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Planning Board



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
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**Common Driveway Site Plan Administrative Review and Stormwater Permit
115 Elm Street (Lot 1) and 111 Elm Street (Lot 2)
Decision: APPROVED with Conditions**

Owner: Mark Richardson

Applicant: Mark Richardson

Date: September 21, 2022

Location: 115 Elm Street Lot 1 and 111 Elm Street Lot 2

Assessor's Map: #44-2-18 portion

Plans: Common Driveway Plan, 115 and 111 Elm Street (Lots 1 & 2) in Scituate, MA dated August 22, 2022 consisting of two sheets prepared by Morse Engineering Co., Inc.; Stormwater Site Plan, 15 and 11 Elm Street (Lots 1 & 2), Scituate, MA prepared by Morse Engineering Co., Inc. dated 6/30/2022 with revisions through 8/22/2022; Stormwater Permit Application Proposed New Single Family Dwellings 115 and 111 Elm Street, Scituate, MA dated July 1, 2022 with revisions through August 22, 2022 with Operation and Maintenance Plans and illicit discharge statement.

Members Hearing Special Permit Application: Patricia Lambert, Benjamin Bornstein, Stephen Pritchard, Rebecca Lewis and Robert MacLean.

Background: 115 and 111 Elm Street (Lots 1 and 2) are located in the Residential R-2 Zoning District and Water Resource Protection District on a lot of 20,001 sq. ft. for Lot 1 and 44,751 sq. ft. for Lot 2 according to the Common Driveway Plan. The Common Driveway is proposed as a 150 feet long driveway serving two lots with adjoining legal frontage to serve two new dwellings. A Stormwater Permit is required as there is over 15,000 sq. ft. of disturbance of land.

Procedural Summary: This request for a Site Plan Administrative Review (June 29, 2022) and Stormwater Permit (July 1, 2022) was filed with the Town Clerk and the Planning Board as noted. A Public Meeting before the Planning Board was duly noticed and notices sent to all abutters contiguous to the parcel and across the street. The meeting was opened on July 28, 2022 and immediately continued with no testimony taken until August 25, 2022 where it was again continued until September 8, 2022 when the hearing was closed and the Planning Board approved the Site Plan Administrative Review and Stormwater Permit with conditions.

Hearing Summary: On August 25, 2022, the first testimony was taken for the public hearing/meeting with Greg Morse, P.E. present for the applicant. Mr. Morse reviewed the property at 115 and 111 Elm Street and indicated an ANR was previously endorsed for it. He indicated they want to construct new homes on lots 1 and 2 to be served by a Common Driveway. He said the Common Driveway meets the criteria of the zoning bylaw and has been peer reviewed by Horsley Witten Group with all issues addressed and complied with. Mr. Morse indicated there is a separate fire department turnaround so as to not interfere with parking for the dwellings. The Town's consulting engineer, Janet Bernardo, indicated Horsley Witten is in the final stages of review and indicated that she is concerned that water does not go to the adjacent property during construction and the contractor needs to build the project as designed and it will work. On September 8, 2022, Mr. Morse indicated all changes requested were made and he feels they are ready for a decision.

Public Comment: Mark Donovan, Deputy Fire Chief, indicated the driveway and the turnaround are approved. Becky Malamut of the Water Resources Commission commented that any building on the lots should comply with the Water Resource Protection District, Section 520 of the Zoning Bylaw requirements. Comments received by the Planning Board's consulting engineer, Horsley Witten Group show that the Common Driveway meets the Scituate Zoning Bylaw and stormwater management system meets the stormwater standards.

There was no public comment at the July 28, 2022 meeting as there was an immediate continuance.

There as no public comment at the September 8, 2022 meeting.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the common driveway and stormwater permit for 115 Elm Street Lot 1 and 111 Elm Street Lot 2:

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 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's engineer 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.

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 Elm Street, 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. Any imported fill shall be clean fill and be accompanied by a Bill of Laden.
 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. 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.

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

Patricia Lambert, Chair

Cc: Mark Richardson
Gregory Morse
Town Clerk
Building Commissioner
DPW

Post-Construction Phase
Operation & Maintenance Plan
Best Management Practices

**MA DEP Stormwater Management Policy
& Scituate Stormwater Bylaw**

Project

**Lots 1 & 2 Elm Street
Scituate, MA 02066**

**Portion of Assessor's Parcel: 44-2-18
Proposed New Single Family Dwellings**

Applicant/Owner

**Mark Richardson
109 Elm Street
Scituate, MA 02066**

Date: July 1, 2022

Revised: August 5, 2022

Revised September 2, 2022



*Registered Professional Engineers,
Project Managers & Environmental Consultants*

10 New Driftway, P.O. Box 92
Scituate, MA 02066
Tel. 781.545.0895
GMorse@Morsecoinc.com

www.MorseCoInc.com

Post Construction Phase Operation & Maintenance Plan

Best Management Practices

**Lots 1 & 2 Elm Street
Scituate, MA**

Responsible Parties & Contact Information:

Applicant:

Mark Richardson
109 Elm Street
Scituate, MA 02066
mark@elevatorgrp.com

Record Keeping:

The responsible party shall maintain an operation and maintenance log for a minimum of three years prior including inspections, repairs, replacement and disposal. The log shall be kept on-site at all times.

The log shall be made available to MassDEP and the Town upon request. Members and agents of MassDEP and the Town shall be allowed to enter and inspect the premises to evaluate and ensure that the responsible party complies with the Operation and Maintenance Plan requirements for each BMP.

Operation & Maintenance:

In order to maintain the integrity of the stormwater management system, frequent inspections and maintenance shall be performed by the owner. The BMPs require continuous inspections and maintenance in order to function properly. The BMPs should be inspected and maintained as specified and after all major storm events.

Ground Cover shall be inspected at a minimum of every month and maintained as necessary. Maintenance includes removing any accumulated sediment, trash and debris and repairing erosion. Disposal of accumulated sediment must be in accordance with applicable local, state and federal guidelines and regulations. Important items to check during inspection include: signs of differential settlement or cracking of the pavement, erosion, tree growth on any embankments, condition of riprap and the health of the turf.

Roof Drywells & Gutter Downspout Systems shall be inspected at a minimum of twice a year and maintained as necessary. Maintenance includes inspecting water levels, removing debris, cleaning out gutter and downspouts systems, and replacing drywell systems if standing water is observed for greater than 72 hours after a storm event. Refer to Cultec O&M guidelines that have been attached at the end of this document.

Sediment Forebay, Rain Garden & Spillway shall be inspected monthly. Accumulated sediment shall be removed, particularly when the sediment in the forebay has reached higher than three inches. The rain garden shall have all trash, debris, and dead vegetation removed. The rain garden shall consist of a combination of a new england erosion control restoration mix for dry sites and a showy northeast wildflower mix. Per the supplier, late Spring through Mid-Summer seeding will benefit from a light mulching of weed-free straw to conserve moisture. If conditions are drier than usual, watering will be required. Fertilization is not required unless the soils are particularly infertile. Preparation of a clean weed free seed bed is necessary for optimal results. The rain garden should be annually mulched and routinely pruned. No snow should be stored within the rain garden. Erosion of the spillway shall be repaired and crushed stone shall be replaced if necessary.

Grass Swales, specifically those along the eastern portion of the driveway and between the two dwellings, shall be inspected regularly for the first few months after construction, and thereafter whenever mowed. Any signs of rilling or gullies shall be repaired, and swale should be mowed frequently enough to prevent grass height from exceeding 6". Accumulated sediment and debris shall be removed as necessary, and reseeded done in the spring if required.

Annual maintenance costs are estimated to be approximately \$700 for Lot 2 and \$1,000 for Lot 1.

Illicit Discharges:

No illicit discharges shall be created. An illicit discharge is any discharge that is not composed entirely of stormwater.

Storage and Disposal of Hazardous Materials:

Hazardous materials shall be stored and disposed of in accordance with the U.S. Environmental Protection Agency hazardous waste regulations and all other applicable regulations to ensure they do not adversely impact the environment.

The exterior storage of hazardous materials shall be prohibited.

In the event of a spill, the supervisor is to first contact the Fire Department and then notify the Police Department, Department of Public Works, Board of Health, and Conservation Commission. The Fire Department will assess the spill and determine if additional notifications are necessary and the level of cleanup.

Pesticides, Herbicides and Fertilizers

Fertilizers shall be restricted to organic fertilizers only. Pesticides and herbicides shall be used sparingly and applied by a professional applicator licensed under the Massachusetts Department of Agriculture.

The exterior storage of fertilizers, herbicides and fertilizers shall be prohibited.