

TOWN OF SCITUATE



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

Planning Board

**Site Plan Administrative Review and Special Permit in the Village Center and Neighborhood District– Greenbush Driftway Gateway District – New Driftway Transit Village Subdistrict (VCN-GDG-NDTV) and Stormwater Permit
48-52 New Driftway
Decision: APPROVED with Conditions**

Applicant: Petro Realty Corp.
Address: 4 North Street, Hingham, MA 02043
Owner: New Driftway 4852, LLC
Address: 79 Jericho Road, Scituate, MA 02066
Request: Approval of a Special Permit for a gas-backwards and Alternative Building Type of An additional 1,500 sq. ft. commercial/retail/restaurant space under Scituate Bylaw Section 580
Date: February 16, 2021
Location: 48-52 New Driftway, Scituate, MA 02066
Assessor's Map: 53-03-09 and 53-3-10-F
Zoning District: Village Center and Neighborhood District, Greenbush-Driftway Gateway District, New Driftway Transit Village Subdistrict
Hearing Dates: August 27, 2020, October 8, 2020, December 10, 2020 and January 28, 2021
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:

Petro Realty Corp. of 4 North Street, Hingham, MA (the "Applicant") is proposing a 4,000 sq. ft. footprint gas-backwards filling station with an associated convenience store and a restaurant/food

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service space of 1,500 sq. ft. plus additional basement storage and office space accessory to the convenience store. There will be a 24-foot by 100-foot canopy over 8 fueling stations – four pumping stations with fueling on both sides. The Project is in the Village Center and Neighborhood District, Greenbush Driftway Gateway District, New Driftway Transit Village Subdistrict, at 48-52 New Driftway, Scituate, Massachusetts. The existing building will be razed and reconstructed to accommodate the new building, site improvements and new use. All 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 47,718 sq. ft. (1.1 +/-AC) upland parcel improved with an existing commercial building and bituminous concrete driveway and parking area with access from New Driftway, a public way. The site has frontage on New Driftway.

The site is located in the new Village Center and Neighborhood Zoning District – Greenbush-Driftway Gateway District, New Driftway Transit Village Subdistrict (VCN-GDG-NDTV). In the VCN – GDG-NDTV, a gas-backwards building use and building type are allowed by special permit. An additional 1,500 sq. ft. restaurant/food service space has been determined by the Building Commissioner/Zoning Enforcement Officer to be an Alternative Building Type defined under Section 580.3 of the Scituate Zoning Bylaw requiring a special permit by the Planning Board or Board of Appeals. In this Project, the Planning Board is the permitting authority in the VCN.

The Project will have access from New Driftway, a public way in the Town of Scituate, in one location. The driveway will have a 16-foot wide lane devoted to incoming vehicles. There will be two outgoing lanes each 10-feet wide separated from incoming traffic by a 4-6-foot wide milled concrete rumble strip divider. The Planning Board has granted a waiver for the secondary entrance to the rear for access to the gas pumps due to the design of the entrance with separate incoming and outgoing vehicle lanes and the Applicant was unable to secure a secondary access from either abutting property. Twenty-eight (28) parking spaces are proposed to service the building. The restaurant will have a total of twenty seats (20) inside plus outside to be seasonally adjusted meeting the requirement of five spaces at 1 space per 4 seats. The 4,000 sq. ft. retail convenience store will have 20 spaces or 1 space per 200 sq. ft. There are two (2) spaces provided for the warehouse basement storage and one (1) space for the basement office.

The Scituate Zoning Bylaw also requires an outdoor Amenity Space Coverage of 10% of the lot for a gas-backwards and 10% for a commercial building. A 4,771.8 sq. ft. Outdoor Amenity Space is required for the Project. The design types and standards for the Outdoor Amenity Space includes an Outdoor Dining Terrace of approximately 1,740 sq. ft with five (5) benches and outdoor tables, a Pocket Park with 1,800 sq. ft. of lawn with four (4) shade trees and four (4) benches and a Common Yard and Garden. An Outdoor Dining Terrace is a publicly oriented private open space between the building and street line with hardscape intended for outdoor seating and an extension of the public sidewalk. A Pocket Park is a publicly oriented private open space designed for passive recreation with a place to sit, trees and 80% permeable surfaces. A Common Yard and Garden is a private open space for a non-residential building not intended for a high level of pedestrian activity. The Applicant indicates 10% of the lot area is provided for the above Outdoor Amenity Spaces.

The Project will be serviced by Town water and sewer. The water and sewer divisions have indicated their requirements with respect to lines and betterment fees. The proposed stormwater management system consists of roof areas, gas canopy area and parking and driveway pavement area being piped to a subsurface infiltration system located to the rear (south side) of the Property. The rate and volume of post development conditions does not exceed pre-development conditions for the 1, 2, 10, 25 and 100-year storms. The 100-year storm is fully contained on-site. 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 80% 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. As the site is a fueling station, the Project is considered a Land Use with Higher Potential Pollutant Loads (LUHPPL). In a LUHPPL, 1" of runoff from impervious areas must be used to size the Best Management Practices (BMP's). The calculations for the Project use 1". Two oil/grit separators are provided to meet the requirements and a condition is imposed that the first compartment of catch basins 1 and 2 be sized in accordance with the DEP Handbook to comply.

The Applicant submitted a Stormwater Report & Maintenance Plan for Proposed Gasoline Filling Station & Convenience Store/Restaurant/Food Service at 48 & 52 New Driftway by Choubah Engineering Group stamped by Halim A. Choubah, P.E. This report and the accompanying 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.

The Planning Board's consulting engineer hired Vanasse & Associates to review the Transportation Impact and Access Study performed by the Applicant's consultant VHB for the Project. Vanasse & Associates concluded that the Applicant has demonstrated that vehicle access and on-site circulation can be afforded to the Project site in a safe and efficient manner and that sufficient parking is available to meet the anticipated demands of the proposed uses. Vanasse & Associates agree the project will not have a significant increase in delays or vehicle queueing at the study area intersections during weekday morning peak area with the majority of the movements in the study area expected to operate at a level of service (LOS) D or better where D is considered "acceptable.

The Deputy Fire Chief, Alfred Elliott, has opined that based on the turn radius completed with specifications provided by the Scituate Fire Dept. Ladder Truck and presented by Choubah Engineering Group, the Fire Department will have sufficient access to operate around the pumps and behind the convenience store providing vertical clearance to power lines and the fuel pump canopy are maintained at 13 feet 8" minimum. The Fire Department expects to access to the Project from New Driftway and to have clear access to all sprinkler system Fire Department Connections.

New Driftway will be restriped as part of the Project from the Dunkin Restaurant to the light at New Driftway/Old Driftway to convert a painted median into a center turning lane. This will facilitate left turn movements entering and exiting the Project site and the existing commercial driveways along this section of New Driftway providing an overall benefit to the traffic flow along New Driftway.

The sidewalk in front of the property in the right of way will be reconstructed to be ten (10) feet wide with American with Disabilities Act (ADA) wheelchair ramps at the sidewalk entry points as required. The Applicant has committed to a cash contribution of \$25,000.00 to fund municipal offsite traffic and pedestrian improvements in the greater Greenbush area prior to construction commencing.

Procedural Summary:

An application for a Site Plan Administrative Review and Special Permit in the VCN-GDG-NDTV was filed with the Town Clerk on July 7, 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 August 27, 2020 with in person and remote participation due to open meeting law provisions for the COVID-19 pandemic. The public hearing was continued to October 8, 2020, December 10, 2020 and January 28, 2021 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 August 27, 2020, the Applicant was present and represented by himself along with his attorney Walter Sullivan and site consultants Kathleen Keen of VHB and Halim Choubah of Choubah Engineering Group, P.C. (remotely). John Chessia of Chessia Consulting Services, as the Town's peer review engineer, and Jeffrey Dirk of VAI as traffic consultant were present via remote participation. Karen Joseph, Town Planner and Shari Young, Planning Board Assistant were present. Ms. Burbine read the legal ad and 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 48-52 New Driftway on an approximately 47,000 sq. ft. lot in the VCN-GDG-NDTV District with an existing Commercial building and parking existing on the site which will be razed. He said the Applicant is proposing a gas-backwards filling station with a 4,000 sq. ft. footprint and an additional 1,500 sq. ft. footprint building for a food service component with outdoor seating and 28 parking spaces.

Mr. Cutler indicated he has been in the fuel business since 1993. He said he was originally with his family's fuel distribution business and when it was sold he retained several properties. He said he redeveloped the gas station/convenience store at the Hingham Rotary and has also purchased a commercial property in North Scituate. He said he will be partnering with Marty Block of the Greenbush Package Store who will operate the convenience store. He opined a gas station is needed as the closest station is the Gulf Station in Norwell over 3 miles away and the Sunoco Station on Route 3A and neither one of them have convenience stores.

Kathleen Keen highlighted the major traffic study area of the signal at Old Driftway/New Driftway down to the rotary at 3A. She indicated the data used for the study is from 2018, pre-COVID, with an annual growth rate added and layered into the traffic from other developments including the Drew Company. She noted the data shows that trips to gas stations are mostly "pass by trips" which are trips from cars already on New Driftway. Ms. Keen said existing conditions, future conditions

without the project and with the project were analyzed. She indicated traffic is projected to have minimal impact and traffic associated with the project can be handled in the existing traffic network. She said there will be a single driveway access point with the access and egress points separated by a median and the egress will have a separate left and right turn lane. She indicated the walk across the site's frontage would connect to the existing sidewalks on New Driftway and Old Driftway and bicycle racks are provided.

The Town's traffic consulting engineer, Mr. Dirk, indicated his two primary concerns deal with access. The first is that the driveway is in close proximity with the driveway to the west and there may be conflicts with entering/exiting traffic because of no separation and a turning analysis needs to be supplied to verify fuel delivery trucks can access the site. He indicated the above-mentioned parameters drive the site circulation and building location. He opined comments on trip generation should be addressed and that data and design solutions should be provided on opportunities for left turning vehicles to go westbound so traffic is not being blocked on Driftway.

Mr. Choubah reviewed the site plans indicating the use is allowed in this district, one driveway is proposed, parking is at the back of the building with 28 spaces, there are four fueling islands with eight fueling positions, traffic circulation is counter-clockwise around the pumps, landscaping and lighting will be provided with no light spillage onto abutting properties, a closed drainage system will provide 100% of retainage of the runoff on-site and the sign will comply with setbacks and size.

Mr. Chessia's comments on his peer review included lots will need to be combined at some point, sight lines need to be shown, parking should not be visible from the street, plans should show amount of planting space in parking lot, impervious area in front yard may not meet the requirement, outdoor amenity space needs to increase and the infiltration system has several issues that need addressing. Ms. Joseph added that street trees are required, signage cannot be internally lit, more detail was needed on the retail/food service space, gas-backwards requires two access points and clarification from DPW was sought on width of walk in the right of way.

The Board asked for more information on traffic, pedestrian flow, fuel spill management, a more robust landscape plan, the Operation and Maintenance Plan for the site, the outdoor amenity area, snow storage and an update on trying to have access from either the property to the east or west.

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

At the October 8, 2020 hearing session, Ms. Burbine read all the new correspondence received. Mr. Sullivan indicated revised plans were submitted and they have met with abutters to address concerns. Mr. Choubah reviewed changes including the driveway was shifted easterly away from the west driveway and now has a concrete rumble strip island separating ingress from egress, fuel and fire truck circulation confirmed, outside eating area and food service shifted to the west side of the building per Design Review Committee (DRC) recommendations, landscaping added, lighting addressed, revised drainage per peer review and expanded the outdoor amenity space to the required 10%.

Ms. Keen reviewed the traffic changes including providing an analysis of weekday morning conditions, reviewed the trip generation analysis and confirmed projected trips are accommodated within the roadway network, verified conclusions in original study, committed to a Transportation Demand Management Program for the site and modifying striping in New Driftway for a left turning lane from Dunkin to the light at Old/New Driftway. She confirmed the Level of Service (LOS) was C or better during peak periods with LOS C or D being acceptable. Mr. Cutler confirmed he has not been able to secure permission from adjacent landowners to the east or the west to provide for a secondary access. Mr. Dirk confirmed that the project's impacts on LOS are acceptable at LOS C at the entry and all intersections will operate at LOS D or better except the rotary which still works and won't cause congestion as the increase in queuing is minimal at 1-2 vehicles. He confirmed the center turn lane is a benefit to traffic along New Driftway as it accommodates left turn movements from this project as well as other driveways. He requested a double centerline along the new driveway. He suggested the island separating ingress from egress extend out to the curb line for better pedestrian access, Mr. Dirk indicated the fuel truck will cross the centerline when entering/exiting and there should be restrictions on time of day for fuel deliveries. Mr. Choubah indicated they did look to extend the island; however, it conflicts with the traffic exiting eastbound from the existing driveway to the west. Traffic counts were done pre-COVID in 2018 with 1% per year added for project growth. Mr. Cutler confirmed delivery times can be restricted. It was indicated that the center turning lane work would be done by the Applicant and then the town would maintain it after completion. Ms. Keen indicated all lanes are appropriate width.

Mr. Chessia summarized his peer review issues to include the building has been flipped with office and storage added in the basement which impacts parking, landscaping needs some refinement, the outdoor amenity space should be clarified, contours need correction, there is some light spillover that should be mitigated, the site is a land use associated with higher potential pollutant loads that should be addressed with an oil/grit separator instead of a Stormceptor, the piping proposed is flammable and may want to be reconsidered, the Stormwater Pollution Prevention Plan (SWPPP) should be provided for review and more information is needed on snow removal. It was agreed to change the pipe to RCP and review the valve and capacity of on-site storage for a catastrophic event.

Ms. Joseph said DRC gave a favorable review of the project and would like to see the final sign before it receives a building permit. She summarized issues including parking meets the requirements, outdoor amenity space must be 10%, will the Board grant a waiver for the second access, surety will be required, snow will be removed from the site if it becomes an issue, there must be two people on-site for each 4 dispensing hoses, light spillage is less than 1 foot candle and will be adjusted so there is no spillage, warm LED lights will be used, hours of operation, signage, sewer and water must be per DPW standards, the landscape plan is not stamped by a landscape architect and the Board should opine if needed and comments from Mr. Chessia should be addressed and she recommended the limit of work be moved out of the AE 16 floodplain area.

At the December 10, 2020 hearing session, read new correspondence. She indicated self-serve gas stations are not allowed in Scituate per the General Bylaw. It was determined Town Counsel's opinion would be sought to see if the attendants required per number of dispensing hoses needed to dispense the gas or just be available on-site.

Mr. Choubah reviewed changes including a landscape architect revised the landscape plan, the width of the concrete rumble strip is now six feet, parking complies with the bylaw at 28 spaces, no changes have been made to the drainage concept as the site stores the 100-year storm but minor adjustments have been made to comply with the peer review, separate water connections are provided for the store and restaurant and a separate fire protection line with a hydrant are provided, lighting is now less than 1 foot candle at the property lines and the canopy shield has been increased by 6" and 10% outdoor amenity space is shown.

Mr. Chessia's summarized review included the interior green space of the parking must be clarified, the front walk is pervious but needs to comply with DEP requirements, a condition for gutter and downspout sizing for the front should be provided, and a mounding analysis is needed for the wall. He indicated he has been asking for an oil grit separator that will have capacity for a spill. The Board concurred. The SWPPP must be provided. The Board reviewed the following issues: outdoor amenity space is acceptable, landscape plan is acceptable, signage not internally lit-final review by the DRC required prior to implementation, hours of operation 5 AM to 12 AM, snow will be removed from the site if not able to be stored, second access will be waived, parking visible from Driftway will be waived, surety will be conditioned, lighting addressed, an electric vehicle charging station is requested, wall needs a fence, additional center tuning lane and 10' walk required and additional mitigation is required.

At the January 28, 2021 hearing session, the Site Plan Administrative Review and Special Permit in the VCN- GDG- NDTV was closed after The Applicant provided a summary of progress on the revised plans and draft decision. The discussion on mitigation concluded with \$25,000.00 being offered for the Board's Traffic and Pedestrian Improvement Fund for the greater Greenbush area as well as the striped center turning lane on New Driftway and a 10-foot-wide walk in front of the property in the road right of way. The Planning Board voted to grant the Site Plan Administrative Review and Special Permit in the VCN- GDG- NDTV for 48-52 New Driftway, Petro Realty Corporation, Applicant based on the Findings of Fact and subject to the Conditions as discussed and voted.

Public and Town Department Input:

Kenneth Ingber submitted written comments with approximately 18 units of the Riverway Development supporting his letter. He expressed concerns of lighting, signage, hours of operation, use, noise, traffic, environmental impacts and the future development potential for Greenbush. Ken Hirschfield inquired about the elevation of the parking lot, the depth of the fuel tanks and their safe guards, the management of the 100-year storm and the raising of the water table. Desmond Sullivan inquired about the mitigation required of the developer and opined sidewalks on Stockbridge Road or a park for the community may be mitigation.

At the October 8, 2020 hearing session Ken Ingber indicated he submitted a letter from the Riverway condominium complex that was not discussed at the prior meeting; however, the letter speaks for itself and he indicated they have met with the Applicant in a productive meeting. Bob Paul of 60 New Driftway commented that the traffic to the west of the property has been addressed and indicated that the traffic light makes it hard for the residents at 60 New Driftway to enter and exit

their property and asked if consideration had been provided for a turning lane east of the light. Ms. Burbine indicated that while turning may be difficult east of the light, it would be up to the Traffic Rules Committee and Select Board to provide for changes there; however, the Board takes the comment under advisement. Annette Flaherty of 60 New Driftway expressed concern if the existing road is wide enough to accommodate a center turning lane.

On December 10, 2020, Claire Hannafin of 60 New Driftway, who also provided written comments, asked about hours of operation, lighting and sound at the pumps. She said she does not want to see a gas station out her window. Mr. Cutler indicated he has been to the Riverway site and is doing as much as he can. He confirmed the lights have been recessed an additional 6" into the canopy. He said there will be sound at the pumps via a two-way system and low volume music. The Board will condition no music or ads. Bob Hawk of 60 New Driftway asked if conditions will be monitored after the fact and rectified if needed. He expressed concern on the light corona. It was confirmed there will be no light spillover to the Riverway property. Jennifer Kuhn inquired about enforcement of conditions and a procedure for reporting violations. Ms. Joseph confirmed that conditions are enforced to the best ability. Robert Kirschner of Fulcrum Harbor, LLC, owner of 56 Driftway indicated a lot of work has been done for this project and they are excited about the enhancements to the site.

On January 28, 2021, Ken Ingber indicated he has had several conversations with the Applicant, but has not been able to discern if there would be a direct line of sight from the canopy to the Riverway and wants to make sure the light is blocked and is not sure if Condition 62 covers his concerns. He said his sound issue at the pumps has been addressed and he hopes the headlight issue is addressed with the dense evergreen vegetation, but has no way to know. He is concerned over the picnic tables and trash.

Nine additional residents provided emails in support of the project. John Morrissey of 60 New Driftway provided an email expressing concerns of lighting, noise, traffic, boat fueling and the size of the lot is too small for a rear facing gas station.

William Branton, of the Scituate Sewer Division, indicated that when the Applicant seeks a sewer permit they should be prepared to make sure the project has water tight manholes, they will need a final set of as-builts with final locations of all utilities and they will need a spill plan or a SPCC.

Sean Anderson, of the Scituate Water Department, indicated the existing water service must be terminated at the main and the old pipe cut and capped, two new services will be needed – one for the gas station/convenience store and one for the restaurant, the existing account will be used for one of the service fees and a \$14,000 connection fee needs to be paid for the additional service which is to be sized appropriately by the engineer, a backflow device shall be installed after each meter if needed, a new service must be inspected by the water department and the new water services must connect to the new larger diameter water main across the street from the proposed building not the existing water main closest to the building.

Alfred Elliott, Deputy Fire Chief, indicated that they are satisfied after reviewing the swept path analysis that there will be sufficient space to access and operate around the pumps and behind the

proposed convenience store providing that vertical clearances of any power lines and fuel pump awning are maintained at a minimum of 13 feet 8 inches.

DPW Engineering commented that all utility trenches in New Driftway shall be backfilled with controlled density fill, the bollards at the building should be located to prevent a vehicle from entering the building, all new or repaired curb ramps located on and off site shall meet ADA requirements, the new larger water main should likely be used and the Water Department should verify prior to connection being made, there is one hydrant at the entrance of the site and none within the site, should the grease trap be moved closer to the restaurant space considering the maintenance involved, as the wall is 5 to 6 feet tall will there be a fence on top of it and the turning lane on New Driftway should be between 28 New Driftway and the light at Old Driftway.

The Building Commissioner/ZEO, Robert Vogel provided a letter declaring the building an alternative building type subject to special permit review and approval by the Planning Board or Board of Appeals. He commented that the sign is out of scale with the building, traffic engineers should review the project, downspouts are hopefully provided and there should be a prohibition of extraneous signage and outdoor display products.

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's comments and suggestions being taken by the Applicant. The DRC recommended that the convenience store be located on the east side of the building and the restaurant on the west side so that the gabled entry/portico could make a statement on the west side with the outdoor patio adding to the "neighborhood feel" required in the subdistrict. The glazing of the building was increased to meet the bylaw requirement of 50%. The DRC favored the hip roof to the ridge and having the mechanical equipment on the ground. They accepted the stone veneer around the base of the building, the dark anodized aluminum clad storefront windows, use of synthetic materials such as Hardie Board clapboard siding with a smooth finish as long as it was installed using traditional construction techniques, the barn style light scones and they requested a review of the final signage prior to implementation.

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 January 28, 2021:

1. On July 7, 2020, Petro Realty Corp., filed an application for a Site Plan Review and Special Permit under Scituate Zoning Bylaw Section 580 and Section 750 and Site Plan Review under Scituate Zoning Bylaw Section 770. The application includes, but is not limited to, the following (the Application):
 - a. Application Form for Site Plan Approval in the VCN and Application Form for a Special Permit in the VCN, deed, Purchase and Sales Agreement, proof of paid real estate taxes and;
 - b. Filing Fees and Abutters' List;

- c. Proposed Gasoline Filling Station, Convenience Store & Restaurant/Food Service at 48-52 New Driftway consisting of 16 sheets including Building Elevations, Canopy Layout, Elevations and Details and Architectural Renderings by Choubah Engineering Group, P.C. dated June 24, 2020;
 - d. Stormwater & Fuel Management & Maintenance Plan for Proposed Gasoline Filling Station & Convenience Store/Restaurant/Food Service at 48 & 52 New Driftway, Scituate MA dated 6/23/2020; and
 - e. Transportation Impact and Access Study, 48-52 New Driftway, Scituate, MA by VHB dated 7/21/2020.
2. The property that is the subject of the Application is a 47,718 sq. ft. parcel located on New Driftway, a public way, in Scituate, Massachusetts known as Assessor's Map/Block/Lot 53-3-9 and 53-3-10-F (the "Property"). The Property is currently improved with a vacant retail commercial building, site utilities, existing bituminous concrete parking area with access from New Driftway and disturbed undeveloped land area.
 3. The Zoning Bylaw in effect for the Application is the bylaw voted at the Special Town Meeting on November 5, 2019, approved by the Attorney General on February 12, 2020, posted to the town website on February 18, 2020 and printed on February 26, 2020.
 4. The Property is in the new Village Center and Neighborhood (VCN) Zoning District, Greenbush-Driftway Gateway District (GDG) and the New Driftway Transit Village Subdistrict (NDTV) – VCN-GDG-NDTV.
 5. The development proposed in the Application, herein after called the "Project", consists of a gas backwards (GB) filling station with a 5,500 sq. ft. building for an associated convenience store (4,000 sq. ft. footprint) and restaurant/food service space (1,500 sq. ft. footprint) plus additional basement storage and office space accessory to the convenience store. Additionally, there will be a 24 foot by 100-foot canopy over 8 fueling stations (four pumping stations with fueling on both sides). Twenty-Eight (28) parking spaces are proposed. A driveway is proposed on the west side of the Property. The driveway will have a dedicated ingress lane into the property separated by a 6-foot wide milled concrete island with a dedicated left and right turn lane for egress from the Property.
 6. Twenty-Eight (28) parking spaces are proposed. Parking is proposed per Section 760.8 of the Scituate Zoning Bylaw with one space per 200 sq. ft. of area (20 spaces) for the 4,000 sq. ft. convenience store per Table 1, one space per 4 seats (5 spaces) is provided for the 20 seat restaurant per Table 1, one space per 600 sq. ft. (2 spaces) for the basement warehouse storage of 1,275 sq. ft. and one space per 300 sq. ft. (1 space) for the office area of 120 sq. ft. These 28 parking spaces meet the off-street parking requirements per Section 760.8 of the zoning bylaw. No shared parking, off-site parking or stacked, valet and/or tandem parking are proposed. No shared driveways are proposed. Parking space design, in accordance with Section 760, include spaces that are 9' by 18' with at least 24' of back up space and paved parking in accordance with Section 760.3. Section 760.4 requires one tree per eight parking spaces located within 10 feet of the parking lot, which requirement, is met with over 4 shade

trees provided. At least 5% of the interior of a parking lot will be landscaped which also minimally meets requirements. Parking must be located a minimum of 5 feet behind the front façade and the Project meets this requirement. A street screen shall be required where parking is visible from a public street or sidewalk. There is minimal parking visible from New Driftway. The Planning Board **agrees** to waive this provision.

7. The Property does meet the requirement for a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw. The ground floor areas are reserved for retail and restaurant uses with public access at the street.
8. In the VCN-GDG-NDTV a gas backwards and general commercial building are allowed uses per Section 580.3 of the zoning bylaw and allowed building types per Section 750 of the zoning bylaw. According to Section 580.3 D.2., the Zoning Enforcement Officer (ZEO) can determine a new building type if a new building cannot be classified as one of the allowed building types. As the proposed gas backwards convenience store building has an additional 1,500 sq. ft. for retail/restaurant space, the ZEO determined in a letter dated 6/29/20 revised on 1/25/21 that the building was an Alternative Building type that is subject to special permit approval.
9. The proposed use is not residential and therefore is not subject to VCN residential density by building type and district found in Section 580.4 nor minimum dwelling unit sizes.
10. No Public Realm Standards found in Section 753 of the Scituate Zoning Bylaw are applicable as a new street is not being created. This is not a housing development so no Affordable Housing Requirements per Section 754 of the Scituate Zoning Bylaw are required for this development.
11. Petro Realty Corp. met with the Design Review Committee (“DRC”) and Planning Department Staff, to review whether the 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, Petro Realty Corp. modified its original architectural plans to address compatibility of site features such as location of the restaurant with its gabled entry/portico to be on the west side of the building and the convenience store to the east, added additional glazing and adjusted the roofline and location of the mechanical equipment to be more favorable. A patio on the west side provides some of the public amenity space required by the bylaw and adds to the “neighborhood feel” required in the subdistrict. Additional glazing was added to bring the structure to the 50% requirement and the hip roof has been changed to a ridge and mechanical equipment relocated to the ground level while adding gabled entries onto New Driftway. Based on the changes and as shown on the updated architectural plans and renderings dated 9/10/20, the Projects **meets** the Design Review Standards of Section 580 and 750 (see also below).
12. General Design Standards are required for all commercial buildings to preserve and enhance the aesthetic quality of Scituate’s built environment and to conserve the value of its land and buildings. Section 750.5 provides general standards for commercial buildings and

developments. If, in the opinion of the Planning Board, deviations from the guidelines contained would improve the overall design of the proposed project, the guidelines may be waived. The Board review of these General Design Standards find:

- a. The scale of the building is visually compatible with its site and its neighborhood. (750.5 A.)
 - b. More than one principal building is allowed on a lot if the building lot dimensions are met for each building individually – Not applicable as one building is proposed. (750.5 B. 2.)
 - c. The building placement meets or exceeds all the setbacks. (750.5 B.3. and 4.)
 - d. The building meets the stepback standards of a maximum of 25' for 0-25ft from the right of way line. (750.5 D.)
 - e. 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. The street facing width is wider than 100 feet as there is an Alternative Building type approved by the ZEO and a special permit is being obtained (750.5 E.)
 - f. Horizontal modulation and articulation is not required as the building is less than three (3) stories. (750.5 E.)
 - g. Façade transparency is required for commercial buildings. Windows shall be evenly spaced along the façade; windows shall be low reflectivity glass; the façade glazing shall fall between 2 and 12 feet. The Project meets this requirement with window spacing, façade glazing occurring between 2 and 12 feet with greater than 50% of the wall facing New Driftway as glazed. Low reflectivity glass is proposed.
 - h. The roof pitches meet the criteria of 6:12 minimum and 12:12 maximum with the main portion of the roof at 7:12 and gables at 9:12 for the asphalt shingle gable roof.
 - i. 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 GB includes lot standards found in Section 750.6. The Board's review of these standards find:
- a. A minimum lot size is not required. 47,718 sq. ft. is provided;
 - b. Street frontage of 100' is required. There is over 100' of frontage on New Driftway with 230.78' provided;
 - c. A minimum lot depth of 100 feet is required. 240.8 foot +/- is provided;
 - d. The front yard build-to-zone (setback) is 5' minimum and 20' maximum. 11.0 feet is provided on New Driftway;

- e. Minimum side yard is 20 feet. 23.4 feet is provided.
 - f. Minimum rear yard is 20 feet. 44 feet is provided to the canopy.
 - g. Outdoor Amenity Space Coverage required is 10% of the lot. This equates to 4,771.8 sq. ft. The plans indicate 10% is provided. The permitted outdoor amenity space per Section 752 of the bylaw is an Outdoor Dining Terrace (POPS) of approximately 1,740 sq. ft. with 5 benches and outdoor tables and a Pocket Park (PS, POPS) with 1,800 sq. ft. of lawn, 4 shade trees and 4 benches and a Common Yard and Garden (PS). The common yard is not intended for public access or a high level of pedestrian activity and will have some lawn with a planted buffer. The requirement is met.
 - h. The building height will conform to the height regulation set forth for a GB at 1.5 stories or 24 feet which is measured vertically from the average finished grade on the ground to the average height between the eaves and ridge for gable, hip and gambrel roofs.
 - i. The minimum street facing wall width is 40 feet and the maximum is 80 feet. 80 feet (scaled from plan) has been provided along New Driftway for the gas backwards/convenience store portion of the building.
 - j. A street facing entrance is required. Two are located on New Driftway.
 - k. A maximum building footprint for a gas backwards building is 4,000 sq. ft. The gas backwards building footprint is 4,000 sq. ft.
 - l. Gas station canopies should be designed as an integral part of the gas station architecture whenever possible. The proposed canopy has been designed with a hipped roof over the proposed pumps and island. The canopy will have the same oxford gray architectural roof shingles as the building. The canopy lighting is recessed from the bottom of the fascia. The canopy meets all building setbacks and at its closest point to the property line is 44 feet.
 - m. A secondary entrance is required to the rear for access to the pumps. One ingress lane and two egress lanes have been provided separated by a 6-foot wide milled concrete rumble strip. Petro Realty Corp. was not able to gain approval to have a second ingress/egress on an adjacent property. The ingress/egress has been peer reviewed by Jeffrey S. Dirk of Vanasse & Associates Inc. who has found the design acceptable as conditioned. The Board agrees to waive the secondary access to the rear.
14. In a letter dated June 29, 2020 revised January 25, 2021, the Zoning Enforcement Officer has determined that the proposed building is a new building type as it cannot be totally classified as a gas backwards due to the one additional 1,500 sq. ft. of commercial space intended as retail/restaurant space. The proposed building falls within the requirements of a commercial building except that it is 100 feet in width facing the street. 80 feet is required for the gas backwards/convenience store and 30 additional feet are required for the commercial component of the retail/restaurant. As the site can accommodate this width, the Planning Board finds that the street facing width of 110 feet is reasonable for this alternative building

type and there are no exact standards for it. The Planning Board finds that an additional 1,500 sq. ft. of ground floor area is reasonable for the added commercial use and does not derogate from the intent of the bylaw.

15. The Building Frontage Zone is the private setback area between the street facing façade of the building and the public right of way or street line. The zone must provide a compatible transition and interface between the private realm and the public realm. The publicly oriented space at the front of the proposed building facing New Driftway consisting of a walk and outdoor dining terrace is oriented to the public way and public sidewalk and meets the bylaw. (Section 750.7)
16. Development site standards in accordance with Section 750.8 have been reviewed and the Board finds:
 - a. The development site consists of one building;
 - b. The development site does not include any existing or proposed right-of-way;
 - c. A gas backwards and Alternative building type of commercial building spaces are permitted building types in this district;
 - d. A minimum of 50 feet of frontage on a public or publicly accessible street providing access to the development is provided;
 - e. Development block standards are not applicable;
 - f. Site Landscaping is provided. There are minimal existing trees on site and they will be preserved. Landscaping is proposed that will be maintained in a healthy growing condition free of refuse and debris. The plantings will be arranged to not obscure the vision of traffic.
 - g. New public utilities are proposed to be installed as underground utilities. Underground storage tanks are proposed for fuel.
 - h. Trash storage areas are not viewable from New Driftway. The dumpsters are screened with a dumpster enclosure.
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 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 provided by providing only the required parking. Subsurface retention facilities have been provided. Pervious concrete pavement is proposed for the front walk and pervious pavement is shown for the mechanical equipment area and patio. The pervious pavement meets DEP requirements. Front yards shall not include impervious surfaces except for a driveway, walkways or paved outdoor patio which

shall constitute no more than 25% of the front yard unless they are pervious. The plan meets this requirement.

18. A Landscape Plan is 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. A note requiring removal of invasive plant material prior to commencement of plant bed construction is on the plans. Lawn area in the front yard is minimized and fertilizer use is discouraged. The front yard contains a pervious concrete walk with over the minimum of 25% of the front yard being pervious. This requirement **has been met**.
19. 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 gas backwards plus one commercial space requires a site plan reviewed by the Planning Board.
20. 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 vacant commercial building with existing sewer and water connections. The proposed use will be a gas backwards facility with a convenience store, canopy covering the 8 proposed fuel stations (4 pumps with fueling on both sides) and restaurant, all of which are commercial uses. The redevelopment of the site will provide commercial uses as in the existing conditions. As depicted in the plans, the site work, drainage infrastructure, sewer connection, site plans, landscape plans the Project represents a significant improvement of the site and a benefit to the neighborhood and abutting properties. The use as developed will not adversely affect the neighborhood and will improve it, will not be an undue nuisance to vehicles or pedestrians because of the proposed use or structure, and is designed with adequate and appropriate facilities to assure the proper operation of the Project and minimize any impacts to the neighborhood and abutting properties. The abutting uses to the north include the MBTA train station, to the east a medical office facility, to the south a commercial site and to the west a commercial site and small park owned by the Town of Scituate. Accordingly, the Project, meets the requirements of Section 770.6.A.

21. 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: Petro Realty Corp. engaged VHB, to prepare a Transportation Impact and Access Study. The Board, through its engineering peer review consultant Chessia Consulting Services, LLC, engaged Vanasse & Associates, Inc. (VAI) to evaluate the adequacy and accuracy of VHB's methodology, data, findings and conclusions. VAI submitted detailed written comments to the Planning Board. In response to these comments, Petro Realty Corp. and VHB provided responses, revised reports where requested and updated the site

plans. After further review by VAI, Petro Realty Corp. was determined to have adequately addressed VAI's comments and recommendations. The Board determines that the Project, as conditioned, provides for traffic safety and ease of access at the street and access driveways, meets or exceeds all AASHTO standards for site distance, and will not create any undue congestion in the streets and ways abutting the proposed Project or in intersections within relevant proximity to the proposed Project. Driveways within 100 feet of the site have not all been shown. This standard is met.

22. 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 Board finds the Project has a safe and convenient driveway layout, makes adequate provisions for pedestrian safety and off-street parking which meets the Scituate Zoning Bylaw. Access will be from New Driftway. The main access off New Driftway is 38' wide. The Project will have sufficient access for service vehicles, fuel delivery trucks and emergency vehicle access.

23. 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 Board finds that there are adequate waste disposal facilities that are accessible for the development and that wastewater will be connected to the municipal sewerage system. The existing water service to the site will be terminated. Two new water services will need to be installed – one for the gas station/convenience store and one for the restaurant. A separate fire protection line is provided with a hydrant.

24. 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 Board finds that the Project site plans show snow storage areas and as conditioned will not present any significant concerns arising from or relating to snow storage. Petro Realty Corp. engaged Choubah Engineering Group, P.C., (CEG) a professional engineering firm, to prepare a Stormwater Report & Maintenance Plan to demonstrate that the Project will meet state and local standards for the collection, treatment and disposal of stormwater. A subsurface infiltration area is proposed for site stormwater. The Board engaged Chessia Consulting Services LLC ("Chessia") to evaluate the adequacy and accuracy of CEG's 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 CEG provided responses, revised reports were requested and updated the site plans. After further review by Chessia, Petro Realty Corp. was determined to have adequately addressed Chessia's comments and recommendations if the stormwater

management system is built as designed. Petro Realty Corp. has submitted a stormwater management plan and erosion and sedimentation control plan that ensures that the Project will be managed appropriately before, during and after the completion of construction. 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. Halim A. Choubah, P.E. has certified that the drainage system can be expected to 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.

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

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

26. 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 Property is 47,718 sq. ft. and has an existing vacant building on it and is largely devoid of vegetation. Minimal cut and fill is proposed at the front part of the site for the building. There is a wall on the southwest side of the site varying in height from 1.5 feet to approximately 6 feet as it is accommodating the grade change to the west. No trees greater than 6" caliper are to be removed. The proposed landscaping at the perimeter of the site will add to the character of the open space with trees and landscaping that is an improvement over existing conditions.

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

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

28. 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 Board finds that the parking areas for the Project will be buffered and shaded using predominantly native vegetation. Landscaping at the Property perimeters helps screen the parking from abutting properties, thereby meeting the requirements of the Bylaw. The dumpster will be enclosed and minimally visible from New Driftway. Outdoor lighting has been designed to minimize glare and spillover at adjacent properties. No outdoor lights shall be located more than 20 feet above the ground. All lights will be LED.

29. **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 Board finds that there is safe, functional, and convenient on-site and off-site pedestrian and bicycle access to the Project meeting the requirements of the bylaw. A 10-foot sidewalk is provided in the New Driftway right-of-way to facilitate pedestrian and bicycle access and meets multi-use path dimensions. 3 bike racks are provided for the Project 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 commercial 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 48-52 New Driftway on January 28, 2021 with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Choubah Engineering Group, P.C. entitled "Proposed Gasoline Filling Station, Convenience Store & Restaurant/Food Service at 48-52 New Driftway, Scituate, MA", consisting of 13 sheets dated 6/23/2020 with revisions of 7/24/2020, 9/8/2020, 11/3/2020, 11/3/2020 received 11/30/2020, 12/31/2020; ii) Architectural Plans by Phase Zero Design consisting of Sheet A-101 Floor Plans dated 9/10/2020 with revisions through 11/18/2020, Sheet A201 Exterior Elevations 9/10/2020 with revisions through 11/23/2020, A202 3D Views dated 9/10/2020 with revisions through 11/18/2020, A203 Building Signage dated 11/18/2020; A204 Site Pylon Sign 11/19/20; iii) Landscape Plan L- 1.0 dated 11/10/2020 with revisions through 11/23/2020 by Sean Papich Landscape Architecture; iv) Existing Conditions by Farland Corp. dated 9/29/2020 with revisions through 9/23/2020 v) Stormwater Report & Maintenance Plan for Proposed Gasoline Filling Station & Convenience Store/Restaurant/Food Service at 48 & 52 New Driftway dated 6/23/2020 revised dated 7/24/2020 and 9/8/2020 with TSS and pipe flow calculations dated 11/9/2020; vi)

Transportation Impact and Access Study by VHB dated 7/21/2020 with Supplemental Traffic Engineering Peer Review by VHB dated 9/10/2020 vii) Stormwater Pollution Prevention Plan dated November 9, 2020 by CEG; 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 Select Board and Department of Public Works ("DPW") in all public rights of way including New Driftway. 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, Select Board, Conservation Commission, 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 prior to endorsement.
4. The Applicant shall mean the current applicant, Petro Realty Corp., 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 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. The Existing Conditions Plan and Landscape Plan shall be part of the full set along with the conditions' sheets. Any plan changes resulting from conditions of approval must be included in the plans prior to endorsement.
6. The sale, delivery and distribution of petroleum products at the premises shall be done in substantial accordance with the plans submitted by the Applicant and representations made by the Applicant at the public hearing sessions.
7. Hours of operation shall not exceed 5 AM to 12 AM daily.
8. In accordance with Section 32010 of the Town of Scituate General Bylaws, "no gasoline shall be dispensed in or upon the licensed premises by means of self-service dispensing systems, unless during the hours when open for business there shall be on duty at all times no

fewer than one person, owner or operator or employee for each four dispensing hoses. Where traffic conditions so warrant, each license heretofore or hereafter issued under the provisions of G.L. Ch. 148, s 13 shall be subject to reasonable traffic control requirements as set forth by the Board of Selectmen after a full evaluation concerning such traffic conditions.”

9. Consistent with the Scituate General bylaws Section 32010, at all times there shall be two (2) employees for the gas station at a time. Each employee shall be trained and available to pump fuel for patrons. Each employee shall be trained in disabling the fuel pumps.
10. The Applicant shall submit an Approval Not Required (ANR) Plan prior to endorsement to combine the two lots of 48 and 52 New Driftway.
11. The following items are to be submitted or added to the plans prior to endorsement:
 - Locations of Project construction parking, stockpiles, dumpsters and trailers;
 - Crosswalks and ADA acceptable handicap ramps for the sidewalk in the New Driftway layout;
 - The sidewalk in the New Driftway layout is to be changed from bituminous concrete to concrete;
 - Note 14 on the cover sheet shall be removed as there is a basement;
 - On Sheet 3 of 13, Subsurface Infiltration Chamber notes, sunsurface shall be changed to subsurface;
 - The contours should be adjusted slightly in the southeast to provide cover over the infiltration system and an EL 25 contour was left out between the island at the southwest corner of the building to the 25 contour at the curb line west of the drive;
 - One additional 3” caliper red maple shall be added to the plans along the street frontage to comply with the street tree requirement.

Utilities, Parking, Traffic and Street Improvements

12. Maintenance and repair of the driveway and parking areas, stormwater management system, snow removal, lighting and landscaping shall be the responsibility of the Applicant.
13. All parking is limited to designated spaces as shown on the plan.
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 must, in accordance with the policy, 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 weekly in a timely manner stating results of 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 driveways, walkways, patio and parking areas, drainage system, water system and 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 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 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 the 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 Proposed Gasoline Filling Station, Convenience Store and Restaurant /Food Service Plans for 48-52 New Driftway 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-Built 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 Project's 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. The Water Division requires the following:

- Existing water service to be terminated at the water main and the old pipe cut and capped;
- Two new water services will need to be installed – one for the gas station/convenience store and one for the restaurant;
- If needed, install appropriate backflow device after each water meter;
- Service lines will need to be inspected by the water division;
- The existing account will be used for one of the two service lines to feed the two units. A \$14,000 connection fee is required for the additional service. Service line size to be determined by owner or engineer.
- The two new water services and the fire protection line must be connected to the newer larger pipe diameter water main across the street in New Driftway from the proposed building.

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 Property. In addition, the following must be addressed to the satisfaction of the Town Sewer Division prior to the commencement of construction:

- Newly constructed manholes shall be furnished with watertight covers and frames bolted down with a gasket.
- 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.

- 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.
 - 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.
 - 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.
 - External cleanouts and viewports: Each building line shall have an external cleanout.
 - The privately constructed sewer infrastructure will be owned and shall always be maintained by the Applicant. The sewer line from the property line in is owned by the property owner.
 - The final as-built shall include all utility locations with rims and inverts, pipe sizes and materials.
 - A spill plan or SPCC is required.
23. The building, parking, walkway curb cuts and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities if applicable.
24. The double yellow centerline from the nose of the flush island to a point opposite the nose of the landscaped island at the west end of the row of parking along the front of the building shall be permanently maintained.
25. The Applicant shall reduce the width of the flush island at the site access to 4-feet. It is currently 6-feet. Any changes should be done prior to endorsement and reported back to the Planning Board. The Applicant is also encouraged to extend the landscape buffer along the west property line such that the nose of the curb line is parallel to the curb line along the south side of New Driftway and include a sidewalk with American with Disabilities Act (ADA) compliant wheelchair ramps within the extended area. ADA and DPW compliant wheelchair ramps are required at all sidewalk entry points along New Driftway and where necessary within the site.
26. The Applicant shall restripe New Driftway between the left turn lane that serves the Dunkin Restaurant and the eastbound left turn lane at the New Driftway/Old Driftway intersection to serve as a center turn lane. This modification will facilitate left turn movements entering and exiting the Property site and the existing commercial driveways along this segment of New Driftway providing an overall benefit to traffic flow along New Driftway. The Conceptual Striping Plan – TWLTL by VHB dated 9/8/2020 is attached to this decision. This shall be coordinated with the Town Planner and Town Engineer (DPW engineering) prior to implementation.

27. Crosswalk patterns and handicap ramps for the sidewalk in New Driftway are to be provided with placement determined in the field during construction with approval from DPW and the Town Planner. All new or repaired curb ramps located on and offsite shall meet ADA requirements.
28. The vertical granite curbing from the existing sidewalk to be removed in the New Driftway right of way shall be reused for the 10-foot wide walk or new granite curb shall be installed. If the existing granite curb is not reused, it shall be returned to the Town of Scituate at 280 Driftway with notification provided to the Town Planner and Town Engineer.
29. The Applicant shall implement and maintain a Transportation Demand Management (TDM) Plan consisting of the following elements:
 - A transportation coordinator should be assigned for the Project to coordinate the TDM program;
 - Information regarding commuting options should be posted in a central location and/or otherwise made available to employees; and
 - Specific amenities should be provided to discourage off-site trips, including providing a break-room equipped with a microwave and refrigerator; offering direct deposit of paychecks; coordinating with a dry-cleaning service for on-site pick-up and delivery; and other such measures to reduce overall traffic volumes and travel during peak traffic volume periods.
30. 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. A final sign and pavement marking plan shall be provided to the Town for review and approval by the Town Planner prior to the issuance of the first building permit.
31. Loading and delivery activities shall be coordinated by the Applicant and shall be limited to off-peak periods. In no instance shall the staging of delivery vehicles block the site driveways or traveled way or impede pedestrian or bicycle travel without prior approval of the Scituate Police Department.
32. Fuel deliveries shall be scheduled while the site is closed to customers or during off-peak hours, preferably after 6 PM and before 6 AM. The westernmost fueling position shall be closed to customers prior to the arrival of the fuel truck. This may be accomplished by placing traffic cones at the fueling position. Fuel dispensers shall not be able to dispense fuel during fuel deliveries.
33. All work shall conform to the American Petroleum Institute (API) standards in addition to local, state and federal regulations.
34. The Owner shall comply with all federal, state and local regulations pertaining to fuel operation and reconciliation and site safety.

35. Vertical clearance of the fuel pumping canopy must be maintained at a minimum of 13'-8" for Fire Department access.
36. The sprinkler system for the premises, specifically the area where the petroleum products will be sold, delivered and dispersed, will be matched to the uses.
37. The Applicant must notify the Scituate Fire Department Safety Officer regarding the use and storage of all flammable and volatile materials to be used on the premises.
38. Floor drain and stormwater discharges that may contain waste that are not allowed to be discharged into the stormwater system shall be collected and disposed of in accordance with DEP requirements and all other federal, state and local requirements.
39. Spill control measures such as spill pads and booms shall be located on site as preventative measures for petroleum spills. The Spill Prevention and Containment Plan must be followed.
40. The fire alarm and suppression system and hydrant locations must be approved by the Fire Department.
41. The Applicant shall obtain a permit from the Select Board for the underground fuel storage tanks. Two underground double walled tanks shall be provided with interior monitoring. The number of diesel pumps is limited to one.
42. 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 New Driftway, are designed, installed and maintained so as not to impede lines of sight. (2.5 feet in height) A note has been included on the plans.
43. 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 New Driftway that exceed 3.5 feet in height or that would otherwise inhibit sight lines. A note has been included on the plans.
44. Controlled Density Fill will be required for excavations within New Driftway including all utility trench connections.
45. No drive through service or windows shall be permitted for the restaurant now or in the future without further written approval by the Planning Board.
46. Minimal snow storage is allowed on site. If snow will be removed from the site, it must follow all federal, state and local laws. The Applicant shall ensure all maintenance personnel are informed of this condition.
47. Solid waste shall be stored in covered dumpsters in the dumpster enclosures located and shown on the Site Plan. Trash shall be emptied at least once a week or more frequently if necessary, or as otherwise directed by the Board of Health. Automotive liquids shall be legally disposed of. Care shall be taken to prevent automotive liquids from spilling onto the surface of the ground. All dumpster enclosure locations shall allow for easy movement of trucks with minimal pedestrian conflicts. The dumpster area shall be enclosed on four sides.

48. All electrical, telephone, cable and similar utilities shall be located underground.
49. 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 11/9/2020 by CEG, P.C.
50. The Applicant has agreed to provide a sum of \$25,000.00 to fund municipal offsite traffic and pedestrian improvements in the greater Greenbush area. The Applicant shall provide such funds to the Town prior to construction commencing. 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.
51. The site will include two (2) electric vehicle charging stations with necessary infrastructure. Final location to be approved by Town Planner in consultation with the Applicant.
52. A larger oil/grit separator shall be installed for catch basins 1 and 2 which has a first compartment sized in accordance with the DEP handbook for overall volume. The detail should include the overall and internal width of the tanks.

Environmental Conditions: Noise and Dust

53. Site noise levels shall conform to the MassDEP Division of Air Quality Control's Noise Policy. A baseline condition is advised to 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. Any speakers located near the fuel pumps must not play music or advertising.

Landscaping and Site Amenities:

56. The Applicant shall obtain the approval of the Planning Board for any material changes to the approved 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. Invasive plant species shall be removed from the site. The Applicant shall coordinate with the Town to determine invasive varieties and methods of removal.
58. The proposed "Meadow-Habitat Restoration" area shall be installed and maintained by a qualified contractor with demonstrated experience in the methods and best practices for establishing this type of landscape feature/restoration. Most meadow installations have a 3-5-year establishment period with a specified maintenance schedule to be successful. The

installation/maintenance protocol should be determined by site conditions and follow the protocols specified by the seed supplier or other credible organizations (e.g. agricultural extension service, horticultural/landscape association, ecological restoration association etc.). The meadow installation/maintenance plan should be included as a note on the landscape plan PRIOR to endorsement. It should be noted that the meadow should only be mown when specified in the installation/maintenance plan.

59. The retaining wall on site must meet state building code and Town of Scituate requirements. A building permit will be required for the wall as it is over 4 feet tall and a fence may be required on top of the wall.
60. Bollards at the building spaces should be located to prevent a vehicle from entering the building. Bollards cannot impede parking.
61. All lighting fixtures shall be cut off fixtures to prevent light spread to adjacent properties. Light pole fixtures shall be no higher than 16' including the light base.
62. Lighting at the canopy shall be shielded to prevent light spill to abutting properties. Canopy lights shall be dimmed after 9 PM and be programmable to on/off and intensity when fueling is not open. All parking lot lights shall be cut off fixtures to prevent light spill to abutting properties.
63. 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. Review by the Design Review Committee is required for the final sign designs prior to obtaining a building permit. Signs shall not be internally lit.

Architecture/Design:

64. 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.
65. 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.
66. The roof gutter system and downspouts shall be sized for the 100-year storm for the front side of the building. Data must be supplied to the Planning Board and Building Department as part of the building permit package.
67. 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

68. A statement that the driveway, parking areas, walkways, patio, drainage system, sewer, landscaping and other common areas shall be owned by the Applicant and shall be maintained by the Applicant and shall not be the responsibility of the Town to maintain. The driveway, walkways, patio, drainage system, landscaping, lighting, stormwater infiltration system and other common areas shall be inspected, maintained and repaired by the Applicant. This shall also be stated in a note added to the plans prior to endorsement.
69. 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.
70. The Final Operation and Maintenance Plan shall be provided to the Planning Board prior to endorsement as a stand-alone document with appropriate manufacturers specifications and shop drawings.
71. 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;
 - d. Copies of the NPDES Permit including the Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must be submitted to the Planning Board and approved prior to any land disturbance;
 - e. A type and amount of security provided by the Applicant reasonably satisfactory to the Planning Board to cover the satisfactory completion of off-site infrastructure improvements on any Town property including New Driftway. A separate surety is required for this work. The amount shall be based on the Applicant's contractors'

estimates of the costs of these items, reviewed by the Town's consulting engineer and shall be approved by the Planning Board prior to the pre-construction conference; and

- f. A type and amount of security provided by the Applicant reasonably satisfactory to the Planning Board to cover the satisfactory completion of features shown on the site plan including landscaping, parking, drainage, signs, lighting and 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

72. 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.
73. The property lines of the 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 always be staked or pinned during construction.
74. 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

75. 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.
76. Inspections and observations made according to the SWPPP shall be submitted to the Board within 48 hours after the inspections or weekly. The Board reserves the right to require the consulting engineer to visit the site weekly or as often as necessary during construction and report on matters within the scope of the Planning Board's authority.
77. 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 always the Applicant's affirmative responsibility to ensure the maintenance and management of all stormwater control measures during

construction to ensure there are no increases in stormwater flow velocity or volume to abutting properties at any time.

78. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
79. No parking or unloading on New Driftway shall be permitted during construction unless approved in advance and controlled at the same time by Scituate Police Department. Construction vehicles shall use the designated construction access.
80. 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.
81. 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 or 8:00 am on Saturday. Police details may be required for construction access or work within the layout of New Driftway.
82. 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.
83. 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.
84. 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.
85. 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.
86. Blasting, if necessary, shall be conducted according to all necessary permits and meet all the requirements of the Scituate Fire Department.

Required Prior to Issuance of Occupancy Permits

87. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the gas storage and dispensing systems, driveway, parking areas, walkways and patio and installation of necessary utilities is in full compliance with the approved plans and the special permit.
88. 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. A revised stand-alone Operation and Maintenance Plan should be provided *prior* to endorsement.
89. The off-site restriping in New Driftway shall be completed prior to any Certificate of Occupancy being issued.

Administration

90. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
91. 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 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.
92. 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.
93. 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.
94. All site plan sheets of the Site Plan Review and VCN Special Permit shall be recorded at the Registry of Deeds.
95. 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 48-52 New Driftway with the conditions noted above.

January 28, 2021

Date

SCITUATE PLANNING BOARD

Patricia A. Lonsdale
Lea Burbine
B. A. [Signature]
John R. [Signature]
Debra A. J. [Signature]

This decision was filed with the Town Clerk on February 16, 2021
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

