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TOWN OF SCITUATE



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Planning Board

**Site Plan Administrative Review and Special Permit for Density in the Village Center and
Neighborhood District– Greenbush Driftway Gateway District – Greenbush Village Center
Subdistrict (VCN-GDG-GVC) and Stormwater Permit
18 Ford Place**

Decision: APPROVED with Conditions

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Applicant: Don McGill
Address: 29 Duck Hill Road, Duxbury, MA 02332
Owner: JB Scituate Realty LLC
Address: 20 Main Street, Acton, MA 01720
Request: Approval of Site Plan Administrative Review and Special Permit for Density for a
Multi-family building under Scituate Zoning Bylaw Sections 580 and 770
Date: December 15, 2020
Location: 18 Ford Place, Scituate, MA 02066
Assessor's Map: 53-05-22
Zoning District: Village Center and Neighborhood District, Greenbush-Driftway Gateway District,
Greenbush Village Center Subdistrict
Hearing Dates: July 23, 2020, August 13, 2020, September 24, 2020, December 3, 2020
Members Hearing Special Permit Application: Ann Burbine, Stephen Pritchard, Rebecca Lewis,
Benjamin Bornstein and Patricia Lambert.
Decision: **Approved with conditions by a unanimous vote**

Background:

Don McGill of 29 Duck Hill Road, Duxbury, MA (the "Applicant") is proposing a five unit multi-family building project in the Village Center and Neighborhood District, Greenbush Driftway

Gateway District, Greenbush Village Center Subdistrict, at 18 Ford Place, Scituate, Massachusetts. The existing site will be reconfigured and reconstructed to accommodate the site improvements and new use. 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 property is a 10,000 sq. ft. (.23 +/-AC) upland parcel improved with an existing single family house and detached garage and bituminous concrete driveway with access from Ford Place, a public way. The site is a corner lot with frontage on MacDonald Terrace, a private way.

The site is located in the new Village Center and Neighborhood Zoning District – Greenbush-Driftway Gateway District, Greenbush Village Center Subdistrict (VCN-GDG-GVC). In the VCN – GDG-GVC, a multi-family building use and building type are allowed. The density for a multi-family building is 12 units per acre by right and 24 units per acre by special permit. Dwelling units must be a minimum of 900 sq. ft. for a 2 bedroom unit. There is a maximum of 24 dwelling units per building without a special permit from the Planning Board. The Planning Board may, by special permit, allow densities up to the maximum of 24 per acre if certain Public Realm Improvements are made by the Applicant that provide benefits to residents and businesses in the Project as well as to the VCN District and surrounding area.

The proposed multi-family building will have access from MacDonald Terrace, a private way in the Town of Scituate, in one location. The Applicant is proposing to construct five (5) residential condominium units located in the multi-family building with two bedrooms each for a total of 10 bedrooms. Eight (8) parking spaces are proposed to service the units with seven (7) being located under the building overhang on the south side of the building with access from MacDonald Terrace and one (1) spot on the west side of the building with access from Ford Place. The Applicant would like to permit a driveway on the property and alternately a shared driveway with 6 MacDonald Terrace in the event that 6 MacDonald is successful in a permit modification for their property. 2-bedroom units in the VCN are required to have a minimum parking ratio of 1.5 spaces per unit which equates to 7.5 or 8 spaces provided. Originally, a special permit was requested for two (2) tandem parking spaces off of Ford Place; however the request has been negated as no tandem parking is now requested.

The Scituate Zoning Bylaw also requires an outdoor Amenity Space Coverage of 20% of the lot for a multi-family building. The design types and standards for Outdoor Amenity Space includes a Common Yard and Garden. This is described in the bylaw as a private open space associated with a private residence not intended for public access or a high level of pedestrian activity. A walkway is required to be provided to the public sidewalk and the front door. A grassed side and front yard and patio stone - patio approximately 18’ x 11’ is proposed for the outdoor amenity space which the applicant indicates is 21% of the lot area. A patio and outdoor yard area comprise the outdoor amenity space.

A special permit and density bonus is required as two (2) units are by right and five (5) are proposed, which is the maximum density for the site based on 24 units per acre. A density bonus is needed for three (3) units. The Planning Board may allow a density up to the maximum of 24 units per acre if certain Public Realm Improvements are made by the applicant that provide benefits to residents and

businesses in the Project as well as to the VCN District. No affordable units are required or proposed for the Project. The Planning Board must make a written finding that the applicant will provide improvements providing a public benefit, in addition to those necessary to meet the base density requirements of the bylaw. The Public Realm Improvement offered for this project includes a contribution of \$25,000.00 to fund traffic and pedestrian improvements in the Greater Greenbush area. The Applicant shall provide such funds to the town prior to commencement of construction. The funds shall be placed in an interest bearing account with the expenditure of funds for this said purpose approved by the Town Administrator after consultation with the Town Planner, Director of Planning and Development, DPW Director and Planning Board, all of whom must concur. Additionally, the Applicant has offered and the Board has agreed to accept the Applicant's offer to grade the entrance to the path at the park owned by the Town of Scituate adjacent to Dunkin Donuts so that the drop to the path is eliminated and the path is more handicap accessible.

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 total water usage is projected at 550 gallons per day ("gpd"). The proposed stormwater management system consists of roof areas and driveway pavement area being piped to a subsurface recharge systems located to the rear (south side) of the building. 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 which the calculations indicate will be achieved with 89% provided to meet Department of Environmental Protection (MA DEP) Stormwater Management Regulations and the requirements of the Town of Scituate Stormwater Bylaw and its regulations.

The Applicant submitted a report for Administrative Stormwater Review for Low Impact Projects Design Calculations by Grady Consulting, L.L.C. stamped by Kevin S. Grady. This report and the accompanying mixed use special permit plans were reviewed by the Town's consulting engineer, John Chessia, P.E. of Chessia Consulting Services, 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 his comments and recommendations or could be conditioned.

Procedural Summary:

An application for a Site Plan Administrative Review and Special Permit in the VCN-GDG-GVC was filed with the Town Clerk on May 12, 2020. A Public Hearing on the Special Permit was duly advertised and notices sent to all abutters in accordance with M.G.L. Chapter 40A. The Public Hearing was opened on July 23, 2020 with in person and remote participation due to open meeting law provisions for the COVID-19 pandemic. The public hearing was continued to August 13, 2020, September 24, 2020, November 5, 2020 and December 3, 2020 when the hearing was closed and the Special Permit was approved with conditions. All members were at all sessions where testimony and evidence was presented or filed a Mullin Rule Certification for missing only one meeting.

Hearing Summary:

When the public hearing was opened on July 23, 2020, the Applicant was present and represented by himself along with his attorney, Walter Sullivan and site consultant, Paul Seaberg of Grady Consulting, L.L.C. John Chessia of Chessia Consulting Services, as the Town's peer review engineer, was present via remote participation. Karen Joseph, Town Planner and Shari Young, Planning Board Assistant were present. Ms. Burbine read all of the comments received including those from the Water Division and Sewer Division.

Mr. Sullivan gave an overview of the Project. He indicated the property is located at 18 Ford Place on a 10,000 sq. ft. lot in the VCN-GDG-GVC District with an existing single family dwelling and detached garage. He said the Applicant is proposing a multi-family building with five (5) units. Two (2) units are on the first floor and three (3) units are on the second floor. He said the site has frontage on Ford Place and MacDonald Terrace and the Applicant is pursuing a shared driveway with the abutting property at 6 MacDonald Terrace. Mr. Sullivan indicated that town water and sewer connections will be sought and there is available capacity. He indicated they have met with the Design Review Committee (DRC) and comments have been received from the town's consulting engineer, John Chessia.

Mr. Sullivan indicated that the project requires a Special Permit for Density and they are working with the Conservation Commission for a project for the public benefit. He indicated a multi-family use is allowed as is the building type. He said the project will provide an option for people looking for a maintenance free life with easy access to the Greenbush train. He indicated the units meet the bulk standard sizes and all are two bedrooms. Mr. Sullivan said the plan shows 10 parking spaces; however, the bylaw is in conflict and the requirements may be just 8 parking spaces. He said 8 of the parking spaces are under a covered carport and 2 are tandem spaces with access from Ford Place. He said the driveways are 120' apart and there is landscaping provided. He said this type of housing is not available in Greenbush and the project is compliant and consistent with the Greenbush mission. Lot area, frontage, building height, open space and setback are compliant.

Mr. Seaberg reiterated that there were five (5) 2 bedroom units in the multi-family dwelling. He indicated there would be a pervious paver patio for the two (2) tandem parking spaces off of Ford Place. He said the other parking is off MacDonald Terrace. He indicated there is a dumpster to the rear of the building. Mr. Seaberg indicated water will come from the main on MacDonald Terrace and sewer from the line in Ford Place. He said electric would be underground from the pole at the corner of MacDonald and Ford. He indicated all impervious areas of the site currently flow overland to Ford Place, MacDonald Terrace or to properties to the south and west. He said all the runoff from the proposed building and parking areas go to the subsurface infiltration system. Runoff from the Ford Place parking will be routed via a drain to the subsurface infiltration system.

Mr. Chessia asked the Board to opine on the shared access as it is desirable. He said the parking under the roof overhang is very tight for the two end spots and only a compact car could access the spaces. He opined one less spot with an access way would make it better for access to the building. He also opined that the 2' strip against the building is too tight for access into the building. He said 3' is tight too. Mr. Chessia opined the outdoor amenity space is not really an amenity as the building takes up most of the lot. He said the Applicant should be able to address the drainage comments as the soils are sandy; however, drainage is very close to the building with footings deeper than the

bottom of the infiltration system. He said the sight is very tight and there will need to be a plan for construction parking etc.

Ms. Joseph indicated the Board has several decisions to make. She indicated two units are allowed by right and they are asking for five units so a Public benefit will be necessary. She indicated the bylaw details what is required and this has not been submitted. She indicated she spoke with the Building Commissioner on parking and the interpretation for parking in the VCN is that 1.5 spaces per unit are required. She also indicated that the Board should look at turning radii and how the project will be constructed as it is a tight site. She said condominium documents had just been received and have been forwarded to Town Counsel for review. Ms. Joseph opined that there is technically 21% open space; however, the Board will need to decide if it meets the definition of an outdoor amenity space as detailed in the bylaw. Mr. McGill said he is considering a pedestrian foot bridge that the Conservation Commission would like as a public benefit. Ms. Joseph said the public benefit has to be in the Greenbush area and needs to be for increased density of three (3) units.

Mr. McGill opined that if he was allowed 1.5 spaces per unit he would remove one space under the overhang to give more room. He said he would like to have nine spaces. He also indicated he will be showing a shared driveway as our engineer recommends it. Mr. McGill said his architect submitted a letter showing no problem with the footing to the rear of the building.

Ms. Burbine opined the site is tight and people park everywhere now so how will construction parking be handled. Mr. McGill said people can park at the back of the site or if he needs to find offsite parking he will. He indicated construction parking is a short lived problem that lasts for 6-7 months. Mr. Pritchard asked for clarification on the comment from the Sewer Division on system wide capacity at the wastewater treatment plant being limited. He asked for projected water usage from the Applicant. Mr. McGill said the condominium units will be individually metered. The Board discussed the open space amenity and asked about a bench or grill. He said if he needed to find bench spots he would. Mr. Bornstein said he needed more information before he could decide on the density bonus and said the open space is not very usable. He opined that none of the large caliper trees are being saved and Low Impact Development standards are not being met. He said the landscape plan should provide more native species and that pears are prone to splitting. He asked if the stormwater galley system failed, how that would be rectified. Ms. Lambert agreed with Mr. Bornstein and was concerned with the narrowness of MacDonald Terrace for emergency access and suggested trees for a tree bank. Ms. Lewis inquired if one more parking space needs to be removed, would it be one of the tandem spots. Mr. McGill confirmed it would.

The Board inquired about snow storage. It was indicated that it would be stored in the hammerhead area if there is no dumpster. Mr. Bornstein noted the project is referred to the DRC and this is the first project under the new bylaw and working with the abutters will be important.

Several abutters expressed their opinions of the development. (See public comment below)

At the August 13, 2020 hearing session devoted exclusively to the public benefit for increased density, Ms. Burbine referenced a letter from Attorney Galvin with regards to a proposed donation of \$15,000 cash for the benefit of the Conservation area by the Herring River in Greenbush. Mr.

Bornstein asked how the valuation was determined. Mr. McGill said it was based on what he thought Conservation would like to see. Mr. Galvin said he spoke with Amy Walkey, Conservation Agent, who indicated a donation might be better since the trail project is in need of a footbridge and the project is a few years at being completed with a cost over \$300,000. Ms. Joseph indicated she walked the bridge site with a couple members of the Conservation Commission, Ms. Walkey and Sean McCarthy of DPW. It was determined the bridge needs to be fairly wide and there would need to be a path constructed to the bridge which is several years away. She indicated other items in the Conservation Park could also be addressed with a monetary contribution. The public benefit must be for use in Greenbush according to the bylaw. Mr. Galvin said a monetary contribution is the most flexible for the Town and the money would be there for when the town decides on the project. He asked that the applicant provide the money prior to occupancy of the first unit, but will provide it when the Board sees fit.

Mr. Pritchard said the idea of the bylaw is to actually provide improvements. He said he is not sure the \$15,000 will do anything and he said a written description, cost estimate, sketch plan, timeframe for completion and list of permits required have not been provided as detailed in the bylaw. He opined the Board should not cut corners as this is precedent setting for what is expected of a public benefit. Mr. Pritchard implied a monetary contribution is acceptable with the other information provided. Ms. Burbine opined that the trail projects have been going on for years and they will likely seek Community Preservation Act funds. She said the Board could condition that the Planning Board needs to approve the expenditure of the funds. Ms. Joseph indicated that Conservation has some funding already and this would be adding to the funds. Mr. Pritchard asked if there was any infrastructure improvements in the immediate area that need funding. Ms. Burbine said sidewalks and lights already exist on Ford Place. Ms. Burbine suggested the Board could decide on what is an appropriate monetary value and then decide on the use. Mr. Pritchard was opposed to this as he wants the work to be decided and cost derived from the work value.

There was discussion that the park next to Dunkin Donuts could use some revamping. Mr. Galvin said the Applicant is willing to earmark the money for any possible scenario. Mr. Pritchard indicated the commitment to money is not enough on its own. The Bylaw requirements must be met. Ms. Joseph asked if \$5,000 per unit is a sufficient public density benefit. Ms. Lambert indicated it was not. The Board said they need more information to determine the monetary value. Mr. Galvin said the park by Dunkin Donuts could use some benches and the Applicant would be willing to do that now. The Applicant said they would take that direction.

At the September 24, 2020 hearing session the applicant indicated the building roofline had been adjusted per the DRC comments, changes to the landscaping had been made and Mr. Chessias's comments had been addressed in the new plans that were just submitted this week. The chair indicated the plans came in after the deadline and were not reviewed. Attorney Galvin indicated a cost estimate and plan were provided for the public benefit which replaces the previously offered money. He indicated surety could be to hold the occupancy permits until the work is completed.

Mr. Chessia outlined that the architectural and site plans do not correspond with each other, the walkway between the building and parking is narrow, the pervious pavers do not meet DEP requirements, a more rigorous construction plan is needed and there needed to be delineation

between the patio and paver parking. Ms. Joseph concurred and indicated the revised architectural plans have been sent to the DRC and comments will be forthcoming after their 9/30 meeting. She indicated more information on sight distance is needed for a finding, snow storage areas are not shown on the plan, more construction information is needed pertaining to stockpiles and parking, surety for the project and density benefit should be provided, pervious pavement does not meet DEP requirements, comments on the condominium documents were just received, no comments have been received from the Fire Department or Traffic Rules Committee and the applicant is asking for the driveway to be approved as a stand-alone driveway and alternatively as a shared driveway if 6 MacDonald Terrace receives a permit modification. She said she asked DPW and Mr. Chessia to review the cost estimate for the public benefit to verify projected cost and neither could do it as there is insufficient detail. She recommended the Board seek information on significance of the benefit, permits needed, timing of completion, surety and if permission from the Town has been obtained. Ms. Joseph said she met with the Town Administrator who suggested more planting, extension of the guardrail and maintenance for a year are needed.

Mr. McGill and Mr. Galvin suggested that the new plans address some of these issues. They indicated they are awaiting review of the neighbor on the easement, will remove snow from the site if it becomes an issue, they would rather hold on Certificates of Occupancy than provide a bond and their condominium documents are similar to that reviewed by Duxbury and Pembroke's Town Counsels. They confirmed they would like the plan approved as a stand-alone project; however, they would like a finding and condition for the shared driveway if the easements are acceptable. They indicated the public benefit will need some type of permitting from the Conservation Commission is needed, they will provide maintenance for a year and will add additional plants and will seek permission from the Town Administrator to do the work.

Mr. Pritchard asked for water usage requirements and lighting. Lighting was indicated to be sconce type outdoor lighting, no additional pole lights. He opined the Board could approve one driveway option and leave room for a change to the approved plan. Mr. Bornstein asked that additional planting for the park be drought tolerant. He thinks surety is warranted for stormwater as it is complex and tight to the site. Mr. Galvin opined holding occupancy permits is better and asked if the Town would complete the improvements if the applicant did not. The Board said that surety is needed as it provides a mechanism if the developer walks away. Mr. Galvin said the applicant will look into a bond.

The Board indicated they do want additional planting for the public benefit and want a detailed plan and revised estimate.

On November 5, 2020, Attorney Galvin indicated they are still working with the owner of 6 MacDonald Terrace of a shared driveway agreement and easement and 6 MacDonald Terrace will still have to come in for a permit modification. He said the Applicant has provided some comments on the draft motion and some of them have been incorporated into the motion, but they wanted to discuss some conditions. He said the Scituate DPW estimated the improvement costs of the Dunkin Park to be about \$22,000; however, the Applicant's estimate is for more. Kevin Grady indicated that the items outlined in Mr. Chessia's report are on the plans now and are punch list items. He opined the plans show stockpile locations and the contractors will be bringing small loads to the site. He

said the stockpiles are part of the construction phase and not permitting phase. The Board disagreed with him and curtailed conversation with him as no plans had been submitted.

Mr. Chessia opined that the inconsistencies between the architectural and site plans have been resolved and he feels there are several issues the Board should opine on including the amenity space, the landscaping, lack of erosion control plan, proximity of the drainage system to the abutter's garage and public benefit. He indicated changing the pervious pavers to impervious pavers would not provide and change to the drainage calculations. Mr. Grady indicated the drainage system is setback 10 feet from the abutting garage slab with well drained soils and is a practice with not a huge potential for problem as it is a slab.

Ms. Joseph summarized that the Applicant did reduce the roof height per the DRC recommendations; but the roof is not a traditional stick built roof and has flat sections; the DRC felt the mass was large and not in scale with the neighborhood and the Board should decide about the added density. She indicated snow will need to be truck offsite and the Board needs to decide on the public benefit and if the public amenity space is acceptable. Mr. McGill said they have added details on the plans and will submit them for pavers, the fence and benches. It was indicated patio stone is the surface of the patio now. The Board discussed the size of the building in relationship to the neighborhood. Some Board members felt the building was large. The Applicant and his attorney maintained there has been no objection from neighbors or the town and this is the type of development the bylaw encourages. The Chair agreed, but reiterated her concern that the project proposes the maximum density allowed for the site. The Board concurred that they do not have to approve the maximum density if they feel it is not appropriate. Mr. Pritchard opined the zoning encourages density and transit oriented development in this area that will be changing in the future and the Board needs to look at the broader area not just the site plan. Attorney Galvin indicated the building is large; but it provides a different type of housing and they did make changes per the DRC recommendations. He said this development is walkable to the train and amenities and the units will sell. He said the height and setbacks are met and this type of project will become more frequent in the area.

Attorney Galvin indicated it was difficult finding a public benefit in town. He said first they offered money for Conservation Commission future trails, then improvements to the Town park adjacent to Dunkin as the Board felt there needed to be work done. Attorney Galvin suggested difficulty for others might be in the future. The Chair suggested potential funding for sidewalks. The Town Planner said there are plenty of public benefits. Mr. Bornstein inquired about one of the units being affordable as he would like to see affordable units in the new denser developments. Mr. McGill said there is a threshold to affordable units. Ms. Lewis said the Affordable Housing Trust has land for 2 units as an option for a future project. The Board talked about creating a fund to support affordable housing. Mr. McGill said he would contribute \$20,000 toward a fund to be determined before his project was complete. The Board said they would like \$25,000. Attorney Galvin said the bylaw is not set up for the Board demanding a payment, but the Applicant could offer to make a contribution to the Affordable Housing Trust via a gift fund. Ms. Joseph opined proceeding with a draft decision was inadvisable and the Board has always wanted control over how any funds are spent related to a Planning Board project. She agreed to talk to the Finance Director and set up a meeting on the density benefit.

Attorney Galvin brought up the surety issue and indicated the Applicant is not opposed to it however; if the Board and Applicant agree a Certificate of Occupancy will be held until substantial completion, the Board is in complete control and surety would not be necessary. He said a cash surety would create a financial hardship and the Board would never take the money to finish the project. The Board indicated it requires surety because a developer may leave a project unfinished and the Town does not want that. Ms. Joseph indicated it has been required on other private projects and she has not discussed it with Town Counsel. The Board indicated the hearing would need to be continued to resolve the matters.

On December 3, 2020, the Board discussed the public benefit and determined they would accept the Applicant's offered public benefit of a contribution of \$25,000.00 to fund traffic and pedestrian improvements in the Greater Greenbush area. The Applicant shall provide such funds to the town prior to commencement of construction. The funds shall be placed in an interest bearing account with the expenditure of funds for this said purpose approved by the Town Administrator after consultation with the Town Planner, Director of Planning and Development, DPW Director and approval of the Planning Board, all of whom must concur. Additionally, the Applicant has agreed to grade the entrance to the path at the park owned by the Town of Scituate adjacent to Dunkin so that the drop to the path is eliminated and the path is more handicap accessible. The public hearing on the Site Plan Administrative Review and Special Permit in the VCN- GDG- GVC was closed after The Applicant provided a summary of progress on the draft decision. No public testimony was offered. The Planning Board voted to grant the Site Plan Administrative Review and Special Permit in the VCN- GDG- GVC for 18 Ford Place, Don McGill, Applicant 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, indicated that the sewer line at that location has sufficient capacity for the proposed project. He indicated that the system wide capacity at the Waste Water Treatment Plant remains limited, but there is no moratorium. He noted that any building with a sewer unit that has not received a betterment will owe a \$16,000 connection fee per sewer unit, and if there needs to be manholes installed in the parking area for building connections then the frame and cover for the manholes shall be water tight and bolted down.

Sean Anderson, of the Scituate Water Department, indicated the existing water line to the current property must be terminated with shutting it off on Ford Place and cutting and capping the old line. A new service must be installed and inspected by the Water Department. Water and sewer lines require ten feet of separation and if this cannot be achieved the water line must be sleeved ten feet in both directions and sealed on both ends. The Water Department recommends that each unit be individually metered.

Alfred Elliott, Deputy Fire Chief, indicated that a sufficient access path be made available to the building to allow for the safe and efficient evacuation of the building from the rear exit. He asked that some method be used so vehicle parking does not compromise any portion of the designed path along the rear of the building. He indicated a center exit path should also be maintained

perpendicular to the building to allow residents to exit clear of the overhang that makes up the rear setback of the building. Deputy Elliott said that the building sprinkler system should consist of a dry or anti-freeze zone capable of covering the full area of the parking under Unit #5. He indicated that clear access to the Fire Department Connection (FDC), Fire Alarm Control Panel (FACP) and Sprinkler Room must be maintained. He indicated the twenty foot access drive must be marked as a fire lane to discourage vehicles from obstructing access to the building or neighboring structures.

Taryn and Mary Lou Consilvio of 22 Ford Place said they were worried about water going off the property and what if the stormwater system fails. They thought the building looked tall and will shadow over other buildings in the area as it is a huge building on a small lot and the open space doesn't seem adequate. Mary Lou asked about lighting and indicated parking is an issue with how tight Ford Place and MacDonald Terrace are especially during the day with the post office and other business parking on the street and is concerned with emergency vehicle access. She said no one has ½ a car in response to the requirement of 1.5 spaces per car and local traffic is already a problem. Mr. McGill said they meet the parking requirements and they are not restricting the street or turning radii for emergency vehicles. On September 24, 2020, Mary Lou Consilvio expressed concern about emergency vehicles having access to the street with its narrowness, snow plowing, traffic during construction and lighting. On November 5, 2020, May Lou Consilvio indicated she has been to all the meetings and has expressed that the building is just too big for the site, there is not enough room for parking, there is no room for visitor parking and there will be no ambient light.

Hal Stokes, Chairman of the Design Review Committee (DRC), provided the committee's thoughts and recommendations. They indicated their meetings with the Applicant resulted in the DRC unanimously voting to not approve the plans until the large roof truss arrangement shown on the plans is replaced with a more traditional roof line. They would like the Applicant to abandon the truss arrangement and build a traditional framed roofline with gables butting into the roof line in a stick built manner more appropriate to the neighborhood. The resubmitted plans eliminated one truss; however one remains. The DRC also indicated that they thought the building is large for the site and the "scale does not support the neighborhood scheme."

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 December 3, 2020:

1. On May 12, 2020, the Applicant, Don McGill, filed an application for a Site Plan Review and Special Permit under Scituate Zoning Bylaw Section 580.4 and Section 760.8 (D) (2) and Site Plan Review under Scituate Zoning Bylaw Section 770. The Application included, but is not limited to, the following:
 - a. Application Form, locus deed, proof of paid real estate taxes and narrative demonstrating compliance with Bylaw Section 770.6;
 - b. Filing Fees and Abutters' List;

- c. Site Plan, Assessors Lot 53-05-22, 18 Ford Place, Scituate, MA dated April 29, 2020 by Grady Consulting, L.L.C. consisting of 10 sheets;
 - d. Architectural Plans for New Construction –Five Unit Condominium Building, 18 Ford Place, Scituate, MA dated 5/7/20 by SDA consisting of 5 sheets;
 - e. Stormwater Permit Application and Stormwater Design Calculations with Operation and Maintenance Plan and Site Plans (see above).
2. The Property that is the subject of the Application is a 10,000 sq. ft. +/-parcel located at the corner of Ford Place, a public way and MacDonald Terrace, a private way in, Scituate, Massachusetts. The Property is currently improved with an existing single-family dwelling, existing detached garage and existing bituminous concrete driveway off of Ford Place.
 3. The Project is located in the new Village Center and Neighborhood (VCN) Zoning District, Greenbush-Driftway Gateway District (GDG) and the Greenbush Village Center Subdistrict (GVC) – VCN-GDG-GVC.
 4. The Project proposed by the Applicant consists of a multi-family building (MFB) with five (5) residential condominium units. The residential units each have two (2) bedrooms each for a total of ten (10) bedrooms. Eight (8) parking spaces for the units are proposed. A driveway is proposed on the Applicant’s property; however, a shared access driveway with 6 MacDonald Terrace is desired as an alternative should 6 MacDonald Terrace receive a special permit modification. The Applicant has submitted a proposed plan depicting the Easement Area for a shared access driveway and a draft easement agreement. The Board approves the conceptual shared access driveway. If the Applicant is able to reach an agreement with the abutter and concurrence on a final Easement Agreement, the Applicant’s Plan and Easement Agreement may be approved by the Planning Board without a further public hearing for this project.
 5. Eight (8) parking spaces for the units are proposed with seven (7) being located on the parking surface under the building overhang and one off of a driveway on Ford Place. Parking is proposed per Section 760.8 of the Scituate Zoning Bylaw for parking in Mixed-Use Districts (Table 2) with 1.5 spaces for a 2-bedroom unit in a multi-family building as the site is in the VCN District. 7.5 parking spaces are required and 8 are provided. No shared parking, off-site parking or stacked, valet and tandem parking are proposed. Section 760.7 does not apply as the site is proposed for residential use in the VCN.
 6. The property at 18 Ford Place does not include a requirement for a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw.
 7. In the VCN-GDG-GVC a multi-family building is an allowed use per Section 580.3 of the zoning bylaw and an allowed building type per Section 750 of the zoning bylaw.
 8. The base residential density in the GDG-GVC subdistrict per Section 580.4 of the zoning bylaw for a multi-family building is 12 units per acre by right and 24 units per acre by special permit. Two (2) units are allowed by right and up to five (5) units are allowed by special permit for this Project if certain Public Realm Improvements are made by the Applicant that will provide benefits to residents and businesses in the project and the VCN district and surrounding area.

The eligible public benefit improvements include on-site or off-site infrastructure improvements, streetscape improvements, open space improvements, amenities not otherwise required under Section 752, public parking spaces or additional affordable units beyond the number required for the development. The Applicant proposes to provide a contribution of \$25,000.00 to fund traffic and pedestrian improvements in the Greater Greenbush area. The Applicant shall provide such funds to the town prior to commencement of construction. The funds shall be placed in an interest bearing account with the expenditure of funds for this said purpose approved by the Town Administrator after consultation with the Town Planner, Director of Planning and Development, DPW Director and Planning Board, all of whom must concur. Additionally, the Applicant has offered and the Board has agreed to accept the Applicant's offer to grade the entrance to the path at the park owned by the Town of Scituate adjacent to Dunkin Donuts so that the drop to the path is eliminated and the path is more handicap accessible.

9. Section 580.4 also has minimum bulk standards for dwelling sizes. A two (2) bedroom unit is required to have 900 sq. ft. of usable floor area. Units 1 and 2 have 1,375 sq. ft., Units 3 and 4 have 1400 sq. ft. and Unit 5 has 1600 sq. ft. There are less than 24 units in the building. This requirement is met.
10. No Public Realm Standards or Affordable Housing Requirements are required for this development.
11. The Applicant met with the Design Review Committee ("DRC") and Planning Department Staff, to review whether the proposed Project meets the Design Review Standards of Section 580 and 750. Under Scituate Zoning Bylaw Section 750, the three-member, Design Review Committee is charged with making recommendations to the Planning Board on building and site design. Following discussions with the DRC and Planning Staff, the Applicant modified its original architectural plans to address compatibility of site features such as roof lines and parking with the building and its abutting properties. Based on the changes and as shown on the updated architectural renderings dated 10-8-20, the proposed Project meets the Design Review Standards of Section 580 and 750 (see also below) as the mass of the building is not proportionally out of scale with the neighborhood and public Realm Improvement/density bonus is required for the project as it exceeds its by right density and is seeking a special permit for the maximum allowable site density.
12. A MFB includes lot standards found in Section 750.5 & 6 including:
 - A minimum lot size is not required;
 - Street frontage of 80' is required. There is 100' of frontage on both Ford Place and MacDonald Terrace.
 - The front yard build-to-zone (setback) is 10' minimum and 30' maximum. 10' is provided on both Ford Place and MacDonald Terrace.
 - Minimum side yard is 15ft. 15 ft. is provided.
 - Minimum rear yard is 20 ft. 20 ft. is provided.

- Outdoor Amenity Space Coverage required is 20% of the lot. 21% is provided. The permitted outdoor amenity space is per Section 752 of the bylaw is a Common Yard and Garden (PS) with a patio stone, patio. This has changed from a pervious paver in a previous submission. The patio is separated from the parking by a garden trellis and some planting. There are two benches shown for the patio. The requirement is met.
- More than one principal building is allowed on a lot – Not applicable as one building is proposed.
- The building meets the setback and stepback standards of a maximum of 25' for 0-25ft from the right of way line.
- Building articulation standards have been met with buildings greater than 50 feet in width designed to read as a series of smaller buildings with varied articulation.
- Horizontal modulation and articulation is not required as the building is less than three (3) stories.
- Façade transparency is required for multi-family buildings. Windows shall be evenly spaced along the façade, windows shall be low reflectivity glass the façade glazing shall fall between two and 12 feet. The project meets this requirement with window spacing, façade glazing occurring between 3'-2" and 8'. Low reflectivity glass is proposed.
- The only roof pitches which meet the criteria of 6:12 minimum and 12:12 maximum are the dormers for the asphalt shingle gable roof. The standard is not met.
- Exterior treatments will be provided. Exterior treatments will be synthetic material intended to provide the look and character of traditional building materials i.e. cedar shakes. The windows will be operable. Architectural elements are continued from the front to the side. The proposed building has textures and patterns.

13. A MFB includes building design standards found in Section 750.6 including:

- The building height will conform to the height regulation set forth for an MFB at 26' to top of ridge which is less than 4 stories and 40' with the height measured from the average ground level to the average height between the eave and ridge for a building with a pitched roof.
- The minimum street facing wall width is 60 ft. and the maximum is 100 ft. 73.4' has been provided along Ford Place. 78.167' has been provided along MacDonald Terrace.
- A street facing entrance is required. One is located on Ford Place.
- A maximum building footprint is not applicable.

14. Development site standards include (Section 750.8):

- The development site consists of one building;
- The development site does not include any existing or proposed right-of-way;

- A multi-family building is a permitted building type in this district;
 - A minimum of 50 feet of frontage on a public or publically accessible street providing access to the development is provided;
 - Development block standards are not applicable;
 - Site Landscaping is provided. Existing trees are not preserved as they are in poor condition and are an invasive species. Plantings are arranged to not obscure the vision of traffic.
 - Parking must be located a minimum of 5 feet behind the front façade. Project meets this requirement. A street screen shall be required where parking is visible from a public street or sidewalk. The parking space from Ford Place is not screened. The Planning Board agrees to waive this provision. The parking area is not visible from MacDonald Terrace as a building wall and lattice screen the parking.
 - A driveway servicing the site is shown off MacDonald Terrace. It is proposed as 20 feet wide. A shared driveway is desired with 6 MacDonald Terrace. A draft common driveway easement document has been provided.
 - New public utilities are proposed as underground
 - Trash storage areas viewable from MacDonald Terrace and Ford Place are screened with a six (6) foot wooden stockade fence with gates.
15. Sustainable Site Design is required in the VCN District per Section 751 of the zoning bylaw. Stormwater management shall conform to best management practices described in the Commonwealth of Massachusetts Stormwater Management Handbook. Predevelopment hydrology is maintained by infiltrating, storing and detaining storm water in underground leaching chambers. The post construction peak rate and volume of runoff is not exceeded for the 1, 2, 10, 25 and 100 year 24 hour rain events. Stormwater Best Management Practices are required. Minimization of impervious surfaces is partially provided by providing only the required parking; however, the project maximizes the development of the lot with building and parking. Impervious pavement is provided for the walk and the Board's consulting engineer has stated changing from pervious to impervious would not impact the stormwater peak rates. Subsurface retention facilities have been provided.
16. A Landscape Plan shall be required for all submissions, except where waived by the Planning Board. To the greatest extent possible, native plants shall be maintained and no plants listed as Invasive or Prohibited by Massachusetts shall be used. Existing invasive plants shall be removed. A Landscape Plan has been provided. Existing invasive and prohibited Norway maple trees are proposed to be removed. Native landscaping is reasonably proposed. Lawn area in the front yard is minimized and fertilizer use is discouraged. The front yard contains an impervious paver walk. This requirement has been met.
17. 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. A multi-family building requires a site plan reviewed by the Planning Board.

18. Section 770.6.A Site Plan Approval Standard A: Protection of adjoining premises against detrimental and offensive methods of utilizing the site.

Finding: The site is currently a residential use and is proposed to be the same.

19. Section 770.6.B Site Plan Approval Standard B: Traffic safety and ease of access at street and highway entrances and exits of driveways, taking account of traffic volume, grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections and times of peak traffic flow.

Finding: The site is located at the corner of Ford Place and MacDonald Terrace. The project will consist of one Multi-Family Building with five (5) 2-bedroom units. The proposed development will have its own separate off-street parking meeting the requirements of Section 750.8. Access for one parking space will be from Ford Place. Access for the remainder of the parking and development will be from MacDonald Terrace, a private way. The owner has the right to use MacDonald Terrace for access and for utilities. There is currently minimal traffic volume on the existing streets, level grades and the Applicant maintains adequate sight distance. Driveways within 100 feet of the site have not all been shown. This standard is met.

20. Section 770.6.B Site Plan Approval Standard C: Safety and adequacy of driveway layout, pedestrian safety, off-street parking and loading sites, minimizing glare from headlights and light intrusion, sufficiency of access for service vehicles such as electricity, gas, fuel, telephone, laundry, rubbish removal, water, sewer, fire, police, ambulance or other routine or emergency vehicles.

Finding: The proposed development will have its own separate off-street parking meeting the requirements of Section 750.8. Access will be from Ford Place and MacDonald Terrace. The main access off of MacDonald Terrace is 20' wide. The site as proposed will have sufficient access for service vehicles.

21. 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 for 18 Ford Place and connect to the water main located on MacDonald Terrace. There are currently fire hydrants located within 100' of the site on Ford Place and MacDonald Terrace. The DPW Sewer Division has indicated that the sewer line at this location has sufficient capacity and that the Waste Water Treatment Plant has limited capacity at this time. The Water Division indicated that the existing service to the property will need to be terminated and a new service provided. They recommend individually metered units.

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

Finding: The proposed project consists of a subsurface galley infiltration system to attenuate runoff from the proposed building and driveways. The site is not located within the Water Resource Protection district. Snow storage areas are not provided and will not occur on the site due to limited space. The Board engaged Chessia Consulting Services, LLC (“Chessia”) to evaluate the adequacy and accuracy of Grady Consulting, L.L.C.’s stormwater report and data as well as the efficacy and adequacy of the design. Chessia submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and Grady provided responses, revised reports where requested and updated the site plans. After further review by Chessia, the Applicant was determined to have adequately addressed his comments and recommendations if the stormwater management system is built as designed. The Applicant has submitted a stormwater management plan and Operation and Maintenance Plan that ensures that the project will be managed appropriately before and after the completion of construction.

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

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

This requirement is met.

23. Section 770.6.F Site Plan Approval Standard F:

Finding: Not applicable as the site is not in the Water Resource Protection District.

24. Section 770.6.G Site Plan Approval Standard G: Minimizing the volume of cut and fill, the number of trees of 6” caliper or greater removed, the length of stone walls removed, soil erosion, and destruction of other natural features.

Finding: The proposed site is 10,000 sq. ft. and minor grade changes are proposed; therefore, there is minimal cut and fill. Approximately six trees greater than 6” caliper are to be removed. Several of the existing trees to be removed are Norway Maples, an invasive and prohibited tree in Massachusetts.

25. 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 publically accessible locations and, therefore; the Applicant complies with this requirement.

26. Section 770.6.I Site Plan Approval Standard I: Parking areas shall be adequately buffered and shaded using native vegetation. Parking lots with ten or more spaces shall be planted with at least one shade tree per ten spaces, of a caliper of at least 2 ½ inches dbh, with each tree providing shade to the parking area. Parking areas and visually degrading elements such as

dumpsters and loading docks shall be designed to minimize visual intrusion from public ways and residentially owned or zoned areas. In addition, suitable screening of such areas by wood fences and dense, native evergreen hedges of five feet or more at time of planting shall be utilized. The use of chain link fences shall be avoided except in industrial areas. Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spillover to neighboring properties. No outdoor light shall be located more than twenty feet above the ground.

Finding: The project consists of two residential driveways with the majority of parking underneath a portion of the proposed structure, to the rear of the property, and not visible from the street. Shade trees are proposed throughout the site. There is currently street lighting on Ford Place. The main parking area is buffered from abutting properties by the building and lattice work thereby meeting the requirements of the Bylaw.

27. Section 770.6.J Site Plan Approval Standard J: Safe, functional, and convenient pedestrian, bicycle, and where practical transit access, and continuity of the pedestrian and bicycle network within the property and to nearby pedestrian and bicycle facilities and trip generators.

Finding: The surrounding area provides safe, functional and convenient pedestrian access. There is a sidewalk located on Ford Place giving access to a Post Office across the street from the project site. There is also a public walkway to the Greenbush Train station. There is not a bike rack on the site.

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

Decision:

Based on the Findings of Fact and testimony provided at the public hearing, the Planning Board approves the Site Plan Review and Special Permit in the Village Center and Neighborhood District for 18 Ford Place on December 3, 2020 with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Grady Consulting, L.L.C. entitled "Site Plan Assessor's Lot 53-05-22 18 Ford Place Scituate, Massachusetts", consisting of 8 sheets dated 4/29/19 with revisions of 7/6/20, 8/11/20, 8/25/20, 9/21/2020, 10/14/20, 11/11/20 and stamped 11/11/20 plans; ii) Architectural Plans by SDA consisting of a Cover, dated 10/8/2020, Sheet A201 Partition Plan Floor 1 dated 10/8/20, A202 Partition Plan Floor 2 dated 10/8/20, A203 Roof Plan with Ghost plan below typical dated 10/8/20; A203 Roof Plan Typical dated 10/8/20; A301 Elevations dated 10/8/20, A302 Elevations dated 10-8-20, A401 Building Sections dated 8/6/20; iii) Architectural Rendering received 8/31/20; iv) Stormwater Report revised dated 10/14/20 v) Operation and Maintenance

Plan received 11/24/20 and any additional revisions needed to conform to the conditions contained therein (the "VCN Special Permit "). Building elevations must be approved by the Town Planner prior to issuance of a building permit for conformance to submitted material.

2. Where this Site Plan Review and VCN Special Permit requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's (the "Planning Board" or the "Board") approval of this Site Plan Review and VCN Special Permit, including, but not limited to approval of work by the Board of Selectmen and Department of Public Works ("DPW") in all public rights of way including Ford Place. Construction shall meet all applicable federal, state and local laws and regulations including, but not limited to, those of the Scituate DPW, Fire Dept., Building Dept., Board of Health, Planning Board as well as the Massachusetts DEP and State Building Code. All necessary permits and approvals must be received prior to construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw. All conditions of approval shall be inscribed on the Site Plan Review and VCN Special Permit Plans.
4. The Applicant shall mean the current Applicant and all its successors in interest. This special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause. The Planning Board may extend said period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which request shall provide a detailed description of the good cause necessitating an extension. A public hearing may be required.
5. The total number of residential dwelling units on the site shall not exceed five (5). All units will be two bedroom units. There will be no affordable units. The total number of bedrooms shall not exceed ten (10). A bedroom shall be defined in accordance with Title V of the State Sanitary Code. Massachusetts Architectural Access Board ("MAAB") requirements must be met. All units will be under condominium ownership.
6. The Applicant shall obtain the plan endorsement from the Planning Board for the Site Plan Review and VCN Special Permit within 90 days of the expiration of the appeal period and this decision becoming final.
7. The following items are to be submitted or added to the plans prior to endorsement:
 - Additional detail on grading including spot grades and drainage for the shared driveway easement area to show pavement pitch of 1% minimum
 - The Landscape Plan shall be stamped by the Landscape Architect
8. No vehicle washing is to occur on the site.
9. The units on the new building shall be numbered on the outside for identification, fire protection and emergency response purposes.

Utilities, Parking, Traffic and Street Improvements

10. Maintenance and repair of the driveway and parking areas, stormwater management system, snow removal, lighting and landscaping shall be the responsibility of the Applicant until a Condominium Association is formed and responsibility for the same has been transferred to the condominium association.
11. All parking is limited to designated spaces as shown on the plan.
12. The twenty foot wide access driveway at the rear of the building shall be marked as a fire lane on the ground to discourage vehicles from obstructing access to the building or to any neighboring structures south of the building.
13. The twenty foot wide access driveway at the rear of the building of MacDonald Terrace is approved entirely on the Applicant's property. If a shared driveway is desired, a revised plan must be submitted with the common driveway easement shown on a separate plan to be recorded along with grading and drainage and an easement document provided.
14. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy made effective by the Board of Selectmen on October 8, 2014 and reaffirmed by the Scituate Water Commissioners on May 26, 2015. All irrigation systems installed in accordance with the policy must be supplied by on-site sources or private water suppliers at the expense of the property owner.
15. The Applicant shall consent to allow members and town officials of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in the Special Permit Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
16. An independent inspector contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities. The inspector shall be approved by the Town Planner and DPW and shall work under the direction of the Town Planner. Written reports shall be submitted to the Applicant and the Planning Board in a timely manner stating results of any and all required inspections during construction unless more frequent reports are needed. Noise, dust and air quality control shall be in accordance with DEP regulations.
17. Construction of the proposed driveways, walkways, patio and parking areas, proposed drainage system, proposed water system and proposed sewer system shall be supervised by a registered professional engineer. Said supervising engineer shall certify in writing to the Planning Board and DPW at completion that the proposed driveways, walkways, patio and parking areas, drainage system, water system and sewer system were constructed in accordance with the

approved plans and that said systems are functioning in full accordance with the approved design.

The certification of the proposed driveways, walkways, patio, parking areas and utilities shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and the supervising registered professional engineer. Prior to issuance of an occupancy permit for any building, a registered professional engineer shall inspect the exterior of each building as necessary and certify to the Planning Board and Building Commissioner with his signature and stamp on an as-built plan, that the grading and stormwater management systems conforms to that shown on the Multi-Family Development Special Permit 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 structures, topography, roadways, water, sewer, gas, cable, fiber optic, electrical and storm drainage infrastructure will be submitted in AutoCAD Format 2013 or higher or ESRI Interchange Format registered to the Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1983 compatible with the Town's system along with stamped and signed copies of said plans.

18. All materials for utility construction shall meet DPW construction standards.
19. A street opening permit will be required for each individual utility connection.
20. A determination of adequacy of the existing water service/fire flow for the proposed use shall be provided by the Applicant to the DPW and Town Planner for their approval prior to scheduling the pre-construction conference. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW. Any required upgrades, modifications or connections shall be at the Applicant's expense.
21. 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.
22. All replacement of, or connection to, Town sewer, drainage and the installation of water mains and appurtenances shall be performed according to the specifications of the Scituate DPW with an independent inspector contracted or employed by the Town to review the construction activity and assure compliance with the Town's rules and regulations. DPW personnel must be in attendance for any sewer, drainage and water infrastructure and appurtenance work in the Town rights of way and on the project site. In addition, the following must be addressed to the satisfaction of the Town Sewer Division prior to the commencement of construction:
 - a. Confirmation that newly constructed manholes shall be furnished with watertight covers and frames bolted down with a gasket.

- b. Confirmation that newly constructed manhole structures shall be vacuum tested paid for by the Applicant. The test must also be witnessed by the Sewer Division and/or by the town's approved independent inspector.
 - c. Confirmation that newly constructed sewer lines must be pressure tested in accordance with Town test standards and the test must be witnessed by the Sewer Division and/or by the Town's approved independent inspector.
 - d. A street opening permit for the sewer line shall be obtained; police details, if required for traffic management and safety, shall be provided through the Scituate Police Department and shall be the responsibility of the contractor.
 - e. Sewer permits are required for the building. Any building with a sewer unit that hasn't received a betterment will owe a \$16,000 connection fee per sewer unit.
 - f. External cleanouts and viewports: Each building line shall have an external cleanout.
 - g. The privately constructed sewer infrastructure will be owned and shall be maintained at all times by the Applicant. The sewer line from the property line in is owned by the property owner.
23. The building, parking, walkways and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities if applicable.
24. The Applicant shall ensure that signs, landscaping and other features located within the sight triangle areas of the Project site driveways and the intersection of Ford Place and MacDonald Terrace, are designed, installed and maintained so as not to impede lines of sight. (2.5 feet in height)
25. 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.
26. The Applicant shall ensure that the property manager promptly removes snow windrows located within the sight triangle areas of the Project site driveway intersections with Ford Place and MacDonald Terrace that exceed 3.5 feet in height or that would otherwise inhibit sight lines.
27. No snow storage is allowed on site. Snow will be removed from the site in compliance with all federal, state and local laws by the Applicant and then by the Condominium Association. The Applicant shall ensure all maintenance personnel are informed of this. MacDonald Terrace is a private way. The Applicant is responsible for making sure the private way is plowed so that there is access to the site.
28. Trash management shall be in the dumpster enclosures located and shown on the Site Plan. All dumpster enclosure locations shall allow for easy movement of trucks with minimal pedestrian conflicts.
29. All electrical, telephone, cable and similar utilities shall be located underground.

30. Except for the Town-owned segments of the sewer and water line from the property line outward, all utilities including the stormwater drainage system shall be maintained by the Applicant according to the Operation and Maintenance Manual for the Stormwater Drainage Systems, dated 10/14/2020 by Grady Consulting, L.L.C.

Erosion Control

31. Erosion Control information has been provided. The construction sequencing must be on the plan prior to endorsement. If there is not adequate parking on site for construction vehicles, the Applicant shall provide legal off-site parking that is not street parking.

Environmental Conditions: Noise and Dust

32. Site noise levels shall conform to the MassDEP's Division of Air Quality Control's Noise Policy. A baseline condition shall be taken and submitted to the Town Planner prior to the commencement of any construction activities.
33. 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.

Landscaping, Site Amenities and Public Realm Improvement:

34. The Applicant shall obtain the approval of the Planning Board for any material changes to the proposed plans. The Town Planner or the Board's inspector shall have the right to approve minor changes or deviations from the approved plans and/or any details needed for lighting, signage, paving materials, fencing or landscaping. Material selection shall be provided to the Town Planner for review for conformance to approved plans prior to installation.
35. 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.
36. A density bonus of three (3) units has been requested. The Planning Board may approve this additional density by special permit if the Applicant provides benefits to the residents of the project and VCN District. Finding #8 indicates that the Applicant has agreed to provide a contribution of \$25,000.00 to fund traffic and pedestrian improvements in the Greater Greenbush area. The Applicant shall provide such funds to the town prior to commencement of construction. The funds shall be placed in an interest bearing account with the expenditure of funds for this said purpose approved by the Town Administrator after consultation with the Town Planner, Director of Planning and Development, DPW Director and approval of the Planning Board, all of whom must concur. Additionally, the Applicant has agreed to grade the entrance to the path at the park owned by the Town of Scituate adjacent to Dunkin so that the drop to the path is eliminated and the path is more handicap accessible.

Architecture/Design:

37. 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.
38. The final building plans, stamped by a registered architect, shall be provided to the Planning Department prior to scheduling the pre-construction conference for review for consistency with the elevations and renderings described in Condition 1. If the plans appear inconsistent, approval by the Planning Board will be required. These plans shall include data on the roof gutter collection system.
39. The building sprinkler system should consist of a dry or anti-freeze sprinkler zone capable of covering the full area of the parking under what is shown in the plan as Unit #5. Care will need to be taken in the design of the sprinkler system to ensure that the fire department has clear access to the Fire Department Connection (FDC), Fire Alarm Control Panel (FACP) and Sprinkler Room.
40. A certification shall be provided 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

41. The Applicant has provided and Town Counsel has already approved draft condominium trust documents and master deed to include the proposed owners of the units in the residential building. The Condominium Master Deed and trust documents, in their final form, shall include:
 - a. A statement that the driveway, parking areas, walkways, patio, drainage system, sewer, landscaping and other common areas shall be owned by the Applicant or the future unit owners organization (herein after the "Condominium Association") and shall be maintained by the Applicant and Condominium Association and shall not be the responsibility of the Town to maintain. The driveway, walkways, patio, drainage system, landscaping, lighting, stormwater leaching system and other common areas shall be inspected, maintained and repaired by the Applicant or the Condominium Association. This shall also be stated in a note added to the plans prior to endorsement.
 - b. A requirement that: i) maintenance of the drainage system, parking, driveways, walkways, and landscaping shall be in accordance with the Operation and Maintenance Plan approved by the Planning Board's consulting engineer; ii) provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways has been provided; and iii) a description of the required annual maintenance of the driveway, parking areas, walkways, landscaping, lighting and other common amenities.
 - c. A table of the number and general location of parking spaces assigned to each unit.
 - d. The Operation and Maintenance Plan shall be provided to the Planning Board as a stand-alone document.
 - e. A requirement that after the Applicant completes the construction of all the units and the units receive final occupancy certificates the Condominium Association shall maintain an

account always containing a reserve equal to one year's cost for maintenance. A contractor's estimate of this maintenance and proof of the available funds in the account shall be provided to the Planning Board with the agreement and annually on January 31 of every year.

- f. A requirement that the Condominium Association notify the Planning Board of the name, address, phone number and email of the trustees within fourteen (14) calendar days of their election and to provide an annual report of the maintenance activities to the Planning Office by January 31 of every year.
42. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
- a. Copies of the recorded special permit and plans;
 - b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum, inspections of Subdivision Rules and Regulations Section 9.0, for the driveway, parking areas, walks, patios and stormwater management systems, water system, municipal sewage connection and sanitary sewerage line, new curbing and erosion and dust control measures, as well as any specific requirements contained herein which may require review and/or inspections by the Town. The specific amount shall be provided by the Planning Dept. based on the consulting engineer's estimate, shall be subject to amendment from time to time and shall be supplemented by the Applicant as requested by the Planning Dept.;
 - c. A construction schedule including approximate dates for installation of erosion control and other site protection/stabilization, construction of the building, and all applicable items in Subdivision Rules and Regulations Section 9.0; and
 - d. A type and amount of security provided by the Applicant reasonably satisfactory to the Planning Board to cover the satisfactory completion of site and infrastructure features shown on the site plan including landscaping, parking, drainage, signs, lighting and related conditions imposed by the Board. The amount shall be based on the Applicant's contractor's estimate of costs of these items, reviewed by the Town's consulting engineer and shall be approved by the Planning Board prior to the preconstruction conference.

Required Prior to the Start of Construction

43. 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.

44. 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.
45. 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

46. 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.
47. 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.
48. 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.
49. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
50. Any parking or unloading on Ford Place or MacDonald Terrace associated with construction shall not obstruct safe passage of these streets other than on a temporary basis. The Applicant shall contact the Scituate Police Department in advance of any parking or unloading greater than fifteen (15) minutes or otherwise impeding safe passage shall be approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access.
51. The Applicant shall notify the Scituate Police Department 48 hours in advance of any significant equipment and construction material arrival to the site which may cause a safety hazard or material disruption of the public way such that a police detail is necessary to ensure safe passage. Any Police detail required is at the expense of the Applicant and is required when the Police Department determines it is necessary.
52. The Applicant shall not allow any large construction equipment or trucks to stage or idle on public roads and shall not allow such equipment or trucks to idle onsite prior to 7:00 AM. Police details may be required for construction access or work within the layout of Ford Place or MacDonald Terrace.
53. 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.

54. 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.
55. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant is available at the water treatment plant for construction use during non-water ban times.
56. 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

57. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the driveway, parking areas, walkways and patio and installation of necessary utilities is in full compliance with the approved plans and the special permit.
58. 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.
59. Following review and approval by the Planning Board, the Condominium Master Deed and Condominium Association Documents shall be recorded at the Registry of Deeds prior to the Building Department's issuance of any Occupancy Permits. Proof of Recording must be provided to the Planning Board.

Administration

60. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
61. This Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 120 days of expiration of the appeal period or such extension of that time period granted by the Planning Board following approval of this Special Permit. The Applicant shall provide proof that the Special Permit was recorded to the Planning Board.
62. The Planning Board may in its discretion waive or modify conditions of this Special Permit at a duly called meeting of the Board if the Board determines that such waiver or modification is insignificant and does not materially adversely affect the purpose of this special permit decision.
63. This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with M.G.L. Chapter 40A, Section 9.
64. All plan sheets of the Site Plan Review and VCN Special Permit shall be recorded at the Registry of Deeds.
65. All construction work shall be done in accordance with the plans.

Vote:

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Site Plan Review and Village Center and Neighborhood District Special Permit at 18 Ford Place with the conditions noted above.

December 3, 2020

Date

SCITUATE PLANNING BOARD

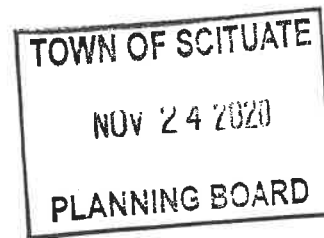
Patricia A. Lomunt
Ana Burbine
[Signature]
[Signature]
Sgt. R. Puhkank

This decision was filed with the Town Clerk on December 15, 2020
date

Appeal of this special permit may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.

This special permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry of Deeds, after the expiration of the appeal period of twenty (20) days.

The Planning Board certifies that it has complied with all statutory requirements of MGL Chapter 40A, Sections 9 and 11, and will file copies of this decision with the Town Clerk. The Planning Board further certifies that it has taken into consideration all testimony rendered at the Public Hearing, the comments and suggestions of other boards which have reviewed and made comments on the plans



OPERATION AND MAINTENANCE PLAN
PROPOSED DRAINAGE SYSTEM
Proposed Single Family Dwelling Units
18 Ford Place
Scituate, Massachusetts

Owner:

Don McGill
29 Duck Hill Road
Duxbury, MA 02332
Contact: Don McGill 617-512-4095

Party Responsible for Operation and Maintenance:

During construction the owner will be the party responsible for operation and maintenance of the drainage system. When the property is conveyed, the new owner will be the party responsible for operation and maintenance.

Source of Funding:

Operation and Maintenance of this stormwater management system will be the responsibility of the owner. The estimated annual budget for the operation and maintenance of the stormwater system is \$1,500.

Schedule for Inspection and Maintenance:

Subsurface Structures – Galley System

After construction, the subsurface structures shall be inspected for proper function and stabilization after every major storm event until the lot is completely developed and stabilized. Inspection and routine maintenance of gutters, roof drains, catch basins, and the oil/grit separator is required to prevent sediment from entering the galley system. Inspection shall be done monthly and coincide with the oil/grit separator inspections. If sediment begins to occur within the system perform corrective measures such as vacuum cleaning. Evaluate the system to determine the source of sediment in order to maintain infiltration capacity; as required by the Stormwater Management Policy.

Deep Sump Catch Basins & Oil and Grit Separator

Deep sump catch basins and oil and grit separator shall be inspected in accordance with the attached inspection schedule checklist. They shall be cleaned when sediment exceeds 18" depth and a minimum of two times per year. Disposal of the accumulated sediment shall be in accordance with applicable local, state, and federal guidelines and regulations.

Roof Drains

Roof drain gutters downspouts and perimeter cleanouts shall be inspected four times per year. They shall be inspected for signs of backup, clogging and debris and cleaned accordingly.

Inspections

Inspections of the stormwater management system shall be performed according to the checklist below and an Inspection Schedule and Evaluation Checklist shall be maintained by the Owner and made available to regulatory officials if requested. Copies of the receipts for cleaning of the systems shall also be maintained.

The Owner shall be responsible to secure the services of a Licensed Engineer on an on-going basis. The inspector shall review the project with respect to the following:

- Proper installation and performance of the Stormwater Management System.
- Review of the controls to determine any damaged or ineffective controls.
- Corrective actions.

The Engineer shall prepare, stamp and submit, to the Owner, a report documenting the findings and should request the required maintenance or repair for the pollution prevention controls when the inspector finds that it is necessary for the control to be effective (see attached Inspection Schedule and Evaluation Checklist). The inspector shall notify the Owner to make the changes.

For additional information, refer to Performance, Standards and Guidelines for Stormwater Management in Massachusetts, published by the Department of Environmental Protection.

INSPECTION SCHEDULE AND EVALUATION CHECKLIST – POST CONSTRUCTION PHASE

PROJECT LOCATION: Ford Place

Latest Revision 11/11/20

Best Management Practice	Inspection Frequency (1)	Date Inspected	Inspector	Minimum Maintenance and Key Items to Check	Cleaning/ Repair Needed yes/no List items	Date of Cleaning/ Repair	Performed By	Water Level in Detention System
Oil and Grit Separator	Monthly							
Catch Basins	Four times per year							
Subsurface Galley System	Monthly							
Roof Drains	Four times per year							

(1) Refer to the Massachusetts Stormwater Management, Volume Two: Stormwater Technical Handbook for recommendations regarding frequency for inspection and maintenance of specific BMPs.

(2) records shall be kept for a minimum of three years.

Limited or no use of sodium chloride salts, fertilizers or pesticides recommended. Slow release fertilizer recommended.

Other notes:(Include deviations from: Con Com Order of Conditions, PB Approval, Construction Sequence and Approved Plan)

Definition of Major Storm Event

For the purposes of this operation and maintenance plan a major storm event should be defined as a rainfall of such intensity or duration that causes observable movement of sediment on the roadway or site. It is the intent of this plan to prevent this sediment from entering the drainage system. Prior to stabilization of the site this may occur more frequently with less intense storms. As the site is stabilized with ground cover the movement of sediment will only occur during more severe storms.

For additional information, refer to Performance Standards and Guidelines for Stormwater Management in Massachusetts, published by the Department of Environmental Protection.

