entrance on Old Oaken Bucket Road is located just past a slight rise and corner that is eastward of the entryway. A careful engineering review will be needed to ensure sufficient sight lines exist from the proposed entrance. The fire department may require a hammerhead turnaround at the termination of the dead-end spur for emergency vehicles. Finally, a system of fire hydrants on a looped water main would need to be discussed with the fire department. A preliminary review indicated the need for at least one hydrant along the main entrance with a water main of minimum six-inch diameter.

As the number of large scale housing developments continue to proliferate, the Town will need to continually evaluate our public safety staffing levels to ensure that we have sufficient resources to respond to and handle increased call volumes.

Thank you again for the opportunity to comment on this project. If you have any questions or need additional information, please do not hesitate to contact Town Administrator James Boudreau at jboudreau@scituate.ma.gov.

Very truly yours,



Karen Canfield, Chair
Scituate Select Board

Attachment #1

Acts (2016)

Chapter 26

AN ACT AUTHORIZING THE TOWN OF SCITUATE TO CONVEY CERTAIN LAND

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same as follows:*

SECTION 1. (a) Notwithstanding any general or special law to the contrary but subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws, the town of Scituate, acting by or through its board of selectmen, may sell or transfer an approximately 1.8-acre portion of a parcel of land located on the west side of Chief Justice Cushing highway, currently used for conservation and recreation purposes, to Bartlett Fields, LLC or such other grantee identified in and pursuant to the terms and conditions of a purchase and sale agreement between the board of selectmen and Bartlett Fields, LLC. The parcel is identified by the town of Scituate assessor's office as map/block/parcel 19-1-15F, and by deed recorded at the Plymouth registry of deeds in book 3528, page 768, and is reflected in the plan of land prepared by McKenzie Engineering Group, Inc., dated February 26, 2015, on file at the office of the town clerk.

(b) As consideration for the conveyance in section 1, the town of Scituate shall acquire pursuant to the terms and conditions of the

purchase and sale agreement referred to in said section 1: (i) an approximately 16-acre parcel of land owned by Raymond J. Livingstone, II, trustee, of Bartlett Fields Realty Trust, identified by the town of Scituate assessor's office as map/block/parcel 23-1-6, and by deed recorded at the Plymouth registry of deeds in book 32695, page 66; (ii) an approximately 3.56 acre parcel of land owned by Whitcomb Pines, LLC, identified by the town of Scituate assessor's office as a portion of map/block/parcel 25-5-18A, which was previously identified as map/block/parcel 23-1-6A, and by deed recorded at the Plymouth registry of deeds in book 32695, page 77; and (iii) an approximately 6.9 acre parcel of land owned by Whitcomb Pines, LLC, identified by the town of Scituate assessor's office as a portion of map/block/parcel 25-5-18A, which was previously identified as map/block/parcel 25-5-3B, and by deed recorded at the Plymouth registry of deeds in book 32695, page 77. The parcels of land conveyed to the town by Whitcomb Pines, LLC in clauses (ii) and (iii) shall be held by the town for conservation purposes.

(c) The grantee of the parcel described in section 1 shall pay for the costs of any appraisals, surveys and other expenses for the conveyances authorized by this act as may be considered necessary by the board of selectmen.

SECTION 2. This act shall take effect upon its passage.

Approved, February 4, 2016.

Town of Scituate

Attachment # 2



Department of Public Works

Sean Anderson, Superintendent
sanderson@scituatema.gov
Phone: (781) 545-8735

Water Division

4 Old Oaken Bucket Rd
Scituate, MA 02066-4431
Fax: (781) 545-8643

MEMORANDUM

March 29, 2021

To: Karen Joseph, Town Planner

RE: Bartlett Fields

The Water Division is currently struggling to meet peak demand in the summer months. We are hoping to have Wells 17A and 18B online within a year which will bring additional supply. However, we still need to sample for PFAS in April this year at all wells and the Surface Water Treatment Plant. A neighboring water system recently tested for PFAS and had to take one of their well sources offline due to a PFAS exceedance. Due to our current limited supply to meet peak demands and the uncertainty of the upcoming DEP required sampling I cannot determine if we will have adequate water to supply the Bartlett Fields project.

If you have any questions, please feel free to call me at 781-545-8735.

Thank you,

Sean Anderson
Water Superintendent

**New connections of landscape irrigation systems to the Scituate municipal water system are not allowed as established by a vote of the Board of Selectmen acting in their capacities as Water Commissioners. Violations shall be subject to a fine of up to \$100.00 per day.*

2.4.1.6 Available Water from Local Sources

The capacity of Scituate's local sources to meet current needs were evaluated under different source production scenarios and compared to historical demands (comparisons to projected demands are discussed in Section 3). The need for potential future sources of supply is also considered.

Table 2-20 summarizes the Town's local sources and production capacities (from Table 1-4), as well as different available water withdrawal scenarios. Figure 2-17 presents the quantities for the different withdrawal scenarios. The quantities available from these scenarios are compared to average day demands (representative of year-round conditions) and maximum day demands (representative of peak demand conditions) on Figures 2-18 and 2-19, respectively. As noted in Table 2-20:

- Production from the Old Oaken Bucket Pond WTP is based on the current reservoir firm yield as well as an estimate of the firm yield following aquatic habitat release goals, as discussed in Section 1.2.2.
- Max withdrawal rates for the groundwater wells reflect the MADEP approved Zone II maximum daily pumping rates based on prolonged pumping tests. For Old Oaken Bucket Pond, the max withdrawal rate reflects the capacity of the intake structure and the nominal capacity of the treatment plant.
- Typical production rates are based on 2018-2020 operating data (refer to Table 1-4 and accompanying discussion in Section 1.2.2).

The analysis on Figure 2-18 indicates the Town's supply sources are adequate for meeting average (year-round) demand conditions, at current production capacities (i.e., prior to improvements to Well 17A, Well 18B, and OOB WTP).

However, the analysis on Figure 2-19 indicates that, at current production rates with Wells 17A and 18B offline, restricted capacity from OOB WTP due to existing treatment processes and redundancy, and reduced production rates from other wells due to seasonal (drought) impacts, the Town's supply sources cannot meet maximum day demands. Figure 2-19 also shows the potential Future Production Capacity, which is based on the potential production following upgrades to the treatment facility at Well 18B and new treatment plants at Well 17A and OOB. This highlights the importance of upgrading the treatment facilities to alleviate restrictions in source production that are due to water quality and operational concerns, rather than available water supply.

Scituate's WMA permit indicates that: 1) prior to making withdrawals greater than the 1.80 mgd baseline, Scituate is required to develop a mitigation plan for review and approval by MADEP, incorporate the approved mitigation plan into the WMA permit by permit amendment, and implement required mitigation activities; and, 2) maximum withdrawals from groundwater withdrawal points and Old Oaken Bucket Pond are not to be exceeded without advance approval from the department.

The evaluation shows that Scituate has sufficient water to meet demands if all sources can be used at their permitted rates or if treatment restrictions at Wells 17A and 18B and at the OOB WTP are addressed. The analysis shows that at current production rates and limited production capacities, the Town does not have sufficient water to meet peak