

TOWN OF SCITUATE



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
FAX: 781-545-8704

Planning Board

**Site Plan Administrative Review
in the Village Center and Neighborhood District-Greenbush Driftway Gateway District-
Greenbush Village Center Subdistrict (VCN-GDG-GVC)
18 Drew Place**

Decision: APPROVED with Conditions

Applicant: David Larsen
Address: 31 Carolina Trail, Marshfield, MA 02050
Owner: Drew Place Realty, LLC, David L. Larsen and Lisa A. Larsen, Managers
Address: 18 Drew Place, Scituate, MA 02066
Request: Approval of Site Plan Administrative Review for a shop of a plumber
in the Village Center and Neighborhood District-Greenbush
Driftway Gateway District- Greenbush Village Center (VCN-GDG-GVC)
under Scituate Zoning Bylaw Section 580, 750, and 770

Date: February 20, 2024

Location: 18 Drew Place, Scituate, MA 02066

Assessor's Map: 53-5-7

Zoning District: Village Center and Neighborhood District- Greenbush Driftway Gateway District-
Greenbush Village Center Subdistrict (VCN-GDG-GVC), Water Resource
Protection District (partially)

Hearing Dates: July 13, 2023, October 12, 2023, December 7, 2023 and February 8, 2024

Members Hearing Site Plan Review Application: Patricia Lambert, Stephen Pritchard, Rebecca
Lewis and Ann Burbine

Decision: **Approved with conditions by a unanimous vote**

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Background:

David Larsen of 31 Carolina Trail, Marshfield, MA (the “Applicant”) is proposing a project consisting of flex space/fabrication building for a shop of a plumber in the Village Center and Neighborhood District-Greenbush Driftway Gateway District-Greenbush Village Center Subdistrict at 18 Drew Place, Scituate, Massachusetts. The new Morton building will be added to the site which consists of a 23,145 sq. ft. upland parcel improved with one existing office building, one shed, and a compacted gravel driveway with existing site utilities. All of the proposed work, including the site work, new building, site infrastructure and site improvements are collectively referred to herein as the “Project”.

The site is located in the new Village Center and Neighborhood District – Greenbush Driftway Gateway District-Greenbush Village Center Sub District (VCN-GDG-GVC). The resultant zoning in effect is the Village Center and Neighborhood District – Greenbush Driftway Gateway District-Greenbush Village Center Sub District (VCN-GDG-GVC) (Section 580, 750 and 770 and the Water Resource Protection District (WRPD).

In the VCN-GDG-GVC District, a shop of a plumber and a flex space/fabrication building are permitted uses and building types. One shop for a plumber is proposed in one Morton building. Access will be from Drew Place, a private way. There will be five (5) parking spaces – three exterior and two interior to the building.

The Project will be serviced by Town water and sewer. The water and sewer divisions have indicated their requirements with respect to lines and sewer betterment fees. The proposed stormwater management system consists of roof areas and paved areas being piped to a subsurface recharge system located to the southeast of the building outside of the Water Resource Protection District. The rate and volume of post development conditions does not exceed pre-development conditions for the 1-, 2-, 10-, 25- and 100-year storms. A water quality Best Management Practice (BMP) treats the first 1” of runoff to the maximum extent practicable as required and 80% Total Suspended Solids (TSS) are required to be removed. Massachusetts Department of Environmental Protection (MA DEP) Stormwater Management Regulations have been met.

The Applicant submitted a Stormwater Management Design Calculations for 18 Drew Place by Grady Consulting, LLC stamped by Darren Grady. This report and the accompanying Site Plan for 18 Drew Place were reviewed by the Town’s consulting engineer, Janet Carter Bernardo, P.E. of the Horsley Witten Group, who submitted detailed comments to the Planning Board. In response to these comments, the Applicant provided revised reports and plans which, after further review by the consulting engineer, were found to address the comments and recommendations or could be conditioned.

Procedural Summary:

An application for a Site Plan Administrative Review in the VCN-GDG-GVC, was filed with the Town Clerk on May 23, 2023. A Public Hearing on the Site Plan Review was duly advertised and notices sent to all abutters in accordance with M.G.L. Chapter 40A. The Public Hearing was opened on July 13, 2023 with in person and remote participation due to open meeting law provisions for the

COVID-19 pandemic. The public hearing was continued to October 12, 2023, December 7, 2023 and February 8, 2024 when the hearing was closed and the Site Plan Review was approved with conditions. All members were at all sessions where testimony and evidence were presented or filed a Mullin Rule Certification for missing only one meeting.

Hearing Summary:

When the public hearing was opened on July 13, 2023, the Applicant was present along with his engineer, Gabriel Padilla of Grady Consulting, LLC, the Planning Board's consulting engineer, Janet Bernardo of Horsley Witten Group. Karen Joseph, Town Planner and Shari Young, Planning Board Assistant were present. Ms. Burbine read the legal ad for the record.

Mr. Padilla gave an overview of the Project. He indicated a plumber's shop is proposed in a general commercial building. He said they will have the existing gravel driveway and there is ample room for a vehicle to turn around. There will be silt sock around the entire work area and a stockpile area. There will be landscaping and one handicapped parking space in addition to the required spaces. Ms. Bernardo questioned the use of the existing building as the information submitted shows it as residential. It was clarified to be office. The proposed building was discussed. It will be a prefabricated Morton building. There was discussion of how the building would function as a plumber's shop and the materials of the building and if the building was really a garage. Not all of the requirements of a commercial building could be met including street facing wall width. A drywell was shown in the Water Resource Protection District for recharge of runoff and that was questioned as drywells are not allowed there.

Mr. Larsen indicated he wanted a shop of his own so he didn't have to pay rent. He wants a drive through shop so there would be a place to get the vehicles out of the rain and he could have storage and work on the trucks. The Board wanted clarification on what is in the building, the drive through, stock materials. The Board asked for more specifics on the building including the floor plan and colors. There was discussion on the building type and what waivers there may need to be. A continuance was sought.

At the October 12, 2023 meeting, Mr. Padilla indicated they had some changes to the stormwater and parking design and will be able to address all the peer review comments. The Board had discussion on the building type as there has to be a use and a building type. A plumber's shop is an allowed use; however, the Town Planner indicated it did not fit the commercial building type and was trying to find a building type for the building. It was discussed that the Building Commissioner could create a new building type, but that would need a special permit. Ms. Joseph offered to meet with the Building Commissioner. A mixed-use building type was discussed, but it is not a great solution. A continuance was accepted.

At the December 7, 2023 public hearing, Ms. Joseph indicated she met with Mr. Larsen and there are two possibilities for building types – flex space/fabrication building in which two waivers would be required. One would be for the public street and the other for the side yard requirement. The second was a general commercial building. This would require waivers of the front yard setback and street facing wall width. The Board decided a flex space/fabrication building was a good solution for the

plumber's shop and they would grant the waivers as these waivers are less onerous than the commercial building.

The February 8, 2024 hearing on the Site Plan Review was closed after the Planning Board voted to grant the permit for 18 Drew Place based on the Findings of Fact and subject to the Conditions as discussed.

Public and Town Department Input:

William Branton, of the Scituate Sewer Division, commented that the Town's records show there is sewer onsite; however, there is no permit or sewer bills and the applicant should contact the Sewer Division. He had several comments on the sewer design which have been addressed. He indicated a sewer connection fee of \$16,000 for the new unit will be required and there is a fee for the commercial sewer permit. He also noted all sewer work needs to be done by a licensed drain layer.

Mark Cloud, the former Interim Water Superintendent, indicated the water main in Drew Place is a 6" ductile iron pipe installed in 2022. All service connections will need to be before the fire hydrant on Drew Place with each unit in the building requiring a separate water meter.

Findings of Fact:

The following findings of fact based on information submitted by the Applicant and the testimony given during the Public Hearing were approved on February 8, 2024:

1. On May 23, 2023, the Applicant, David Larsen filed an application for a Major Site Plan Review for a shop for a plumber in the Village Center and Neighborhood District under Scituate Zoning Bylaws Section 580, 750 and 770. The Application included, but is not limited to, the following:
 - a. Cover letter dated May 17, 2023, Application Forms including attachment A, B, C and F and locus deed;
 - b. Filing Fees and Abutters' List;
 - c. Site Plan for 18 Drew Place in Scituate, MA dated May 17, 2023 by Grady Consulting, L.L.C. consisting of 2 sheets;
 - d. Building specifications and floor plan for a Morton Building for use as a commercial warehouse;
 - e. Stormwater Management Design Calculations for 18 Drew Place, Assessor's Map 53-5-7, Scituate MA dated March 9, 2023 by Grady Consulting, L.L.C;
 - f. Watershed Plan for 18 Drew Place in Scituate, MA dated May 17, 2023 by Grady Consulting, L.L.C.
2. The Property that is the subject of the Application is composed of one parcel: Parcel is lot 53-5-7 and it is 23,415 sq. ft. all of which is upland. The parcel has frontage and access off of Drew

Place, a private way. The Property is currently improved with an existing commercial structure, existing shed and existing compacted gravel driveway.

3. The Project is located in the Village Center and Neighborhood (VCN) Zoning District, Greenbush-Driftway Gateway District (GDG) and the Greenbush Village Center Subdistrict. (GCV) – VCN-GDG-GCV.
4. The Zoning Bylaw in effect for this project is the bylaw approved by the Scituate Annual Town Meeting on 4/10/2023 and the Attorney General on 6/13/2023 and posted to the website on July 5, 2023.
5. The Project proposed by the Applicant consists of a plumber's shop in a Flex Space/ Fabrication Building. In the VCN-GDG-GVC, a plumber's shop is an allowed use by right per Section 420 of the Zoning Bylaws and a Flex Space/ Fabrication Building is an allowed building type in the GCV Subdistrict per Section 580.3.
6. The proposed Flex Space/Fabrication Building will be 26'-10.5" to the peak. There is no height requirement for the building and the building is less than the maximum height of 40' as set forth in the Scituate Zoning Bylaw.
7. There are five (5) total parking spaces provided for the building. This includes one handicap parking space on the southeast side of the building. There are three (3) exterior parking spaces and two (2) interior parking spaces. Parking is governed by Section 760.6 of the Scituate Zoning Bylaw for minimum requirements of parking (Table 1) and requires 1 space per 400 sq. ft. of gross floor area. There is 1920 gross sq. ft. for the building.
8. Section 760.7 does apply as the proposed project requires off street parking in the VCN. The property at 18 Drew Place does not require a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw.
9. No Public Realm Standards are required for this Project as no new streets are being created. The Project proposes to use the existing two curb cuts on the property.
10. A Flex Space/Fabrication Building is an allowed building type under Section 580.3 Table 1 as is the proposed Project. It has the following Development and Design Standards found in Section 580.3 Table 1 including:
 - A minimum lot size is not required;
 - Street frontage of 50' is required on a public road. The Project has 177.5' of frontage on Drew Place, a private way. A waiver will be required.
 - Minimum front, side and rear yard setbacks are 20'. The Project has provided a 31.3' front yard setback, a 10' side yard setback to the northwest and a 37.3' rear yard setback. A waiver for the side yard setback will be required.
 - There is a maximum of 50% building coverage of the lot. The building coverage provided is approximately 16.66%. The proposed flex space/fabrication building and the existing office building have an impervious are of 3,900 sq. ft.

11. Industrial buildings are exempt from Section 750. A Flex Space/Fabrication building by definition serves light industrial uses. The proposed building is a Flex Space/Fabrication Building.
12. Sustainable Site Design is required in the VCN District per Section 751 of the Zoning Bylaw such that stormwater management shall conform to best management practices as described in the Commonwealth of Massachusetts Stormwater Management Handbook. For the Project, the predevelopment hydrology is maintained by infiltrating stormwater in underground chambers. The Project's post construction stormwater peak rate and volume of runoff does not exceed the preconstruction rate and volume for the 1, 2, 10, 25 and 100-year 24-hour rain events. Stormwater Best Management Practices are required and meets those best practices through the use of a deep sump hooded catch basin, a proprietary stormwater treatment unit and full subsurface infiltration. The project minimizes impervious surfaces through the provision of only the required parking is provided. The total impervious area on the site is 13,507 sq. ft. and the total disturbance is 12,945 sq. ft. out of the 23,415 sq. ft. site. Greater than 80% TSS removal has been provided as the drainage improvements are located out of the Water Resource Protection District. Adequate recharge has been provided.
13. A Landscape Plan is required for all submissions, except where waived by the Planning Board, which plan should, to the greatest extent possible, utilize native plants. No plants listed as Invasive or Prohibited by Massachusetts shall be used and existing invasive plants shall be removed. A Project Landscape Plan has been provided in which native plantings are reasonably proposed. Moreover, the lawn area in the front yard is minimized and fertilizer use is discouraged and screening of the building and parking area from the side has been provided. This requirement has been met.
14. Section 760 Parking – Parking has been provided per the Zoning Bylaw. Five (5) parking spaces are required for the 1,984 sq. ft. proposed building at 1 space per 400 square feet of gross floor area for industrial uses. One (1) handicap parking space is included in the numbers. Two (2) parking spaces are internal to the building.
15. 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. New business structures require a site plan reviewed by the Planning Board. In reviewing applications, the Planning Board is required to assure, to a degree consistent with the reasonable use of the site for the purposes permitted by the regulations of the district in which the land is located, all of the following:

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 used as an office building. The proposed new building will be added to the site with the allowed use of a plumber's shop in accordance with the Zoning Bylaw. This standard is met.

16. 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 proposed Project is located on the private way of Drew Place. The proposed Project will have its own separate off-street parking meeting the requirements of Section 760 of the Zoning Bylaw. Access to the site will be provided from an existing curb cut on Drew Place that will be paved. A waiver of the number of driveways will be required as the frontage is 177.5 feet and is only supposed to have one driveway being less than 200 feet. As the driveways are existing, a waiver is reasonable considering traffic volume and grades. This standard is met.

17. Section 770.6.C 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 Project will have its own separate off-street parking meeting the requirements of Section 760 of the Zoning Bylaw. Access will be from an existing driveway opening onto Drew Place which is proposed to be paved. The driveway access off Drew Place is 24' wide. The circulation will be one way with a 14-foot-wide driveway. Circulation will go either through the building and out the new paved driveway or around the existing building and out the other driveway. No sidewalks are proposed or existing on Drew Place. The Applicant has demonstrated the site will have sufficient access for service and emergency vehicles. Headlight glare should not be an issue as there are fencing and screening to the adjacent property. Cut off light fixtures will be used to minimize light glare if lights are necessary. This standard is met.

18. 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 Drew Place and connect to the existing water main located in Drew Place prior to the fire hydrant. The building will have fire sprinklers for fire protection. Trash and recycling bins are under the open deck of the existing 18 Drew Place and will also be used for the new building. Trash will be emptied on a weekly basis or more frequently as necessary. This standard is met.

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

Finding: The proposed stormwater management system for the Project consists of a catch basin piped to an oil/grit separator and then to underground subsurface recharge system for the proposed building and driveway. Snow storage area has been located to the west side of the

property. 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 of the design. Horsley Witten Group submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and Grady Consulting, L.L.C. 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, assuming the stormwater management system is built as designed. The Applicant has submitted a stormwater management plan and Operation and Maintenance Plan that ensures that the project will be managed appropriately for the entire construction period and thereafter during on-going operations.

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

The review of the stormwater management system by the Planning Board's consulting engineer and their approval of this site plan review eliminates the requirement for a separate Stormwater Permit for work that conforms to the plans.

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

Finding: The site is partially within the Water Resource Protection District. There are no toxic or hazardous materials proposed to be stored onsite or no oil storage or discharges are expected. This standard is met.

21. 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 site is relatively flat so minor grade changes are proposed and there is minimal cut and fill. No existing trees are proposed to be disturbed on the site. This standard is met.

22. 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 Project complies with this requirement.

23. 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 site has two existing driveways. The proposed building is to be located off of the first driveway. An existing stockade fence provides some screening to the property to the northwest. A row of arborvitaes is proposed on the inside of the stockade fence to provide additional screening. No lighting is proposed so there will be no glare and light spillover to adjacent properties thereby meeting the requirements of the Bylaw. This standard is met.

24. 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 on Country Way provides safe, functional and convenient pedestrian access to the Greenbush train station. There is no sidewalk located on Drew Place. This standard is met.

Based on these findings, the Planning Board finds the Site Plan Review in the Village Center and Neighborhood District meets the requirements under the Village Center and Neighborhood District Section 580, 760 and 770 as the Project will be in harmony with the general purposes of this bylaw, meets the requirements of MGL Ch. 40 - A and it will not have a greater detrimental impact on the neighborhood than the current office building and is designed with consideration for public 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 for 18 Drew Place (“Site”) with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Ross Engineering Co a subsidiary of Grady Consulting, L.L.C. entitled “Site Plan for 18 Drew Place in Scituate, MA ”, consisting of 2 sheets (Sheet 1 of 2 and 2 of 2) dated May 17, 2023 with revisions through 1/2/2024; ii) Stormwater Management Design Calculations for 18 Drew Place, Assessor’s Map 53-05-07, Scituate, MA by Grady Consulting, L.L.C. dated March 9, 2023 with revisions through November 16, 2023; iii) Operation and Maintenance Plan – Proposed Drainage System- Post Construction, Map 53-05-07, 18 Drew Place, Scituate, MA for Drew Place Realty, LLC; iv) Narrative for 18 Drew Place; v) Application for a Major Site Plan Review in the VCN District dated 5/17/2023 including information on a Morton Building for the plumber’s shop; vi) Floor Plan for a plumber’s shop; vii) Watershed Plan for 18 Drew Place in Scituate, MA, Sheet 1 of 1 dated May 17, 2023 by Ross Engineering Co. subsidiary of Grady Consulting, L.L.C. Final Building elevations must be

approved by the Town Planner prior to issuance of a building permit for conformance to submitted material. A copy of the approved plan and conditions must be kept on-site at all times during construction.

2. Where this Site Plan Review 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 including, but not limited to approval of work by the Select Board and Department of Public Works ("DPW") in all public rights of 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.
4. The Applicant shall mean the current Applicant and all its successors in interest. This site plan review 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, 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. This approval is limited to one Flex Space/Fabrication Building with no office mezzanine. The use of the space is limited to a shop for a plumber and associated plumbing uses. No boat storage is allowed in the building.
6. The Applicant shall obtain the plan endorsement from the Planning Board for the Site Plan Review within 90 days of the expiration of the appeal period and this decision becoming final. All conditions shall be inscribed on the plans prior to endorsement.
7. A new plan must be provided prior to endorsement to remove any reference to a general commercial building and its requirements as the building type is a Flex Space/Fabrication building, removal of the note to relocate the existing fence, to provide the arrow to the cape cod berm in the proper spot and to show the snow storage area on the proposed site plan versus the erosion control plan.
8. Storage of fertilizers and pesticides is not allowed unless they are covered or contained.
9. No vehicle washing is to occur on the Site.
10. No outside storage of plumbing supplies or discarded plumbing objects is allowed including discarded water tanks.

Waivers and Special Permits

11. A waiver is requested from the Zoning Bylaw Section 580.3 Table 1 Allowed Building Types in the VCN District to allow a Flex Space/Fabrication Building on a private way versus a public way. Drew Place is used as a public way. The Board grants this waiver.
12. A waiver is requested from the Zoning Bylaw Section 580.3 Table 1 Allowed Building Types in the VCN District to allow for the side setback to be 10 feet where 20 feet is required. There is an existing stockade fence and there will be a landscape screen as well for the building at its north side adjacent to a residence. The Board grants this waiver.
13. A waiver is requested under Section 760.7 C of the Zoning Bylaw to allow the number of driveways to be two (2) without 200 feet of frontage. Two driveways already exist for the 177.5 feet of existing frontage. The Board grants this waiver.

Utilities, Parking, Traffic and Street Improvements

14. Maintenance and repair of the driveway and parking area, stormwater management system, site utilities, snow removal and landscaping shall be the responsibility of the Applicant.
15. All parking is limited to designated spaces as shown on the plan. Five (5) surface parking spaces including one handicap accessible space are provided. Two (2) parking spaces of the five spaces are internal to the building.
16. No underground irrigation systems are allowed to connect to the Town's water distribution system or in any manner use municipal water, in accordance with the policy made effective by the 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.
17. The Applicant shall allow members and town officials of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in the Site Plan Review Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
18. Independent inspector(s) contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations and as otherwise defined herein. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities. The inspector(s) 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 Applicant. Written reports will 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'

minimum advance notice is required for all inspections. All stormwater recharge structures require inspection of the bottom of the excavation by the consulting engineer/independent inspector. Noise, dust and air quality control shall be in accordance with DEP regulations.

19. Construction of the proposed driveway, parking area, 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 driveway, parking area, 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 driveway, parking area 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 the building, a registered professional engineer shall inspect the exterior of the building as necessary and certify to the Planning Board and Building Commissioner with his signature and stamp on an as-built plan, that the grading and stormwater management systems conforms to that shown on the Site Plan Review 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-Builts including building structure, topography, driveway, 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.

20. All materials for utility construction shall meet DPW construction standards.
21. A street opening permit shall be obtained for each individual utility connection.
22. The Applicant shall obtain all necessary approvals for the use of Town water prior to scheduling the pre-construction conference and any construction commencing. Any required upgrades, modifications or connections shall be at the Applicant's expense. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Copies of all necessary approvals shall be furnished to the Town Planner by the Applicant.
23. 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.
24. 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.

25. 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.
26. The building, parking, any walkways and any required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities if applicable.
27. The Applicant shall ensure that any signs, landscaping and other features located within the sight triangle areas of the Project site driveways and the intersection of Drew Place are designed, installed and maintained so as not to impede lines of sight. (not to exceed 2.5 feet in height)
28. All signs and pavement markings to be installed shall conform to the applicable specifications of the Manual on Uniform Traffic Control Devices (MUTCD). All pavement markings in the public way shall be thermoplastic.
29. The Applicant shall ensure that snow windrows located within the sight triangle areas of the Project Site driveway intersections with Drew Place that exceed 2.5 feet in height or that would otherwise inhibit sight lines are promptly removed.
30. Snow storage areas have been designated on-site. The Applicant shall ensure all maintenance personnel are informed of snow storage locations. When on-site capacity is exceeded, an off-site location shall be used in compliance with all federal, state and local laws. Deicing and sanding agents can only be stored on site if they are covered or contained.
31. Trash management shall be internal to the building. Trash and recycling bins are located under the existing open deck and are to be used for this portion of the project as well. Trash removal shall occur as often as needed so debris is not placed outside the open deck area, but at least on a weekly basis.
32. All electrical, telephone, cable and similar utilities shall be located underground.
33. Except for the Town-owned segments of the sewer and water line from the property line outward, all utilities including but not limited to the stormwater drainage shall be maintained by the Applicant according to the Operation and Maintenance Plan, Proposed Drainage System – Post Construction received November 16, 2023 by Grady Consulting, L.L.C. which is attached to this decision. The Operation and Maintenance Plan Proposed Drainage

System – Post Construction shall be provided to all property owners and property management people.

34. 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 require all necessary mitigation to permanently remedy the situation. This condition applies to all construction activities and survives the issuance of a Certificate of Completion to apply during all on-going operations of the building and site.
35. No separate Stormwater Permit is required as long as the Site is built according to the approved plans and stormwater calculations. This approval and conditions constitute the Stormwater Permit.
36. Inspection of all infiltration systems must be performed by the Planning Board's consulting engineer and the design engineer prior to any backfill or system component installation to confirm suitability of the soils.
37. Soil conditions at the bottom of the proposed infiltration area shall be inspected by the Town's Consulting Engineer prior to infiltration devices being installed and backfilled.

Erosion Control and Phasing

38. An Erosion Control Plan has been provided. The plan shall be followed and if changes are necessary requested to the Planning Office. No major deviation shall occur.
39. 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.

Environmental Conditions: Noise and Dust

40. Site noise levels shall conform to the MassDEP's Division of Air Quality Control's Noise Policy.
41. 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.
42. A dust control plan must be provided to the Planning Board for review and approval prior to the preconstruction conference.

Landscaping and Site Amenities:

43. All changes to the proposed plans must be presented to the Town Planner for approval. The Town Planner or the Planning Board's inspector have the authority to approve minor changes or deviations from the approved plans and/or any details needed for lighting, signage, paving materials, fencing or landscaping. All other changes shall be approved by

the Planning Board. Material selection shall be provided to the Town Planner for review for compliance with approved plans prior to installation.

44. 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.
45. All proposed lawn areas shall have a minimum of 6" of clean screened loam. A bill of lading shall be provided to the Town Planner during construction to show that the loam is clean.
46. The existing loam stripped for the project shall not be spread back on the site if it contains invasive species i.e. knotweed.

Architecture/Design:

47. 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.
48. The final building plans, stamped by a registered architect, shall be provided to the Planning Department prior to a building permit being issued for review for consistency with the elevations and renderings described in Condition 1. If the plans differ from the approved plans, approval of the changes by the Planning Board will be required.
49. 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

50. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
 - a. Copies of the recorded site plan review 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, 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;

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

Required Prior to the Start of Construction

- 51. 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.
- 52. 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.
- 53. 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

- 54. 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.
- 55. 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.
- 56. 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.

57. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
58. No sediment (including silty water) shall be allowed to leave the site during construction.
59. No parking or unloading on Drew Place shall be permitted during construction unless approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access on-site.
60. All construction parking shall be on site unless otherwise approved by the Planning Board.
61. 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 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.
62. 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.
63. 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.
64. 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.
65. 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.
66. 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.

Required Prior to Issuance of Occupancy Permits

67. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the building, driveway, parking area, and installation of necessary utilities is in full compliance with the approved plans and the site plan review.
68. 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.

Administration

69. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.

70. This Site Plan Review 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 Site Plan Review. The Applicant shall provide proof that the Site Plan Review was recorded to the Planning Board.
71. The Planning Board may at its discretion waive or modify conditions of this Site Plan Review at a duly called meeting of the Board if the Board determines that such waiver or modification is insignificant and does not materially adversely affect the purpose of this special permit decision or is otherwise warranted.
72. This Site Plan Review 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.
73. All plan sheets of the Site Plan Review shall be recorded at the Registry of Deeds.
74. 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.
75. Any condition contained herein that varies from the plan supersedes the plan where different.

Sincerely,

Handwritten signature of Patricia A Lambert in cursive script, with a small mark resembling a checkmark or the letters 'KJ' at the end of the signature.

Patricia A Lambert, Chair

PL:kj

CC: David Larsen

Paul Mirabito

Gabriel Padilla

Darren Grady

Robert Vogel