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Planning Board

**Site Plan Administrative Review – Stormwater Permit and Special Permit for Tandem Parking
Multi-Family Buildings in the Village Center and Neighborhood District-Greenbush Driftway
Gateway District-Greenbush Village Center Subdistrict (VCN-GDG-GVC)
14 – 16 Old Country Way
Decision: APPROVED with Conditions**

Applicant: 14-16 Old Country Way, LLC, Robert Proctor, Manager
Address: 75 Gilson Road, Scituate, MA 02066
Owner: 14 – 16 Old Country Way, LLC, Robert Proctor, Manager
Address: 75 Gilson Road, Scituate, MA 02066
Request: Approval of Site Plan Administrative Review and Stormwater Permit for Multi-Family Buildings in the Village Center and Neighborhood District-Greenbush Driftway Gateway District- Greenbush Village Center (VCN-GDG-GVC) under Scituate Zoning Bylaw Section 580, 750, and 770

Date: September 21, 2022
Location: 14 -16 Old Country Way, Scituate, MA 02066
Assessor's Map: 48-2-56 & 57
Zoning District: Village Center and Neighborhood District- Greenbush Driftway Gateway District- Greenbush Village Center Subdistrict (VCN-GDG-GVC), Water Resource Protection District – Zone A
Zone A

Hearing Dates: July 14, 2022, August 11, 2022, September 8, 2022
Members Hearing Special Permit Application: Patricia Lambert, Stephen Pritchard, Rebecca Lewis, Benjamin Bornstein and Robert MacLean.
Decision: Approved with conditions by a unanimous vote

Background:

14 – 16 Old Country Way, LLC, Robert Proctor, Manager of 75 Gilson Road, Scituate, MA (the “Applicant”) is proposing a project consisting of two multi-family buildings in the Village Center and Neighborhood District-Greenbush Driftway Gateway District-Greenbush Village Center Subdistrict at 14 – 16 Old Country Way, Scituate, Massachusetts. The existing site will be reconfigured and reconstructed to accommodate the site improvements and new uses. All of the proposed work, including the site work, new buildings, site infrastructure and site improvements are collectively referred to herein as the “Project”.

The property is a 29,249 sq. ft. (.67 +/-AC) upland parcel improved with two existing dwellings, three sheds, and concrete and bituminous concrete driveways and an underground 24” RCP pipe going through the entire site. The 24” RCP outlets across Old Country Way and is a tributary to Old Oaken Bucket Pond.

The site is located in the new Village Center and Neighborhood District – Greenbush Driftway Gateway District-Greenbush Village Center Sub District (VCN-GDG-GVC) and is proposing to use that zoning despite having an approved Mixed-Use Special Permit project under previous zoning. The resultant zoning in effect is the Village Center and Neighborhood District – Greenbush Driftway Gateway District-Greenbush Village Center Sub District (VCN-GDG-GVC) (Section 580, 750 and 770 and the Water Resource Protection District (WRPD) Zone A zoning.

The Scituate Zoning Board of Appeals (ZBA) filed a decision for a finding on 6/25/2019 under Scituate Zoning Bylaw Sections 820 and 950.2D, 520 and G.L. Ch.40A, Section 6 so that the Applicant is allowed to alter and reconstruct the pre-existing non-conforming structures resulting in the impermeable material of the Property shall be no more than 40% post development. The ZBA’s relief also includes the “extension, alteration, reconstruction, and continuances of the Nonconforming uses within the Zoning Bylaw Section 520 150-ft. non-disturbance buffer zone as proposed, and the reduction in the maximum impervious surface from 44% to 42.5%”.

In the VCN-GDG-GVC District, multi-family buildings are permitted uses and building types. Eight residential condominium units are proposed in two multi-family buildings. The density of 12 units per acre by right and 24 units per acre by special permit is being met as 8 units are allowed by right for the 29,249 sq. ft. site and thus no special permit for density is needed. One affordable unit is required and one is proposed. The proposed multi-family Project will have access from Old Country Way in one location.

Building 1, the Townhouse building, has four (4) two-bedroom units with 2 parking spaces per unit for a total of 8 spaces. One space per unit will be a garage space and one space will be outside the garage parked in tandem with the garage. A special Permit has been requested for the tandem spaces. Building 2, the Barn Building, will have four (4) two-bedroom units. Two of the units will have one interior garage parking space. The remainder of the 4 parking spaces are outside the building to the side front of it. Parking for the barn building is per the bylaw at 1.5 spaces per unit.

The Project will be serviced by Town water and sewer. The water and sewer divisions have indicated their requirements with respect to lines and sewer betterment fees. The proposed stormwater management system consists of roof areas being piped to separate subsurface recharge systems located to the rear of each building. A subsurface recharge system also handles stormwater for the pavement and then discharges it to a bio retention system. 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 90% Total Suspended Solids (TSS) are required to be removed as the site is in the WRPD which the calculations indicate will be achieved with over 90% TSS removal. Massachusetts Department of Environmental Protection (MA DEP) Stormwater Management Regulations and the requirements of the Town of Scituate Stormwater Bylaw and its regulations have been met.

The Applicant submitted a Stormwater Management Report by Ross Engineering Co., Inc. a subsidiary of Grady Consulting, LLC stamped by Kevin S. Grady. This report and the accompanying Site Plan for 14-16 Old Country Way were reviewed by the Town's consulting engineer, Janet Carter Bernardo, P.E. of the Horsley Witten Group, who submitted detailed comments to the Planning Board. In response to these comments, the Applicant provided revised reports and plans which, after further review by the consulting engineer, were found to address the comments and recommendations or could be conditioned.

Public benefits are not required as part of this project; however, the Applicant previously agreed to contribute \$10,000 for improvements in the Greenbush-Driftway area.

Procedural Summary:

An application for a Site Plan Administrative Review in the VCN-GDG-GVC, Stormwater Permit and Special Permit for Tandem Parking was filed with the Town Clerk on May 24, 2022. 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 14, 2022 with in person and remote participation due to open meeting law provisions for the COVID-19 pandemic. The public hearing was continued to August 11, 2022 and September 8, 2022 when the hearing/meeting was closed and the Site Plan Review, Stormwater Permit and Special Permit were approved with conditions. All members were at all sessions where testimony and evidence were presented or filed a Mullin Rule Certification for missing only one meeting.

Hearing Summary:

When the public hearing/meeting was opened on July 14, 2022, the Applicant was present along with the Planning Board's consulting engineer, Janet Bernardo of Horsley Witten Group. Karen Joseph, Town Planner and Shari Young, Planning Board Assistant were present. Ms. Burbine read the legal ad for the record.

Mr. Proctor indicated he could answer any questions. Ms. Joseph indicated that the barn building will now be a multi-family building for 8 units in the two buildings with one affordable unit. She indicated the building footprints are the same as approved under the mixed-use special permit and the drainage has been peer reviewed to verify it is the same as previously approved. She also

indicated the plans needed to be revised to update the current zoning. Ms. Joseph indicated this is a Site Plan Review and Special permit for Tandem Parking.

Ms. Bernardo reviewed the major items in her engineering peer review including some minor changes of raising the subsurface infiltration systems for the two buildings so there is 3' of separation to groundwater. She indicated the project meets state and local stormwater regulations and Water Resource Protection District Regulations as well. She indicated waivers may be needed for the barn building setback and was wondering about trash removal. There was discussion on type of ownership of the buildings, trash removal and waivers as well as the manholes covered when the new walk was put in, demolition permits and the new sidewalk.

At the August 11, 2022, Ms. Joseph indicated she met with Mr. Proctor and the buildings meet the height and setback/stepback; however, a few waivers will be needed including setback for building 2, wall width facing the street, street facing entrance and submitting information for the monitoring agent for the affordable unit after approval. The Board had no issues with the waivers but suggested that the affordable information be provided at least six months prior to occupancy. Mr. Proctor indicated the units will all be ownership versus rental.

On September 8, 2022 the public hearing/meeting on the Site Plan Review in the VCN, Stormwater Permit and Special Permit for Tandem Parking was closed after the Planning Board voted to grant the permit for 14-16 Old Country Way, Robert Proctor Manager based on the Findings of Fact and subject to the Conditions as discussed.

Public and Town Department Input:

William Branton, of the Scituate Sewer Division, commented that the Town's sewer system is at capacity and sewers designed for the lots will be limited to the 6" lateral provided for each lot. He asked for a utility site plan with the application for a sewer permit. He indicated sewer permits are \$50 for residential units. He indicated the existing lots have been assessed a betterment but the additional use of the proposed eight units compared to the existing betterment for two units will incur a sewer connection fee of \$16,000 per each additional unit for a total of \$96,400 in sewer permit and connection fees.

Mark Cloud, Assistant Water Superintendent, indicated they will need to provide the ability to flush the entire 6" water main on-site. This can be accomplished by moving the hydrant to the end of the water main and tapping the last service before the hydrant or looping the system to Jenkins Place. He indicated each unit would require a water meter and there are two options for service connections. The water line was revised to have the hydrant to the end of the line and the last water service is prior to the hydrant. The plans were revised to show 2-2" water services that are routed to utility closets. Additionally, valves were added for fire lines and at the main meeting the water department requirements.

Becky Malamut, of the Water Resources Committee, asked for the peer review, asked for the 3' separation between the bottom of an infiltration structure and maximum groundwater elevation,

indicated that fertilizers and pesticides and deicing and sanding agents can only be stored on-site if they are covered or contained.

Steve Monteiro of 9 Jenkins Place commented that a dumpster would look unsightly in addition to other issues and the residents can obtain dump stickers.

The Department of Public Works Engineering Division (DPW) asked for the following for the Mixed-Use Special Permit and would like to see it here:

- a 20-foot-wide easement around the 24” drain pipe,
- care to be taken during construction to keep construction vehicles off the existing drain pipe’
- street opening permits will be required for each utility connection into the roadway,
- precautions should be used to prevent sediment from entering the pipe during construction,
- permanent markers should be placed over the existing drain line to protect and alert residents to the buried utility.

The DPW also commented on adding sidewalk with vertical granite curb to close the driveway openings and adding an ADA compliant ramp all in accordance with DPW standards.

There was no public comment at the August 11, 2022 nor September 8, 2022 public hearing/meeting sessions.

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 September 8, 2022.

1. On May 24, 2022, the Applicant, 14-16 Old Country Way, LLC, Robert Proctor, Manager, filed an application for a Site Plan Review for a residential multi-family project in the Village Center and Neighborhood District under Scituate Zoning Bylaws Section 580, 750 and 770 and a Special Permit under Scituate Zoning Bylaw Section 760.8 (D) (2) Tandem Parking. The Application included, but is not limited to, the following:
 - a. Application Forms, locus deed, and narrative demonstrating compliance with Bylaw Section 770.6;
 - b. Filing Fees and Abutters’ List;
 - c. Site Plan for 14-16 Old Country Way in Scituate, MA dated May 19, 2022 by Ross Engineering Co., Inc a subsidiary of Grady Consulting, L.L.C. consisting of 10 sheets;
 - d. Landscape Plan 14-16 Old Country Way, Scituate, MA dated October 12, 2020 by Bernice Wahler Landscapes consisting of 2 sheets;
 - e. Alterations to Design of Barn 4 Dwelling Units, New Construction, --@ 4 Unit Condominium Buildings, 14-16 Old Country Way, Scituate, MA dated 8-20-21 with revisions through 5-19-22 by SDA consisting of 6 sheets; Townhouse building design

consisting of 4 sheets – AH 101, AH 102, AH 200 and AH201 by Jill Neubauer Architects dated 8/31/20;

- f. Lighting specification sheets for Allegra Medium and lighting design for 14-16 Old Country Way dated 9/30/2020 by Robert J. Lindstrom, Designer;
 - g. Stormwater Report for 14-16 Old Country Way dated May 19, 2022 by Ross Engineering Co., Inc. a Subsidiary of Grady Consulting, LLC.
2. The Property that is the subject of the Application is a 29,249 sq. ft. parcel located off of Old Country Way, Scituate, Massachusetts. The Property is currently improved with two residential buildings, sheds and bituminous concrete and concrete impervious surfaces and an underground 24” RCP pipe traversing the site out letting across Old Country Way and is tributary to Old Oaken Bucket Pond.
 3. The Project is located in the Village Center and Neighborhood (VCN) Zoning District, Greenbush-Driftway Gateway District (GDG) and the Greenbush Village Center Subdistrict (GVC) – VCN-GDG-GVC.
 4. The Zoning Bylaw in effect for this project is the bylaw approved by the Scituate Annual Town Meeting on 4/12/2021 and the Attorney General on 9/13/2021 and posted to the website in October 2021.
 5. The Project proposed by the Applicant consists of eight (8) residential units in two buildings. The Buildings are proposed as Multi-family Buildings (MFB). The west building – Building 1- Townhouse building- will have four (4) residential units in a two-story building. The east “barn” building, Building 2, will have four (4) residential units located in a two-story building. The residential units each have two (2) bedrooms each for a total of 16 bedrooms. One affordable dwelling unit is proposed. Building 1 has a maximum building height of 30’-6” to top of ridge which is less than the maximum height of 40’ as set forth in the Scituate Zoning Bylaw. The east barn building, Building 2 has a maximum building height of 29’ to the top of the ridge which is less than 40’ tall as set in the zoning bylaw.
 6. Building 1, Townhouse building, provides eight (8) parking spaces for the units with four (4) outside and four (4) garage spaces, providing a total of two (2) spaces per unit in tandem parking form. Building 2, the barn building, will have two interior garage spaces and four outside parking spaces for 1.5 spaces per unit to be located southwest of the building. 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 except that Building 1 has 2 parking spaces for two bedrooms in tandem fashion so a Special Permit for parking is required. Building 2, the barn building, complies with parking requirements of 1.5 spaces per two-bedroom multi-family building. Section 760.7 does not apply as the site is proposed for residential use in the VCN.
 7. The property at 14 – 16 Old Country Way does not include a requirement for a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw.

8. In the VCN-GDG-GVC a multi-family building is an allowed use per Section 420 and 580.3 of the zoning bylaw and an allowed building type per Section 750 of the zoning bylaw.
9. The base residential density in the VCN-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. Eight (8) units are allowed by right and 8 are proposed. No density bonus is required for this project: however, the Applicant previously committed to provide \$10,000 to fund a municipal study of the off-site traffic and pedestrian improvements and to fund in part traffic and pedestrian improvements in the greater Greenbush area. The Applicant has now committed such funds on behalf of this project to be used for improvements in the Greenbush-Driftway area as approved by the Planning Board.
10. 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 through 4 have 1,400 sq. ft. without the garage, Units 5 and 6 have 1,410 sq. ft. without the garage and Units 7 and 8 have 1,390 sq. ft. according to the plans. This requirement is met.
11. No Public Realm Standards are required for this development.
12. One (1) affordable housing unit is required for the development among the 8 units. The unit shall be distributed throughout the remaining proposed housing units and is a two-bedroom unit. The affordable unit is designed so that the exterior is compatible with the market rate units. No monitoring agent or affordable housing information has been submitted at this time. The Applicant requests a waiver for the information to be submitted if the project is approved. The affordable unit must be able to count toward the Town of Scituate's Subsidized Housing Inventory and comply with the Local Initiative Program (LIP) 760.CMR 56.00.
13. The Applicant met with the Design Review Committee ("DRC") and Planning Department Staff on the previous project. The Board did not refer the Applicant to the DRC for this project. Design Standards under Section 580 and 750 of the Zoning Bylaw must be met or waived.
14. A MFB includes Lot Standards and Design Standards found in Section 750.6 including:
 - A minimum lot size is not required;
 - Street frontage of 80' is required. There is 143.8' of frontage on Old Country Way.
 - Lot depth is not required.
 - The front yard build-to-zone (setback) is 10' minimum and 30' maximum. 15' is provided on Old Country Way for Building 1. Building 2 has 126' exceeding the 30' maximum and a waiver has been requested.
 - Minimum side yard is 15'. 32.7' is for Building 1 and 26.2' is provided for Building 2.
 - Minimum rear yard is 20'. Approximately 90' is provided for Building 1 and 20.3' is provided for Building 2.
 - Outdoor Amenity Space Coverage required is 20% of the lot. 21% or 6,100 sq. ft. is provided per the plans. The permitted outdoor amenity space per Section 752 of the

bylaw is a Common Yard and Garden (PS) with a fire pit and seating areas. The fire pit is on the southeast side of Building 2 along with some seating. There is also seating between Building 1 and Building 2.

- The building height will conform to the height regulation set forth for an MFB at 30'-6" to top of ridge for Building 1 and 29' to top of ridge for Building 2 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' and the maximum is 100'. Approximately 40'-3" is provided for Building 1 and 82' is provided for Building 2. A waiver has been requested for Building 1.
- A street facing entrance is required. Building 1 does not have a street facing entrance. Building 2 has a street facing entrance. A waiver will be needed for Building 1.
- A maximum building footprint is not applicable.

15. A MFB has general design standards found in Section 750.5 including:

- More than one principal building is allowed on a lot if the building lot dimensional standards are met for each principal building individually. There are two buildings on this lot and a waiver has been requested for the front setback for Building 2.
- The lot is not a corner lot and has no requirements for corner lots.
- Multi-family buildings taller than 25' shall be required to be setback or stepped back from the street right-of way. Building 1 is setback 15'. For setbacks 0 – 25', a maximum height of 25' is required. Building 1 has a height of 24'-10" to the midpoint of the attic. The Building 1 meets the height requirement as in a multi-family building height is calculated as the average height between the eave and ridge for a building with a pitched roof.
- The scale of the buildings is visually compatible with the site and with its neighborhood,
- Building articulation standards have been met with buildings greater than 50' in width designed to read as a series of smaller buildings with varied articulation.
- No street facing building elevation (e.g. width) is wider than 100'.
- Horizontal modulation and articulation are not required as the building is less than 3 stories.
- Street facing building facades shall provide surface relief through dormers and door canopies.
- 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 the height of 2' and 12'. Façade glazing requirements are only

applicable to front facades facing a street right-of-way. The project meets the requirements with window spacing, façade glazing occurring between 0' and 9'-4". Low reflectivity glass is required.

- The roof pitches meet the criteria of 6:12 minimum and 12:12 maximum except for Building 2 dormers which are 5:12 and Building 1 is 7:12.
- Exterior treatments will be provided. Exterior treatments will be synthetic materials 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 buildings have textures and patterns.

16. Development site standards include (Section 750.8):

- The development site consists of two buildings;
- 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 publicly accessible street providing access to the development is provided;
- Development block standards are not applicable;
- Site Landscaping is provided. The existing tree is not preserved as it is in poor condition. Plantings are arranged to not obscure the vision of traffic.
- Parking must be located a minimum of 5 feet behind the front façade. Building 1 meets this requirement. Parking is not directly in front of Building 2. It is off to the front east side where it will be screened. Project meets this requirement. A street screen shall be required where parking is visible from a public street or sidewalk. The tandem parking spaces for Building 1 will be screened with shrubbery.
- A driveway servicing the site is shown off Old Country Way. It is proposed as 20 feet wide.
- New public utilities are proposed as underground
- Trash storage areas outside are not proposed. Garage doors are located on the front façade of Building 2 and front façade of Building 1. The front façade of Building 1 does not face the street. There is no other feasible location for the garage doors.

17. 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 a subsurface recharge system, a bio retention system with a sand filter and lawn basins. 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. Subsurface retention facilities have been provided.

18. 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. Native landscaping is reasonably proposed. Lawn area in the front yard is minimized and fertilizer use is discouraged. This requirement has been met.
19. Multi-family residential developments shall provide access from parking lots to a public sidewalk and the primary building as indicated in Section 760.8. F. 2. public ways. This will be provided when the Applicant extends the sidewalk on Old Country Way to the proposed driveway as conditioned. No walkway is provided to the sidewalk on Old Country Way, but the driveway will provide access.
20. Section 760 Parking - Tandem parking spaces require a special permit from the Planning Board. Four (4) tandem parking spaces are proposed. The tandem parking spaces are for residential units, they are assigned to the same dwelling unit, they are not used to provide guest parking and meet the size requirements. They serve the public good of the development and have no substantial adverse effect.
21. 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. Multi-family buildings require a site plan reviewed by the Planning Board.
22. 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. This standard is met.

23. 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 on Old Country Way. The project will consist of two Multi-Family Buildings with eight (8) 2-bedroom units. The proposed development will have its own separate off-street parking meeting the requirements of Section 750.8. Access for the parking will be off Old Country Way. The Applicant maintains there is capacity on Old Country Way to handle the minor increase in traffic that will be generated by changing the development from two (2) existing single family homes to 8- 2-bedroom units. The Applicant maintains there is adequate sight distance. 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 been shown. This standard is met.

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

Finding: The proposed development will have its own separate off-street parking meeting the requirements of Section 750.8. Access will be from Old Country Way. The main access off Old Country Way is 20' wide. There are no internal walkways to reach the sidewalk on Old Country Way. The Applicant indicates the site will have sufficient access for service vehicles. This standard is met.

25. Section 770.6.D Site Plan Approval Standard D: Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted on the site, safety and adequacy of water supply and distribution, and of firefighting facilities on the site.

Finding: The project proposes to connect to the existing sewer service in Old Country Way and connect to the water main located in Old Country Way. A fire hydrant will be extended into the site. The DPW Sewer Division has indicated that the Town's sewer system is at capacity, sewers designed for these lots will be limited to a lateral for each lot and a sewer connection fee of \$16,000 will be assessed above the existing betterment of 2 units. The Water Division indicated that the existing service to the property will need to be able to be flushed so a water main should have a hydrant at the end of the line. They recommend individually metered units. The buildings will have fire sprinklers. This standard is met.

26. 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 recharge system and a bio-retention area for the proposed building and driveways. The site is located within the Water Resource Protection District and has been designed to comply with its requirements. Snow storage areas are provided. The Board engaged Horsley Witten Group to evaluate the adequacy and accuracy of Grady Consulting, L.L.C.'s stormwater report and data as well as the efficacy and adequacy of the design. Horsley Witten Group 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 Horsley Witten Group, the Applicant was determined to have adequately addressed the 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 site plan review and 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 standard is met.

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

Finding: The project has been designed to comply with requirements of the Water Resource Protection District. This standard is met.

28. 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 29,000 sq. ft. and minor grade changes are proposed; therefore, there is minimal cut and fill. No 6" caliper trees are proposed to be removed. This standard is met.

29. Section 770.6.H Site Plan Approval Standard H: Minimize obstruction of scenic views from publicly accessible locations.

Finding: The site does not consist of any scenic views from publicly accessible locations and, therefore; the Applicant complies with this requirement.

30. 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 one residential driveway with fourteen (14) proposed parking spaces – 6 in garages and 8 outdoors. 4 parking spaces are screened by the adjacent building. Shade trees are proposed within the parking area. Exterior lighting shall be arranged to minimize glare and light spillover to adjacent properties thereby meeting the requirements of the Bylaw. This standard is met.

31. 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 Old Country providing access to Greenbush and the train station which will be conditioned to expand to the driveway for this project. A 7-space bicycle rack is proposed. There is no walk connection in the site to the sidewalk. This standard is met.

Based on these findings, the Planning Board finds the Site Plan Review in the Village Center and Neighborhood District and Tandem Parking Special Permit meets the requirements under the Village Center and Neighborhood District Section 580, 750, 760 and 770 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 in the Village Center and Neighborhood District and Tandem Parking Special Permit for 14-16 Old Country Way 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 for 14-16 Old Country Way in Scituate, MA ", consisting of 10 sheets dated May 19, 2022 with revisions of 7/6/2022 and 7/12/2022 ii) Architectural Plans by SDA for the Townhouse Building consisting of a Cover, dated 8-3-21 with revisions through 8/4/22, Sheet A200 Townhouse Building Basement Plan dated revised 8/4/22, A201 Townhouse Building Floor 1 Plan revised 8/4/22, A202 Townhouse building Floor 2 Plan revised 8/4/22, A203 Townhouse Building attic plan revised 8/4/22, A301 Townhouse Building Approved Front Elevation revised 8/4/22, A302 Townhouse Building Approved Right Side Elevation revised 8/4/22; iii) Architectural Plans by SDA for the Barn Building consisting of a Cover, dated 8-20-21 with revisions through 2/23/22, Sheet A200 Foundation Plan Barn revised dated 2/23/22, A201 Barn 1 unit Plans and Garage revised 2/23/22, A202 Plan Barn Floor 2 revised 2/23/22, A301 Revised Barn Front Elevation revised 2/23/22, A302 Revised Barn Right Side Elevation revised 2/23/22; iv) Stormwater Report for 14-16 Old Country Way dated 5/19/22 with revisions through 8/4/22 v) Landscape Plan 14-16 Old Country Way, Scituate, MA dated October 12, 2020 by Bernice Wahler Landscapes consisting of 2 sheets; vi) Lighting specifications sheets for 14-16 Old Country Way dated 9/30/2020 by Robert J. Lindstrom Designer and any additional revisions needed to conform to the conditions contained therein (the "VCN Site Plan Review and Tandem Parking Special Permit "). Final Building elevations must be approved by the Town Planner prior to issuance of a building permit for conformance to submitted material. A complete hard copy and electronic copy set of the latest revised plans with revision dates is required prior to application for a building permit. All existing condition

sidewalks and zoning districts must be correct. A copy of the approved plan and conditions must be kept on-site at all times during construction.

2. Where this Site Plan Review and Tandem Parking 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 Old Country Way. Construction shall meet all applicable federal, state and local laws and regulations including, but not limited to, those of the Scituate DPW, Fire Dept., Building Dept., Board of Health, Planning Board as well as the Massachusetts DEP and State Building Code. All necessary permits and approvals must be received prior to construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw. All conditions of approval shall be inscribed on the Site Plan Review and Tandem Parking Special Permit Plans.
4. The Applicant shall mean the current Applicant and all its successors in interest. This site plan review and 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 eight (8). All units will be two-bedroom units. There will be one (1) affordable unit among the eight units. The total number of bedrooms shall not exceed sixteen (16). 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 Tandem Parking Special Permit within 90 days of the expiration of the appeal period and this decision becoming final.
7. The uses allowed on the site shall be restricted to the uses allowed in the Zone A. Uses prohibited are in Section 520.6 of the Scituate Zoning Bylaw. Storage of fertilizers and pesticides is not allowed unless they are covered or contained.
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.
10. The third floor of neither building shall not be allowed for living space now or in the future.

Waivers

11. A waiver is requested from 754.4 and 754.5 of the Zoning Bylaw to allow for the monitoring agent and other affordability requirements to be submitted after approval and prior to application for the first occupancy permit. The Board approved this.
12. A waiver is requested from Section 750.6 2.4 Lot Standards for the front yard build to zone (setback) for Building 2 of 126' exceeding the maximum of 30'. The Board approved this.
13. A waiver is requested from Section 750.6 3.2 Design Standards for a minimum street facing wall width of 40'-3" for Building 1 where 60' minimum is required. The Board approved this.
14. A waiver is requested from Section 750.6 3.4 Design Standards for a street facing entrance. Building 1 does not have a street facing entrance. The Board approved this.

Utilities, Parking, Traffic and Street Improvements

15. 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.
16. All parking is limited to designated spaces as shown on the plan. Four (4) tandem parking spaces are approved for Building 1, Units 1-4.
17. No permeable pavement is allowed now or in the future.
18. 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.
19. 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 Site Plan Review Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
20. 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. The costs for these inspections shall be paid by the Owner. 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. 48 hours' notice minimum advance notice is required for all

inspections. All stormwater recharge structures require inspection of the bottom of the excavation by the consulting engineer. Noise, dust and air quality control shall be in accordance with DEP regulations.

21. Construction of the proposed driveways, 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, 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, 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 Site Plan Review and Tandem Parking Special Permit Plans and are functioning in accordance with design requirements and any variation in grade is immaterial and does not materially alter the performance of the stormwater system. The site development As-Builts including building 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.

22. An easement shall be provided allowing the Condominium Trust access to drainage and stormwater management systems, including but not limited to the 24" underground concrete pipe culvert which traverses the Site, all of which will be privately maintained to allow inspection, maintenance and repair, and allowing the town access in case of an emergency or to test water quality if this is deemed in the public interest.

The Applicant shall also grant to the Town of Scituate, a right and easement to construct, repair, extend, operate, use and forever maintain all water mains, sewer mains and all surface and subsurface storm water drains in, through, or under the streets and easements as indicated on the Site Plan. The above shall not be construed to relieve the Applicant, and his successors in title, to ownership of a portion of land within the Applicant's property, nor diminish in any way his responsibility to complete all construction as required by the Applicant's agreements with the town and to thereafter maintain all utilities in satisfactory condition.

23. All materials for utility construction shall meet DPW construction standards.
24. A street opening permit will be required for each individual utility connection.

25. The Applicant shall eliminate the existing driveway openings onto Old Country Way and add sidewalk and vertical granite curb to match existing walk and curb to DPW standards. A new section of walk with vertical granite curb and an ADA compliant ramp shall be added on Old Country Way from the proposed new driveway to the existing handicap access point of the walk per DPW specifications.
26. The specifications for the planting soil and engineered soil mixture for the bio-retention areas submitted by Bernice Wahler Landscapes must be strictly adhered to. Prior to endorsement, these specifications shall be resubmitted and clearly demonstrate that the infiltration capacity of the engineered soil mixture meets the infiltration rate used in the stormwater calculations. A full detail with soils included must be included on the plans prior to endorsement.
27. 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.
28. 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.
29. 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 buildings. 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.
30. The building, parking, walkways and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities if applicable.
31. No increase in perpetuity of impervious surface from 42.3% or 12,367 sq. ft. is allowed as the Site Plan represents a reduction from the existing impervious area of 44% and is located in the Zone A of the Water Resource Protection District which limits development to 20% impervious.
32. 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 Old Country Way, are designed, installed and maintained so as not to impede lines of sight. (2.5 feet in height)
33. 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.
34. 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 Old Country Way exceed 3.5 feet in height or that would otherwise inhibit sight lines.
35. Snow storage areas have been designated on-site. The Applicant shall ensure all maintenance personnel are informed of their locations. When on-site capacity is exceeded, an off-site location shall be used in compliance with all federal, state and local laws. Deicing and sanding agents can only be stored on site if they are covered or contained.
36. Trash management shall be internal to each building. No dumpster is proposed. Any use of a dumpster in the future requires Planning Board approval.
37. All electrical, telephone, cable and similar utilities shall be located underground.
38. Except for the Town-owned segments of the sewer and water line from the property line outward, all utilities including but not limited to the stormwater drainage system and 24" concrete pipe culvert shall be maintained by the Applicant according to the Operation and Maintenance Manual revised dated 8/4/2022 by Grady Consulting, L.L.C. and the Long-Term Pollution Prevention Plan revised dated 8/4/2022 which are attached to this decision.

39. The Operation and Maintenance Plan and Long-Term Pollution Prevention Plan shall be provided to all property owners and all occupants of the property as conditions of their ownership agreements.
40. The Operation and Maintenance Plan and Long-Term Pollution Prevention Plan must be revised and resubmitted prior to endorsement to restrict salt for deicing and restrict pesticide and fertilizer use to none on site and to have no vehicle washing on site.
41. 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 applies to all construction activities and survives the issuance of a Certificate of Completion.
42. No separate Stormwater Permit is required as long as the site is built according to the approved plans and stormwater calculations.
43. The bicycle rack area shall be a crushed stone area for the full area of the rack and where bicycles park.
44. Low reflectivity glass is required.

Affordability

45. All affordable units shall meet the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiative Program ("LIP").
46. According to Section 754 of the Zoning Bylaw, one (1) affordable unit is required for 6-10 units with no density bonus. One (1) affordable unit is proposed. The unit shall be distributed among the proposed housing units. The affordable units shall be designed so the exterior appearance is comparable in general design and appearance of the market rate units.
47. The affordable unit shall be constructed simultaneously as the market rate units. A final Certificate of Occupancy will not be issued for any residential dwelling building without the affordable unit being ready for occupancy.
48. The Applicant shall be responsible for preparation of a LIP Local Action Units application for the affordable unit to be submitted to DHCD by the municipality (chief elected official). Forms and assistance will be available from the Planning Department. All deed restrictions shall be in force in perpetuity. Compliance with the LIP program must be presented to the Town Planner prior to the first occupancy permit.

Erosion Control and Phasing

49. An Erosion Control Plan with preliminary sequence of construction has been provided. The plan shall be updated and provided to the Board prior to scheduling the pre-construction meeting and prior to commencement of construction. The plan shall comply with the Wetlands Protection Act and Order of Conditions for the project.
50. Stockpiles must be located outside of the 100-foot buffer zone of wetland resource areas and be protected with erosion control.

51. 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.
52. The Applicant has indicated that the Project may be phased and construction of its two (2) buildings may be done at separate times. Completion of the buildings may occur at different times and the Applicant may seek a certificate of occupancy for each building upon its completion if it will not impact construction activities which shall be determined at the time of application for a certificate of occupancy. The project shall be constructed according to the Applicant's proposed construction sequencing which shall be provided to the Town Planner prior to construction and scheduling of the pre-construction conference.

Environmental Conditions: Noise and Dust

53. 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.
54. 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.
55. The Applicant shall not operate any concrete crushing machinery on the project site.

Landscaping, Site Amenities and Public Realm Improvement:

56. The Applicant shall obtain the approval of the Planning Board through the Town Planner for any 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.
57. 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.
58. All proposed lawns and swale areas shall have a minimum of 6" of clean screened loam.
59. The Applicant has agreed contribute the sum of \$ 10,000.00 as previously agreed to in the Mixed-Use Special Permit to fund improvements in the Greenbush-Driftway area as approved by the Planning Board. 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 expenditure of funds to be approved by the Planning Board and Town Planner.

Architecture/Design:

60. 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.

61. 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.
62. A certification shall be provided to the Town Planner by the architect prior to a Certificate of Occupancy that the building as constructed is in substantial compliance with the approved plans.

Required Prior to Scheduling the Pre-Construction Conference

63. The Applicant shall provide draft condominium trust documents and master deed to include the proposed owners of the units in the residential buildings. Pursuant to G.L. Ch.183 A, the Condominium Master Deed and Condominium Trust document must be recorded prior to any use of the units that comprise the condominium. The Condominium Master Deed and trust documents, in their final form, shall include:
 - a. A statement that the driveway, parking areas, drainage system, sewer, landscaping, 24” concrete pipe culvert and other common areas shall be owned by the Applicant or the future unit owner’s 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, 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, 24” concrete pipe culvert 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, 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 and 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.

- g. A requirement that the Applicant notify contractors, builders and real estate agents that membership in a Condominium Association is required along with parking available to each unit are required to be disclosed to all prospective buyers. Copies of the Condominium Master Deed and Condominium Association documents shall be provided to prospective buyers and owners. Proof of owner receipt must be provided to the Planning Board within 72 hours of the sale.

64. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:

- a. Copies of the recorded site plan review and 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

65. 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.

66. 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.
67. 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

68. 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.
69. 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.
70. 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.
71. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
72. No sediment (including silty water) shall be allowed to leave the site during construction.
73. No parking or unloading on Old Country Way shall be permitted during construction unless approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access.
74. 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.
75. 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 Old Country Way.
76. 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.

77. 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.
78. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant may be available at the water treatment plant for construction use during non-water ban times.
79. 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.
80. Blasting, if necessary, shall be conducted according to all necessary permits and meet all of the requirements of the Scituate Fire Department.

Required Prior to Issuance of Occupancy Permits

81. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the driveway, parking areas, and installation of necessary utilities is in full compliance with the approved plans and the site plan review and special permit.
82. 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.
83. 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.
84. Prior to applying for an Occupancy Permit, the Applicant shall provide:
 - a. A copy of an executed regulatory agreement between the developer, municipality and DHCD to insure long-term affordability.
 - b. The proposed sale price of the affordable unit and estimated condominium fee;
 - c. A draft deed restriction to restrict the subsequent price of the condominium to 80% of the area mean income according to the Department of Housing and Community Development (DHCD) in perpetuity. The draft deed restriction shall be approved by Town Counsel and proof of recording provided to the Planning Board prior to the issuance of the Occupancy Permit for an affordable unit;
 - d. A plan showing the location of the affordable unit for the Building and Planning Departments;
 - e. The name and contact information for agencies, companies or individuals who will conduct marketing, hold the lottery and perform the monitoring;
 - f. A draft affirmative marketing plan meeting the guidelines for approval of DHCD. The marketing Plan must affirmatively provide outreach to area minority communities to notify them of the availability of the unit and must demonstrate the need for local preference as well as insure there will be no discriminatory impacts as a

result of using local preference criteria. If the plan does not meet DHCD requirements for inclusion of the unit on the Subsidized Housing Inventory, revisions will be required prior to issuance of an Occupancy permit.

- g. Any changes to the affordability documents must be approved by the Town Planner.

Administration

85. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
86. This Site Plan Review and 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.
87. 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.
88. 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.
89. All plan sheets of the Site Plan Review and VCN Special Permit shall be recorded at the Registry of Deeds.
90. All construction work shall be done in accordance with the plans. Failure to comply with any condition of this permit shall cause it to be deemed invalid.
91. Any condition contained herein that varies from the plan supersedes the plan where different.

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 Tandem Parking Special Permit in the Village Business Overlay District at 14 – 16 Old Country Way with the conditions noted above.

September 8, 2022

Date

SCITUATE PLANNING BOARD

Patricia A. Lambert
[Signature]
[Signature]
[Signature]
[Signature]

This decision was filed with the Town Clerk on

9/21/22

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

Long Term Pollution Prevention Plan

The following plan is an outline of suitable practices for source control of contaminants and pollution control that can desecrate the performance of BMP Structures. This plan or elements of it may be incorporated as ongoing conditions of the Stormwater Permit if the Planning Board deems it appropriate.

The following practices when implemented with due diligence will yield substantial benefits pertaining to the functionality and performance the stormwater system.

Good House Keeping

Adapting good housekeeping policies within the premises can reduce a variety of contaminants. Windblown litter and debris typically is a source of pollution and is unsightly. Non-biodegradable materials such as plastics can clog inlets and other components of the stormwater system. They can also prevent the growth of vegetation and become a source of erosion. The following practices will have a significant and positive impact on the stormwater system:

- Properly store all refuse in covered containers
- Use containers with covers that cannot be opened by animals
- Home owners should police common areas for windblown litter

Storage of materials and waste Products

Owners should not store any refuse receptacles near BMP Structures vulnerable to windblown sources of pollution.

- Refuse should be bagged and covered within receptacles.
- All receptacles should be stored within a closed area so as to prevent being blown over or knocked over by animals.
- There shall be no exterior storage of open refuse, waste products, or debris.
- Organic materials from landscaped areas shall be bagged and removed for legal disposal, or composted in an approved bin located outside of any stormwater BMP.

Proper grounds keeping is essential to the life and performance of a stormwater management system.

- Leaf litter should be kept out of the BMP filtration/recharge and other conveyance and impound structures.
- The disposal of grounds keeping wastes within stormwater impounds or other structures is strictly prohibited.
- Home Owners should never use areas designated for stormwater attenuation, storage and collection waste receptacles.

Vehicle washings

Discharges from vehicle washings should be discharged sparingly into Stormwater BMP Structures. Home owners should adhere to the following practices when washing their vehicles.

- The use of harsh chemicals and degreasing agents should not be used if BMP Structures incorporate vegetation as treatment processes (forebays, grass swales, etc.) If the washing necessitates the use of degreasing agents or harsh chemicals, the homeowner should consider washing the vehicle at a commercial carwash.
- No vehicle washing should be conducted that directly flushes hydro carbon, lubricants, or coolants to any BMP Treatment Train.
- No vehicle washing should be conducted where a direct discharge into a BMP Infiltration Structure will occur.
- Wash buckets should not be directly discharged into BMP structures. Allowing a discharge to flow by overland flow is more preferable and can be flushed and diluted by flushing with clean water.

Routine Inspections

Routine inspections can be done quickly and visually in most cases. Frequent inspection can save on costly repairs in the future and provides aesthetic benefits as well and are therefore greatly encouraged. A little bit of common sense goes a long way. Homeowners are encouraged to adhere to the following practices:

- Educate themselves on the basic functions of the system components.
- Make observations as they pass by BMP components for potential or obvious problems.

Spill Prevention and Response

Spill preventions are easily avoided. The use of proper equipment will almost always prevent spills. Activities requiring the transfer of harmful fluids from one container to another should be performed in a designated area. The following policy to conduct such transfers should be implemented and be strictly adhered to:

- The designated area should be set on a level impervious surface having a shallow perimeter wall so as to contain spills and to facilitate and expedite cleanups should a spill occur.
- The designated area should be located far enough away from sensitive BMP Structures so as not to be a threat to them and if possible be located down gradient. If possible, the designated area should be in a covered area or be able to be covered so that it will not become a source of pollution from stormwater runoff.
- Access to equipment necessary to clean up spills should be stored in the vicinity of the designated area so as to prevent pollution and make cleanup readily available.
- The spill of any petroleum product greater than 2 gallons shall be immediately reported to the Scituate fire department at 781-545-8748 or 911 if it is an emergency.

- Other than the limited use of fuel for lawn maintenance and snow removal equipment, the outdoor transfer of liquids such as paint and other potential pollutants between containers shall be avoided.
- There shall be no on site storage of materials not typically associated with normal household use.

Maintenance of lawns and gardens, and other landscaped areas

All yard and wastes from landscaped area shall be properly disposed of. Much of the BMP maintenance can be performed intrinsically through the employment of a quality landscaping contractor. Removal of litter and debris on a regular basis is a predominant component of BMP inspection and maintenance and is therefore greatly encouraged.

Storage of fertilizers and pesticides

All harmful and potentially harmful chemicals shall be stored in areas where migration of such chemicals into a stormwater system will be highly unlikely. Section 520.6.13, fertilizers can only be stored on-site if they are covered or contained.

- Home owners shall responsibly store chemicals within water tight receptacles with latching covers that serve to prevent spillage.
- Fertilizers and some form of pesticides typically are purchased in bags that once opened and partially used can spill easily from the bag. Transferring the unused volume of chemicals into a plastic container with a latching cover is a good storage practice.

Pet waste management

Pet owners should be considerate of their abutting fellow citizens of their communities. What is not widely understood about pet wastes is the habits of pets going continually in the same place during the daily walks can have adverse impacts on vegetation. More particularly if the vegetation being destroyed is a component of a BMP Structure such as a rain water garden, the effective treatment of stormwater will be compromised. The following practices should be adhered to as a practical measure to prudent and considerate pet waste management:

- Train your pet to relieve itself in a designated area of *your* yard prior to walking and not in common areas or private properties owned by others.
- Clean up after your pet and dispose of waste matter responsibly.
- Always keep your pet leashed, never let your pet roam free.
- Discourage your pet from going in the same place over and over. Animals tend to do this so as to mark their territories.

Proper management of deicing and snow

The storage of all deicing agents shall be stored and dispensed as prescribed in the protocols contained in the above sections of this plan for the Storage of Materials and Spill Prevention and Response. Proper management of deicing and snow Per ZBL section 520.6.11, deicing and sanding agents can only be stored on-site if they are covered or contained. Deicing agents should be applied in concentrations necessary to ensure safe vehicular and pedestrian access to the facility. Dispersion of deicing agents should be performed with the proper equipment required for the amount to pavement. Facility owners have little control over municipal equipment used for the deicing of roads. However calls into the town's DPW to ensure that all no salt zones are being observed can have a positive impact toward the due diligence of being in compliance with such ordinances.

Most owners have control over their driveways. Proper and adequate clearing and removal of snow will reduce the use of deicing agents. Snow should be removed with shovels and plows to the greatest extent practicable. At a minimum, the entire paved area should be cleared of snow prior to the application of deicing agents.

Whenever possible snow removal should be stored or piled in suitable areas having the following parameters:

- Snow storage areas should not result in a snow melt discharge on to areas of pavement generating a residual need for more applications of deicing agents.
- Snow storage areas should not be located at intersections so as to produce hazardous blind drives or reduce sight distances.
- Snow storage areas should not be located in detention basins or in areas that could cause damage other BMP Structures particularly those that rely upon various forms of vegetation to provide stormwater treatment.
- Deicing agents should be mixed with sand to reduce the amount of chemicals such as salt. Environmentally sensitive areas may warrant the exclusive use sand as a deicing agent to prevent other deicing chemicals from contaminating wells or destroying vegetation.

Proper management of sediment accumulations on traveled impervious ways

The Homeowner should implement a good protocol for minimizing the accumulation of sediments on driveways. Practices may include any combination of the following initiatives:

Source Control

Street sweeping

Removal of silt accumulations with hand brooms

Removal of silt accumulations with hand shovels

Post Construction Operation and Maintenance Plan

The owners of the stormwater management system shall be the Condominium Association for the proposed commercial building at 14-16 Old Country Way in Scituate, MA (Association). A transfer in ownership of any condominium unit shall not constitute a transfer in ownership of the stormwater management system. The record owners of the condominium units shall be a part of the Condominium Association at 14-16 Old Country Way in Scituate, MA, and shall fund the operation and maintenance obligations described in this plan.

OPERATION:

Upon the completion the project infrastructure including the parking area, and the water quality BMP Structures and appurtenances have been constructed, and the disturbed areas having been permanently stabilized, the Operation and Maintenance Plan shall be implemented to ensure that the stormwater management system will function as intended.

Stormwater from mostly impervious areas will be collected by either the SRS or the permeable pavement and disposed of by recharge. Other discharges of clean runoff will discharge off site via overland flow or via water quality swales.

Maintenance

A.

The Owners shall hire a qualified professional to perform the inspectional requirements prescribed in this Operations and Maintenance Plan, said professional referred to hereafter as the "Inspector". The minimum qualifications of the Inspector are as follows: The Inspector must be a landscape or similar business entity in the Commonwealth of Massachusetts and have at least 10 years of experience in the design of stormwater management systems and conducting inspectional services.

1. Roof Gutters & Downspouts:

Roof gutters shall be inspected and cleared of any debris in the late fall after the trees have shed their leaves. Downspouts and splash pads shall also be inspected, flushed or otherwise cleared of any debris. Roof gutter maintenances will serve to maintain intended drainage patterns and can prevent potentially harmful ice dams from forming at roof soffits.

Ensure downspouts discharge onto stabilized surfaces, splash pads, paved areas, thick lawns, etc. If erosion from down spouts is observed, restore erosion with loam and seed or other preventive action as warranted.

2. Parking Lot Pavement Maintenance:

The proposed paved parking areas shall be periodically swept during dry weather to reduce the potential amount of sediment accumulation from the runoff. The sweeping should be conducted on a semiannual basis before April 30th and after November 15th. Salt used for de-icing on the parking lot during winter months should be limited as much as possible as this will reduce the need for removal and treatment. Sand containing the minimum amount of calcium chloride (or approved equivalent) needed for handling may be applied as part of the routine winter maintenance activities.

Leaf litter should be removed from the parking lot during the autumn months as this debris will eventually be deposited into the stormwater management system. Refuse and other windblown litter shall be removed upon detection. The parking lot shall be policed on a regular basis for litter. Litter patrols shall be conducted on an informal basis with primary attention being made to the dumpster area.

3. Roof Gutters:

The roof gutters shall be cleaned out once per year to prevent organics from entering the reservoir course of the permeable paving. It is recommended that the owner install gutter guards or some other device for the prevention of leaf litter from being deposited in the gutters.

4. Sub-surface Recharge System SRS:

The covers to the SRS shall be opened and visually inspected once per year in the spring for deposits of debris. If any debris or sediments are observed at the bottom of the chambers in depths of 2" or greater, it shall be removed by hand, or vacuum removal. Particular care shall be made to the inlet drain lines to ensure no evidence of clogging is eminent. Any sediments accumulated in the invert of the inlet pipe shall be removed.

The Inspector shall also make note of any standing water conditions. Should prolonged standing water be observed in the SRS systems, inspector shall initiate protocols to ascertain the cause and remedy pertaining to this condition.

6. Lawn and Landscape Care:

A well maintained law can offer significant aesthetic value to the owner's business and community as well providing environmental benefits. Such benefits include recharge, erosion control, and temperature moderation. The lawn areas shall be maintained per the standard landscape and lawn care protocols commonly performed for green areas. All lawn clipping shall be disposed of properly. Yard waste shall not be disposed of in any resource area.

7. Pesticides, Herbicides and Fertilizers:

Pesticides and herbicides shall be used in accordance with the prescribed concentrations. In addition, fertilizers that are used should be restricted to the use of organic fertilizers only.

8. Bio filtration system

The bio filtration system shall be inspected in the spring by a qualified landscaper to ensure that all the plants are health and have survived the pervious winter months. Any dead or diseased plan shall be replace in the spring of that year. The old mulch shall be removed and discarded and replaced each spring. Any debris found on the sand filter shall be removed. The sand filter shall be raked level at elevation 29.0' (1.1' below the top of the retaining wall closest to the side property line) and restored if needed with cement sand.

The planting bed shall be pruned and maintained throughout the year as part of the landscaping operations. Leaf litter and other accumulated debris shall be removed as part of a scheduled maintenance operation or on an as needed basis.

9. Reporting

All post construction maintenance activities will be documented and kept on file by the Association. The Inspector shall submit all inspection reports to the owner(s) within 30 days. Structural BMP's as identified on the site plans located within the parking lot will be owned and maintained by the facility owners until such time of a transfer in ownership occurs. All BMP's located within site shall be owned and maintained by the owner(s). The Owner shall at all times keep proper records and accounts of the affairs of the System which shall be open to inspection by any Official of the issuing authority at all reasonable times. The Owner shall keep on going maintenance records of the System going consecutively back to the 3 prior years.

The Owner shall be responsible for all costs associated with the maintenance of System.

Estimated Annual Maintenance Budget

BMP STRUCTURE	EST. AVG. ANNUAL MAINTENANCE COST
INSPECTIONAL SERVICES	\$2000.00
GUTTER AND DOWN SPOUT MAINTENANCE	\$100.00
PARKING LOT MAINTENANCE	\$800.00
RECHARGE SYSTEM MAINTENANCE	\$300.00
BIO FILTRATION SYSTEM	\$300.00
LANDSCAPE MAINTENANCE	\$2200.00
TOTAL	\$5700.00

Field Log for Inspections

Commercial Condominium Units at 14-16 Old country Way in Scituate, MA

Date: _____ Inspector: _____

Component	Functioning Properly	Debris removal required.	Maintenance Needed	Comments
Gutters Down Spouts				
Parking Lot				
Recharge System				
Landscaping				
Bio filtration system				