

**TOWN OF SCITUATE**



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*Planning Board*

**Site Plan Administrative Review, Special Permit for Multi-Family Building and Stormwater Permit**

**Multi-Family Buildings in the Village Center and Neighborhood District-Greenbush Driftway Gateway District-Gateway Business Subdistrict (VCN-GDG-GWB)  
7 New Driftway**

**Decision: APPROVED with Conditions**

Applicant: Drift-Way LLC  
Address: P.O. Box 378, Tyngsboro, MA 01879  
Owner: Shepard Way Realty Trust  
Address: 137 White Street, Belmont, MA 02478  
Request: Approval of Site Plan Administrative Review, Multi-Family Building Special Permit and Stormwater Permit for a Multi-Family Building in the Village Center and Neighborhood District- Greenbush Driftway Gateway District-Gateway Business Subdistrict (VCN-GDG-GWB) under Scituate Zoning Bylaw Section 580, 750, and 770

Date: November 17, 2022  
Location: 7 New Driftway, Scituate, MA 02066  
Assessor's Map: 53-5-37F  
Zoning District: Village Center and Neighborhood District- Greenbush Driftway Gateway District-Gateway Business Subdistrict (VCN-GDG-GWB), Water Resource Protection District – Zone A and Zone II, Saltmarsh and Tideland Conservation District and Floodplain and Watershed Protection District (WRPD).  
Hearing Dates: October 28, 2021, January 13, 2022, March 10, 2022, March 24, 2022, May 26, 2022, July 14, 2022, August 25, 2022, October 13, 2022 and October 27, 2022  
Members Hearing Special Permit Application: Patricia Lambert, Stephen Pritchard, Rebecca Lewis,

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Benjamin Bornstein and Ann Burbine.

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

**Background:**

Drift-Way LLC (the "Applicant") is proposing a project consisting of one multi-family building in the Village Center and Neighborhood District-Greenbush Driftway Gateway District-Gateway Business Subdistrict at 7 New Driftway, Scituate, Massachusetts. The existing medical office building and parking will be removed and site will be reconfigured and reconstructed to accommodate the site improvements and new uses. All of the proposed work, including the site work, new building, site infrastructure and site improvements are collectively referred to herein as the "Project".

The property is a 54,385 sq. ft. (1.25 +/-AC) parcel improved with one vacant medical office building with bituminous concrete driveways and parking and associated site utilities.

The site is located in the Village Center and Neighborhood District – Greenbush Driftway Gateway District-Gateway Business Sub District (VCN-GDG-GWB). The resultant zoning in effect is the Village Center and Neighborhood District – Greenbush Driftway Gateway District-Gateway Business Subdistrict (VCN-GDG-GWB) (Section 580, 750 and 770 and the Water Resource Protection District (WRPD) Zone A and Zone II zoning as well as the Tidelands and Conservation District and Floodplain and Watershed Protection District zoning.

In the VCN-GDG-GWB District, multi-family buildings are permitted building types and use by special permit. Nineteen (19) residential condominium units are proposed in a multi-family building. The density of 12 units per acre by right and 24 units per acre by special permit is being met as 14.96 units are allowed by right for the 54,385 sq. ft. site and 29.96 units are allowed by special permit. A density bonus of four (4) units is requested as there will be nineteen (19) units on -site. The proposed project will have one access point off of New Driftway.

A group home is being proposed off-site to meet the number of affordable units for the project. The proposed group home will have five (5) bedrooms, each of which will count as an affordable unit for the project. Construction of the five (5) units meets the requirement for projects with a density bonus to have 20% of the units affordable. The project will have twenty-four (24) total units including the five (5) affordable units, and, therefore meets the twenty (20%) criteria.

The multi-family building has five (5) 1-bedroom units and fourteen (14) 2-bedroom units for a total of 33 bedrooms. Eleven (11) exterior parking spaces are provided including one (1) handicap accessible space near the front door. There are sixteen (16) lower level garage parking spaces including one (1) handicap space. The project requires 26 parking spaces and 27 have been provided. Parking is per the bylaw at 1 space per one (1) bedroom unit and 1.5 spaces per two (2) bedroom unit.



The Project will be serviced by Town water and sewer. The water and sewer divisions have indicated their requirements with respect to lines and utility betterment fees. The proposed stormwater management system consists of the roof areas being discharged to level spreaders located to the rear of the building. A rain garden with a level spreader handles stormwater for the exterior parking lot. Predevelopment hydrology is maintained by reduction of pavement, some infiltration of stormwater and pervious pavement. The rate and volume of post development conditions does not exceed pre-development conditions for the 1, 2, 10, 25 and 100 year 24-hour rain events. A water quality Best Management Practice (BMP) treats the first 1" of runoff to the maximum extent practicable as required and 90% Total Suspended Solids (TSS) are required to be removed as the site is in the WRPD which the calculations indicate will be achieved with over 90% TSS removal. Massachusetts Department of Environmental Protection (MA DEP) Stormwater Management Regulations and the requirements of the Town of Scituate Stormwater Bylaw and its regulations have been met to the extent practicable for this redevelopment site.

The Applicant submitted Drainage Calculations and Stormwater Management Report by McKenzie Engineering Group stamped by Bradley C. McKenzie, P.E. This report and the accompanying Site Development Plans, Proposed Residential Development, 7 New Driftway, Scituate, MA were reviewed by the Town's consulting engineer, John Chessia, P.E. of Chessia Consulting Services LLC, who submitted detailed comments to the Planning Board. In response to these comments, the Applicant provided revised reports and plans which, after further review by the consulting engineer, were found to address the comments and recommendations or could be conditioned.

A Density Bonus is required for the project. The Applicant proposes to provide a contribution of \$70,000.00 to be used toward repair, maintenance, reconstruction and associated engineering of the pier in Driftway Conservation Park. The Applicant has also agreed to contribute \$10,000.00 to fund traffic and pedestrian improvements/studies in the Greenbush/Driftway area.

#### **Procedural Summary:**

An application for a Site Plan Administrative Review and a Special Permit in the VCN-GDG-GWB and Stormwater Permit was filed with the Town Clerk on August 21, 2021. 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 October 28, 2021 with an in-person meeting under the open meeting law. The public hearing was continued to January 13, 2022, March 10, 2022, March 24, 2022, May 26, 2022, July 14, 2022, August 25, 2022, October 13, 2022 and October 27, 2022 when the public was closed and the Site Plan Review and Special Permit and Stormwater Permit and Special Permit were approved with conditions. All members were at all sessions where testimony and evidence were presented or filed a Mullin Rule Certification for missing only one meeting. The public hearings in 2022 were all in person and with remote participation available due to COVID – 19 procedures under the open meeting law.

#### **Hearing Summary:**

When the public hearing was opened on October 28, 2021, the Applicant, Frank Polak of Drift-Way LLC was present along with the Planning Board's consulting engineer, John Chessia of Chessia Consulting Services LLC. Karen Joseph, Town Planner and Shari Young, Planning Board Assistant were present. Ms. Burbine read the legal ad for the record. Mr. Polak indicated his project team



was not available due to the recent storm. He indicated Weston and Sampson were engaged for water and sewer studies, Gilliam Associates were hired for traffic and McKenzie Engineering for civil.

Mr. Polak gave a brief summary of the project indicating the existing medical office building was proposed to be razed and a new 21-unit multi-family condominium building with 2 penthouse units was proposed. There would be both underground and surface parking. He indicated all the existing parking would be removed and the new parking would have a drainage system to help protect the brook.

The Town Planner indicated issues to consider are the affordable units. The Applicant is proposing off-site units on property owned by the Affordable Housing Trust (AHT). Five (5) affordable units are required based on the density. Several Board members opined they wanted to see details of the affordable units and know that what is promised can be delivered before deciding on anything. Others wanted to see the affordable units on-site as part of the project. The Applicant agreed to provide information.

Another issue is a density bonus is required. Mr. Polak said he was working on a financial commitment of approximately \$25,000. The Town Planner advised this was low based on other projects. Mr. Polak agreed to revisit. Additional site issues brought up were related to the Zone A, Zone II, amount of impervious coverage exceeding 20%, drainage issues, expansion in the Saltmarsh and Tidelands Conservation District and Floodplain and Watershed Protection District, need for a landscape plan by a landscape architect, if parking should be in the front yard, loading/unloading, visibility of the penthouse and garage, circulation and building height – the building is too tall and height is not waiver able. Mr. Polak opined the existing structure is non-conforming and they will be reducing impervious area and providing a drainage system to improve the brook; tradeoffs would be needed.

Several people expressed concerns for the project including will the building be pedestrian friendly in terms of height and setbacks; Herring River is a sensitive environment as is the fish ladder – the health of the river is important along with managing drought for the fish; traffic on Driftway; project is a gateway project and should be aesthetically pleasing; removal of the deteriorating building will be a benefit to the town; off-site affordable units would be beneficial; the building design looks like it belongs in Boston and not Scituate – consider having it try to look more like the Jacob Hatch Building; environmental issues with the brook.

The Board referred the Applicant to the Design Review Committee. Mr. Chessia summarized his comments to include how does the roof drainage work with relation to the Zone A and Zone II and shellfish areas, parking lot drainage and conflict with WRPD requirements versus DEP requirements. DEP would consider this a redevelopment project.

On January 13, 2022 and March 10, 2022 there were immediate continuances with no testimony taken.



On March 24, 2022, Attorney Walter Sullivan, Frank Polak and Architect, Phillippe Thibault were present for the Applicant. Mr. Polak opined that they have listened to the comments and are proposing a landscape design that is sensitive to the rotary and brook. The Architect indicated the building has gone through several design iterations including a slight change to the shape and size and the roof is not flat but gabled now. He said the height is still 40' and the penthouse is an additional 10' high. The Board was in general agreement with the gables and is concerned with height including the penthouse and want the DRC to keep reviewing the building. More information on affordable units is required. Some members still feel all affordable units should be on-site. Nothing hard has been presented on the AHT land. Density bonus is still an issue. There was no public comment.

At the May 26, 2022 hearing session, Attorney Walter Sullivan, Frank Polak, engineer Eric Schoumaker and Architect Philippe Thibault were present. Mr. Schoumaker said the building has been downsized from 4 to 3 stories and is about 4' smaller. The building is within the building setbacks and is further from the brook. Retaining walls in back have been eliminated thus reducing the amount of impervious surface near the brook. Parking has been made more efficient and a landscape plan was provided. The Town Planner indicated that a memorandum from Conservation indicates the building location is now acceptable. The building is now 19 on-site units. The Town Planner indicated other projects have the affordable number included in the project so that the affordable units here would be 4 based on the 19 units.

Mr. Polak indicated that he has been approached to have the off-site affordable units be a group home with 5 bedrooms where each bedroom counts as an affordable unit. He asked if the board would grant the units off-site for this joint venture group home. The Board discussed the group home and asked for more information prior to them fully deciding on the group home. A straw vote was taken with 3 in favor and 2 opposed to allowing the group home off-site as the affordable units.

The architecture of the building was discussed. The DRC provided a recommendation for the building. There are 19 units and no penthouse. Gabled roof and smaller footprint. The Board felt the building was much better and is more in keeping with the Jacob Hatch Building. Traffic was discussed. The Traffic Rules Committee voted unanimously to not recommend the gate on the plan as it will back up traffic at the site. They also only want landscaping on the Applicant's property and not in the rotary right of way due to sight distance issues. Density bonus not resolved as landscaping is the cost of doing business.

A resident of Ladd's Way asked when stormwater will be discussed. It was indicated it would be at the next Planning Board meeting.

At the July 14, 2022 meeting, Frank Polak, Walter Sullivan, Eric Schoumaker, Philippe Thibault, Peter Benvie of Corporation for Independent Living (CIL), Stephen Irish of the AHT and John Chessia were present. Mr. Polak indicated he has been working with CIL for the proposed group home on Stockbridge Road on the AHT property. He said they will use the design from another group home in Scituate. He indicated the details are still being worked out; however, CIL would construct the home and the Applicant would donate the value of the lot on Stockbridge Road to CIL for the construction. The Applicant would take title to the AHT land from them, enter the contract



with CIL, then have a 30-year lease with the company that would run the group home. Mr. Polak would be responsible for permitting for the group home. The Board opined they did not want this to be a precedent setting scenario. There were concerns about construction and operation of the group home. It was indicated that an appraisal is obtained for the price of the land, that is donated to CIL for construction and Cardinal Cushing Centers will be the lease. The Applicant indicated the occupancy of the group home will be tied to the occupancy of 7 New Driftway. The AHT confirmed that they are only providing the land and this is the only land that the AHT owns so it should not be precedent setting. CIL has developed these homes all over Massachusetts and has worked with Cardinal Cushing previously in Scituate. Each of the bedrooms would be counted as an affordable unit for the town. Mr. Irish indicated there is a need for all types of affordable housing in Scituate. The Board asked for a more formal agreement. The Board voted unanimously to consider the 5-bedroom group home on Stockbridge road in lieu of the 5 units at Driftway based on the unique circumstances involved in this scenario.

The Chair indicated permitting is still needed from the ZBA and the conservation Commission. Density bonus was discussed. The Applicant's attorney suggested a donation for sidewalks. The Chair indicated that she was unfavorable to that. The Town Planner opined that a density bonus for 4 units is needed is something that is for the Greenbush/Driftway area and the pier in Driftway conservation Park needs to be rebuilt. Ms. Burbine suggested \$25,000 per unit for a total of \$100,00. The Applicant opined that was too much. The board indicated that was negotiable. Mr. Polak suggested an annual contribution for the cost of the upkeep of the brook. The Applicant will work with the Town Planner on the density bonus issue.

Mr. Chessia summarized civil issues: ZBA permits will be required; WRPD – different requirements in Zone A and Zone II with recharge – reduction of impervious surface promotes recharge – does the Board want additional recharge; need waiver for parking in front yard; landscaping; amenity space; truck turning radii. Mr. Schoumaker confirmed most of these items had been address in the recent plan submittal.

It was confirmed by DPW that the water and sewer studies were acceptable. EV charging stations will be conditioned. A list of waivers is needed. Access to the patio is required.

A resident of Ladd's Way had several concerns including use of native plants, irrigation system not using town water, integrity of the bank, planting of mature trees.

At the August 25, 2022 meeting, Frank Polak, Eric Schoumaker, Philippe Thibault, John Chessia and Jeff Dirk, the Town's traffic engineer were present. Mr. Chessia presented site issues including: special permits are needed form the ZBA for work in Salt Marsha and Tidelands District and Floodplain and Watershed Protection District; recommends level spreaders be provided to minimize erosion for roof drains; recommended several conditions of approval; Board should decide on recharge; waiver for handicap spot in front yard needed; impervious limits exceeded in front yard thus a waiver is needed; recommends review of amenity space; is the rain garden acceptable as it outlets to a shellfish area.



The Town Planner indicated the Board has to decide on the level spreaders, recharge and if this is a redevelopment project. A majority of the board thought the project was a redevelopment project and thus full recharge is not required. They largely agreed that the extent practical for recharge has been met and recharge is not allowed in the Zone A. With a pavement reduction, infiltration is promoted. The Board wanted redesign of the level spreaders. The Board agreed that the rain garden is acceptable in terms of shellfish growing area.

Mr. Dirk opined the access, circulation, and life safety issues need to be addressed before they can determine if there is sufficient parking because parking is related to the functionality of the site. Mr. Schoumaker said they have increased the size of the loading area so a box truck can turn more easily and a SU 30 vehicle can be accommodated. The Town Planner suggested the Applicant contribute \$10,000 for traffic and pedestrian studies in Greenbush as definitive traffic mitigation could not be agreed upon.

The Development Agreement for the affordable units is still being work on and nothing further has been received on the density bonus. Waivers were briefly discussed.

Samantha Woods of NSRWA wanted to follow up on a letter sent. They are concerned with the closeness of the building to the river and how roof runoff will be treated. They favor level spreaders. She encouraged the rain garden and acknowledged improvements over existing stormwater are proposed. She questioned grass and asphalt pavement as they want to keep the water cool as possible. She questioned if there were any filled tidelands on the site.

At the October 13, 2022 meeting, Frank Polak, Walter Sullivan, Eric Schoumaker and Philippe Thibault were present for the Applicant. John Chessia was present for the Town. Mr. Sullivan said they had received a draft decision and were working on a Development Agreement for the affordable housing. Mr. Chessia reviewed his latest report. Mr. Thibault reviewed the flood flow panels and indicated they meet FEMA and Stormwater requirements. The Board agreed the project was a redevelopment and does not need 100% recharge. The Board asked for some seating for the patio. The Board approved the four waivers requested with the addition of additional plantings on the front side of the handicap ramp.

The density bonus was reviewed. \$70,000 was conditioned for pier maintenance at Driftway Conservation Park despite the Applicant indicating he would provide \$60,000. This amounts to \$17,500 for the density bonus units (4) which the Board opined was fair. An update was provided on the Development Agreement which was not ready to be signed yet, but very close. The Board confirmed that no occupancy permit will be given for 7 New Driftway without the Occupancy Permit for 165-167 Stockbridge Road having been issued. The land transfer is supposed to happen after the appeal period ends for the decision. There was no public comment.

At the October 27, 2022 hearing session, Frank Polak, Walter Sullivan and Eric Schoumaker were present for the Applicant. The chair indicated the public hearings have been going on for a year and all the site and engineering issues were resolved so the gateway to Scituate will have a new look. The public hearing on the Site Plan Review and Special Permit and Stormwater Permit was closed after the Board reviewed the Findings of Fact and Conditions and voted to approve the project.



### **Additional Public and Town Department Input:**

William Branton, of the Scituate Sewer Division, commented that at the proposed connection point at the sewer manhole on Driftway: manhole frame and cover to be replaced with watertight bolt down gasket cover. Manhole penetration and walls within manhole to be restored and made watertight to prevent inflow and infiltration. Structure must pass vacuum testing for leaks. All cleanouts must have metal frames and covers at grade. The proposed number of sewer units exceeds the number originally designed for the lot. A capacity study must be done to verify existing conditions and ensure proposed flows are within capacity of nearby sewer mains and the sewer lift station. Recommend redundant sewer line from the building to the main to reduce the likelihood and severity of an internal plumbing blockage within the property.

Kevin Cafferty, DPW Director, indicated water and sewer studies have not been provided and DPW will begin their review after the studies are received.

Becky Malamut, of the Water Resources Committee, indicated infiltration structures must be three feet above seasonal high groundwater in the Water Resource Protection District. She asked for clarification on the permeable pavers, impervious areas in the front yard and planted buffer for parking. She asked for Low Impact Development features to be considered.

The Traffic Rules and Regulation Committee asked for no gate at the entrance due to its possible constraint on traffic flow. It asked for the street trees to be planted only on the Applicant's property and not in the right-of way of the rotary.

Deputy Fire Chief Mark Donovan asked for the existing hydrant to be replaced. He indicated the last plans show the access for the ladder truck which is okay.

The Board of Health indicated a dust control plan is required consisting of a water truck to control dust from leaving the site.

Weston and Sampson provided the water and sewer studies for the Applicant. Mark Cloud of the Water Division, indicated there were no issues with the study. William Branton of the sewer division indicated that he agreed with the recommendations in the sewer study with the exception that he preferred a clean out with a metal cover instead of a lateral manhole. He suggested the Sewer Commissioners consider updating their rules and regulations for developments which increase the density of a lot after sewer infrastructure is installed to offset the increased costs and capacity use of the new user.

The Affordable Housing Trust commented that they have been working with the Developer Frank Polak and his attorney Walter Sullivan on a proposal to develop the Affordable Housing Trust property at 165-167 Stockbridge Road. The Affordable Housing Trust voted to support the development of four affordable units on its property for the 7 New Driftway project. The Trust believed that it would require an exception as the property is zoned for two buildings with one housing unit in each and the developer is proposing two housing units in each building.



The Conservation Commission called for a reduction in impervious area suggesting a reduction in the size and /or shape of the building with a reduced building footprint. Their consultant suggested the work limit should be no closer to the brook than the existing building and this could be achieved.

The North & South River Watershed Association commented that the existing building was built prior to the Wetland Protection, Stormwater and Riverfront laws passing. They asked for an increased vegetated buffer to First Herring Brook, a no mow zone, a prohibition on irrigation wells, allowance for recharge of roof runoff, mitigation of impacts from dog waste, an alternative to asphalt pavement and support of knotweed removal.

### **Findings of Fact:**

The following findings of fact based on information submitted by the Applicant and the testimony given during the Public Hearing.

I move to make the following Findings of Fact:

1. On August 31, 2021, the Applicant, Drift-Way LLC, filed an application for a Special Permit, Major Site Plan Review and Stormwater Permit for a residential multi-family project in the Village Center and Neighborhood District under Scituate Zoning Bylaws Section 580, 750 and 770. The Application included, but is not limited to, the following:
  - a. Application Forms including attachment A-F and Stormwater Permit form, locus deed, and Municipal Lien Certificate of July 12, 2021;
  - b. Filing Fees and Abutters' List;
  - c. Site Plan Development Plans, Proposed Residential Development, 7 New Driftway in Scituate, MA dated July 12, 2021 by McKenzie Engineering Group, Inc. consisting of 14 sheets;
  - d. Architectural rendering and Architectural Plans for a Residential Complex 7 New Driftway, Scituate, MA First, Second, Third & Fourth Floor Plans and Elevations by Philippe Thibault Architect, LLC dated October 15, 2020 with revisions dated May 20, 2021 consisting of 4 sheets;
  - e. Drainage Calculations and Stormwater Management Report for Proposed Residential Development located at 7 New Driftway, Scituate, MA 02066 dated July 12, 2021 by McKenzie Engineering Group.
2. The Property that is the subject of the Application is a 54,385 sq. ft. or 1.25 Ac parcel located off New Driftway, Scituate, Massachusetts. The Property is currently improved with a vacant medical office building, onsite bituminous concrete parking and associated utilities.
3. The Project is located in the new Village Center and Neighborhood (VCN) Zoning District, Greenbush-Driftway Gateway District (GDG) and the Gateway Business Subdistrict (GWB) – VCN-GDG-GWB. The site is also in the Water Resource Protection District Zone A and Zone



II, Saltmarsh and Tideland Conservation District and Floodplain and Watershed Protection District.

4. The Zoning Bylaw in effect for this project is the bylaw approved by the Scituate Annual Town Meeting on 4/12/2021 and the Attorney General on 9/13/2021 and posted to the website in October 2021.
5. The Project proposed by the Applicant consists of nineteen (19) residential units in one Multi-family Buildings (MFB). There are five (5) 1-bedroom units and fourteen (14) 2-bedroom units for a total of 33 bedrooms. The building is a 3-story building with a habitable fourth floor attic. The building has a maximum building height of 39'-11 ½" from the average grade plane to the mean of the roof slope which is less than the maximum height of 40' as set forth in the Scituate Zoning Bylaw. A group home is proposed to be constructed off-site and will have five (5) proposed bedrooms, each of which will count as an individual dwelling unit for purposes of the project and inclusion in the Subsidized Housing Inventory ("SHI").
6. There are eleven (11) total exterior parking spaces provided. This includes one handicap parking space near the front door. There are sixteen (16) lower level garage parking spaces including one (1) handicap parking space. The project requires twenty-six (26) parking spaces and twenty-seven (27) will be provided. Parking is governed by Section 760.8 of the Scituate Zoning Bylaw for parking in Mixed-Use Districts (Table 2) and requires 1 space for a 1-bedroom unit and 1.5 spaces for a 2-bedroom unit in a multi-family building as the site is in the VCN District. Section 760.7 does not apply as the proposed use is for residential in the VCN.
7. The property at 7 New Driftway does not require a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw.
8. In the VCN-GDG-GWB a multi-family building is an allowed use per Section 420 and 580.3 of the Zoning Bylaws and an allowed building type per Section 750 of the Zoning Bylaw. Per Section 420, the allowed use is by Special Permit.
9. The base residential density in the VCN-GDG-GWB subdistrict per Section 580.4 of the zoning bylaw for a multi-family building is twelve (12) units per acre by right and twenty-four (24) units per acre by special permit. 14.96 units are allowed by right and 29.96 are allowed by special permit. Nineteen (19) units are proposed on-site requiring a density bonus of four (4) units. A special permit is required for nineteen (19) units if certain Public Realm Improvements are made by the Applicant that will provide benefits to residents and businesses in the project, the VCN district and surrounding area. The eligible public benefit improvements can include on-site or off-site infrastructure improvements, streetscape improvements, open space improvements, amenities not otherwise required under Section 752, public parking spaces or additional affordable units beyond the number required for the development. The Applicant proposes to provide a contribution of seventy thousand dollars (\$70,000.00) to be used toward repair, maintenance, reconstruction and associated engineering of the pier in the Driftway Conservation Park which needs repair and maintenance and is identified in the Town's Open Space and Recreation Plan. The Applicant shall provide such funds to the Town prior to commencement of construction. The funds shall be placed in an account and the expenditure



thereof shall be approved by the Town Administrator, Town Planner, Planning Board and Conservation Commission, all of whom must concur.

10. Section 580.4 also has minimum bulk standards for dwelling sizes. A two-bedroom unit is required to have 900 sq. ft. of usable floor area. A one-bedroom unit is required to have 600 sq. ft. of useable area. The one-bedroom units will have a usable area of 806 sq. ft. or 810 sq. ft. and the two-bedroom units will have a usable area of 1147 sq. ft. minimum. This requirement is met.
11. No Public Realm Standards are required for this development as no new streets are being created. The project proposes to eliminate two existing curb cuts from the site and replace them with sidewalks and curbing in the public right of way. A pedestrian crosswalk is required by zoning and is provided.
12. A group home is being proposed off-site to meet the number of affordable units required for the project. The proposed group home will consist of one building with 5 bedrooms, each of which will count as an affordable unit for the project on the Town's SHI. Construction of the five (5) units meets the requirement for projects with a density bonus to have 20% of the units affordable. The project will have 24 total units including the five (5) affordable units, and, therefore, meets the twenty percent (20%) criteria. The Applicant proposes to enter into a development agreement with CIL Realty of Massachusetts, Incorporated ("CIL") to purchase the property at 165/167 Stockbridge Road ("AHT Property") from the Town of Scituate Affordable Housing Trust ("AHT") and obtain permits necessary to construct the five (5) bedroom group home thereon. The Applicant shall donate the AHT Property to CIL and then obtain an appraisal for the property. The Applicant will donate the appraisal cost of the unimproved AHT Property to CIL who shall construct the five (5) bedroom group home at its expense. After construction, CIL shall lease the group home to Cardinal Cushing Centers, Inc., or other suitable party for a term of thirty (30) years. The five (5) affordable units shall be constructed so as to be included on the Town's SHI. The group home shall be constructed and have an occupancy permit prior to the issuance of an occupancy permit for the 7 New Driftway Development.
13. The Applicant met with the Design Review Committee ("DRC") on several occasions to discuss this project. The DRC recommended "the Planning Board move ahead with the Special Permit process" in a memorandum dated April 11, 2022. They indicated the "design meets the criteria set forth in Section 750 of the Zoning Bylaws, with the exception of the Building Setback/Height." Per the Bylaws, a building within 25 – 50 feet of the street shall be no more than thirty-five (35) feet in height. The overall height of the proposed building is just below 40'. "The DRC felt this was acceptable as the building's eave is at or below 35' and the overall design meets the other criteria set forth in the Zoning Bylaw." Design Standards under Section 580 and 750 of the Zoning Bylaw must be met or waived and they have been waived.
14. A Multi-family Building (MFB) includes Lot Standards and Design Standards found in Section 750.6 including:
  - A minimum lot size is not required;



- Street frontage of 80' is required. There is 602' of frontage on New Driftway.
- Lot depth is not required.
- The front yard build-to-zone (setback) is 10' minimum and 30' maximum. 25.1 feet for the minimum is proposed and 29 feet for the maximum is proposed.
- Minimum side yard is 15'. 263.6' is provided.
- Minimum rear yard is 20'. 22.8' is provided.
- Outdoor Amenity Space Coverage required is 20% of the lot. 20.9% is provided per the plans although the exact square footage has not been provided. The permitted outdoor amenity space is per Section 752 of the bylaw is a Common Yard and Garden (PS) – Private Open Space with an outdoor permeable paver patio and walk.
- The building height will conform to the height regulation set forth for an MFB at 39'-11-1/2" from the average grade plane to the average height between the eave and the ridge for any building with a pitched roof.
- The minimum street facing wall width is 60' and the maximum is 100'. Under Section 750.5 B. 2 d. Vertical modulation and articulation no street facing building elevation can be wider than 100' without a Special Permit. As 100' is provided, no special permit is required.
- A street facing entrance is required and provided.
- A maximum building footprint is not applicable.

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

- More than one principal building is allowed on a lot if the building lot dimensional standards are met for each principal building individually. There is one building on the lot.
- The lot is a corner lot. The front façade of the building is parallel to the street right of way line.
- Multi-family buildings taller than 25' shall be required to be setback or stepped back from the street right-of way. The building is setback 29' from the front property line. For setbacks 0 – 25', a maximum height of 25' is required. For buildings 25 -50', a maximum height of 35' is allowed. According to the Applicant, the eave is at 35' in height. Two gables on the front elevation are 39'-11-1/2" in height which exceeds the height for the setback of 35'. The DRC felt this was acceptable as the building's eave was below the height and the overall design meets the criteria in the zoning bylaw.
- The scale of the building is visually compatible with the site and with its neighborhood,
- Building articulation standards have been met with buildings greater than 50' in width designed to read as a series of smaller buildings with varied articulation.



- No street facing building elevation is more than 100'.
- Horizontal modulation and articulation are required as the building is 3 stories and taller. The bottom two stories are visually integrated and the base is differentiated from above by a horizontal expression line and change in color. The central portions are visually integrated and differentiated from the bottom and top. The attic has a change in façade with a cornice and gable roof.
- Street facing building facades shall provide surface relief through dormers and door canopies. Door canopies are provided.
- Façade transparency is required for multi-family buildings. Windows shall be evenly spaced along the façade, windows shall be low reflectivity glass, the façade glazing shall fall between the height of 2' and 12'. Façade glazing requirements are only applicable to front facades facing a street right-of-way. The project meets the requirements with window spacing, façade glazing occurring between the first floor and 9'-4". Low reflectivity glass is proposed.
- The roof pitches (9:12) meet the criteria of 6:12 minimum and 12:12 maximum.
- Exterior treatments will be provided. Exterior treatments will be synthetic materials intended to provide the look and character of traditional building materials i.e. cedar shakes and clapboard. There will be corner boards, crown molding at windows and other trim work. The roof will be architectural asphalt shingles in a slate color with some metal roof segments at bays and entries. Gutters and downspouts will be present. The windows will be operable. Architectural elements are continued from the front to the side of the building. The proposed building has textures and patterns.

16. Development site standards include (Section 750.8):

- The development site consists of one building;
- The development site does not include any existing or proposed right-of-way;
- A multi-family building is a permitted building type in this district;
- A minimum of 50 feet of frontage on a public or publicly accessible street providing access to the development is provided;
- Development block standards are not applicable;
- Site Landscaping is provided. Plantings are arranged to not obscure the vision of traffic.
- Parking must be located a minimum of 5 feet behind the front façade. The project does not meet this requirement. A Waiver is being sought for this requirement. There is one handicap parking space in the front setback and the travel lane for the parking to the east of the building is in the front setback. A street screen shall be required where parking is visible from a public street or sidewalk. A landscape shrub screen is provided to screen parking from the street along with a 5' tall decorative fence.



- A driveway servicing the site is shown off New Driftway. It is proposed as 24 feet wide.
  - New public utilities are proposed as underground.
  - Trash storage areas outside are proposed in a dumpster with a fenced enclosure. The garage is located on the east side of the building. It will have a garage door and does not face the street.
  - Bicycle racks have been provided at a rate of 10% of auto spaces. 4 bicycles can be accommodated.
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 as described in the Commonwealth of Massachusetts Stormwater Management Handbook. Predevelopment hydrology is maintained by reduction of pavement, infiltrating some stormwater and using pervious pavement. 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. Treatment streams of deep sump hooded catch basins, subsurface infiltration and a rain garden are provided. Minimization of impervious surfaces is partially provided by providing only the required parking and reducing the amount of impervious surface on the site. A rain garden has been provided and level spreaders will help diffuse roof runoff. As this is a redevelopment project and there is improvement of Best Management Practices in the Zone A, the Board has opined that the recharge is acceptable.
  18. The total impervious area on the site is 16,190 sq. ft. which is a reduction of 12,382 sq. ft. from the existing conditions of 28,572 sq. ft. There is 24,121 sq. ft. of impervious area existing in the Zone A and 15,557 sq. ft. proposed. There is 21,182 sq. ft. of impervious area existing in overlapping Zone A's and Zone II's and 15,557 sq. ft. proposed. This is more than 20% of the lot and some artificial recharge is provided by a reduction of impervious area and through some infiltration from the level spreaders. This exceeds the requirements of the Zoning Bylaw for the Water Resource Protection District. No certification has been provided that the artificial recharge of precipitation will not degrade the groundwater quality for the Zone II and overlapping Zone A/Zone II areas. The proposed area of disturbance for re-grading is approximately 37,717 sq. ft. Greater than 90% TSS removal has been provided. As this is a redevelopment project, the roof top runoff must be treated to the maximum extent practicable. Two level spreaders provide some treatment of roof runoff. A level spreader also disperses flow from the rain garden area. Both level spreaders provide some recharge and help protect the existing bank from erosion as well as improving conditions from the existing condition by reducing impervious area promoting recharge. The Board opines the Water Resource Protection District requirements have been met to the extent practicable for this site.
  19. A Landscape Plan shall be required for all submissions, except where waived by the Planning Board. To the greatest extent possible, native plants shall be maintained and no plants listed as Invasive or Prohibited by Massachusetts shall be used. Existing invasive plants shall be removed. A Landscape Plan has been provided. Native landscaping is reasonably proposed. Lawn area in the front yard is minimized and fertilizer use is discouraged. This requirement has been met.



20. Multi-family residential developments shall provide access from parking lots to a public sidewalk and the primary building as indicated in Section 760.8. F. 2. public ways. This is provided by a walkway connection from the main walk into the building to the existing sidewalk in the right of way of New Driftway.
21. Section 760 Parking – A waiver is requested per Section 750.8.D.1 to have parking in the front yard. One handicap space is proposed in the front yard and part of the travel way for the east parking is in the front setback. The handicap space is for residential units and meets the size requirements. The handicap parking space serves the public good of the development and causes no substantial adverse effects.
22. A traffic study was prepared by Gillion and Associates for the site. Vanasse and Associates, Inc. (“VAI”) reviewed the study and provided comments which the Applicant addressed through submission of additional material. VAI has found their comments have been addressed with the conditions provided.
23. Scituate Zoning Bylaw, Section 770.6 sets forth the standard of review for approval of proposed site plans which are required for proposed developments which are of a size that may have significant impacts on neighborhoods. Multi-family buildings require a site plan reviewed by the Planning Board.
24. 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 deteriorating medical office building and a multi-family building is allowed by special permit. A redevelopment will clean the site up. This standard is met.

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

Finding: The site is located on New Driftway. The project will consist of a Multi-Family Building with nineteen units. The proposed development will have its own separate off-street parking meeting the requirements of Section 750.8. Access for the parking will be off New Driftway. The Applicant maintains there is capacity on New Driftway to handle the traffic that will be generated by changing the development from a medical office building to a multi-family building. The Applicant maintains there is adequate sight distance. Any back up leaving the site will be onsite, grades are minimal. There is a driveway across the street to an office/medical office facility. This standard is met.

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



Finding: The proposed development will have its own separate off-street parking meeting the requirements of Section 750.8. Access will be from New Driftway. The access off New Driftway is 24' wide. There is a walkway to reach the sidewalk on New Driftway. The Applicant indicates the site will have sufficient access for service and emergency vehicles. This standard is met.

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

Finding: The project proposes to connect to the existing sewer service in New Driftway and connect to the water main located in New Driftway. DPW recommend individually metered units. The buildings will have fire sprinklers. There will be a new fire hydrant installed by the driveway. There is a dumpster for trash. This standard is met.

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

Finding: The proposed project consists of a subsurface recharge system and a bio-retention area for the proposed building and driveways. The site is located within the Water Resource Protection District and has been designed to comply with its requirements. Snow storage areas are not provided. The Board engaged Chessia Consulting Services to evaluate the adequacy and accuracy of McKenzie Engineering Group's stormwater report and data as well as the efficacy and adequacy of the design. Chessia Consulting Services submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and McKenzie provided responses, revised reports where requested and updated the site plans. After further review by Chessia Consulting Services, the Applicant was determined to have adequately addressed the comments and recommendations if the stormwater management system is built as designed. The Applicant has submitted a stormwater management plan and Operation and Maintenance Plan that ensures that the project will be managed appropriately before, during and after the completion of construction.

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

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

This standard is met.

29. Section 770.6.F Site Plan Approval Standard F: Adequacy of provisions made to protect against toxic or hazardous materials or oil discharge or loss resulting from corrosion,



accidental damage, spillage or vandalism through measures such as spill control provisions in the vicinity of fuel delivery points, secured storage areas for toxic or hazardous materials or oil, and indoor storage provisions for corrodible or dissolvable materials.

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

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

Finding: The proposed site is grading 29,000 sq. ft. and minor grade changes are proposed; therefore, there is minimal cut and fill. Some trees on the southwest corner of the building are proposed to be removed. This standard is met.

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

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

32. Section 770.6.I Site Plan Approval Standard I: Parking areas shall be adequately buffered and shaded using native vegetation. Parking lots with ten or more spaces shall be planted with at least one shade tree per ten spaces, of a caliper of at least 2 ½ inches dbh, with each tree providing shade to the parking area. Parking areas and visually degrading elements such as dumpsters and loading docks shall be designed to minimize visual intrusion from public ways and residentially owned or zoned areas. In addition, suitable screening of such areas by wood fences and dense, native evergreen hedges of five feet or more at time of planting shall be utilized. The use of chain link fences shall be avoided except in industrial areas. Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spillover to neighboring properties. No outdoor light shall be located more than twenty feet above the ground.

Finding: The project consists of one residential driveway with twenty-seven (27) proposed parking spaces – 16 in a lower level garage and 11 outdoors. Shade trees are proposed adjacent to the parking area. Exterior lighting shall be arranged to minimize glare and light spillover to adjacent properties thereby meeting the requirements of the Bylaw. This standard is met.

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

Finding: The surrounding area provides safe, functional and convenient pedestrian access. There is a sidewalk located on New Driftway and Country Way providing access to Greenbush and the train station. A 4-space bicycle rack is proposed. There is a walk connection in the site to the sidewalk. This standard is met.



Based on these findings, the Planning Board finds the Site Plan Review and Special Permit in the Village Center and Neighborhood District meets the requirements under the Village Center and Neighborhood District Section 580, 750, 760 and 770 as the Project will be in harmony with the general purposes of this bylaw and the requirements of MGL Ch. 40 A and it will not have a greater detrimental impact on the neighborhood than a conventional residential development plan and is designed with consideration for public health and safety.

**Decision:**

Based on the Findings of Fact and testimony provided at the public hearing, the Planning Board approves the Site Plan Review and Special Permit in the Village Center and Neighborhood District for 7 New Driftway ("Site") with the following conditions:

**General Requirements**

1. All construction work shall be done in accordance with i) the plans submitted by McKenzie Engineering Group entitled "Site Development Plans Proposed Residential Development 7 New Driftway in Scituate, MA ", consisting of 15 sheets dated July 12, 2021 with revisions through 9/9/22; ii) Landscape Plan 7 New Driftway Scituate, MA by Grady Consulting, L.L.C. dated May 6, 2022 with revisions through 9/15/22 consisting of one sheet; iii) Architectural Plans by Philippe Thibault Architect, LLC consisting of a colored rendering, A101 Floor Plans, A102 Floor Plans, A201 Elevations dated March 16, 2022 with revisions through August 31, 2022; iv) Drainage Calculations and Stormwater Management Report for Proposed Residential Development located at 7 New Driftway Assessor's Map 53, Block 5, Lot 37F Scituate, MA dated July 12, 2021 with revisions through September 9, 2022 v) Sewer System Review for 7 New Driftway Redevelopment, Scituate, MA by Weston & Sampson dated January 4, 2022; vi) Water Service Evaluation for 7 New Driftway Redevelopment, Scituate, MA dated January 4, 2022; vii) Volumes of fill within the Water Resource Protection District provided August 5, 2022 and any additional revisions needed to conform to the conditions contained therein (the "VCN Site Plan Review and Special Permit "). Final Building elevations must be approved by the Town Planner prior to issuance of a building permit for conformance to submitted material. A copy of the approved plan and conditions must be kept on-site at all times during construction.
2. Where this Site Plan Review and 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, ZBA, Planning Board as well as the Massachusetts DEP and State Building Code. All necessary permits and approvals must be received prior to construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw. All conditions of approval shall be inscribed on the Site Plan Review and VCN Special Permit Plans.



4. The Applicant shall mean the current Applicant and all its successors in interest. This site plan review and special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause. The Planning Board may extend said period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which request shall provide a detailed description of the good cause necessitating an extension. A public hearing may be required.
5. The total number of residential dwelling units on the Site shall not exceed nineteen (19). There will be five (5) one-bedroom units and fourteen (14) two-bedroom units. There will be five (5) affordable units constructed off-site at 165-167 Stockbridge Road in a group home where each bedroom will count as an affordable unit eligible for inclusion in the Town's SHI. The total number of bedrooms on the Site shall not exceed thirty-three (33). A bedroom shall be defined in accordance with Title V of the State Sanitary Code. Massachusetts Architectural Access Board ("MAAB") requirements must be met. All units constructed at the Site shall be under condominium ownership.
6. The Applicant shall obtain the plan endorsement from the Planning Board for the Site Plan Review and VCN Special Permit within 90 days of the expiration of the appeal period and this decision becoming final. All conditions shall be inscribed on the plans prior to endorsement.
7. The uses allowed on the Site shall be restricted to the uses allowed in the Zone A. Uses prohibited are in Section 520.6 of the Scituate Zoning Bylaw. Storage of fertilizers and pesticides is not allowed unless they are covered or contained.
8. No vehicle washing is to occur on the Site.
9. The units in the new building shall be numbered on the outside or on a map in the building lobby for identification, fire protection and emergency response purposes.
10. The Planning Board is not the Special Permit granting authority for the Salt Marsh and Tideland Conservation District or the Flood Plain and Watershed Protection District and this decision does not incorporate any approval or conditions related to those districts as the Zoning Board of Appeals is the permit granting authority for those districts.

### **Waivers**

11. A waiver is requested from 750.5 A. 3. b. Building Setback and Stepback Standards to allow a 39'-11 1/2" high building within 25-50' of the front property line where 35' is allowed as it is the front face of the building that exceeds the requirement. The Board granted this waiver on 10/13/2022 by a unanimous vote.
12. A waiver is requested from Section 750.8.D. 1. for No parking to be placed in the front Build-To-Zone and shall be located a minimum of 5 feet behind the front façade of the primary building. One handicap accessible parking space is located in the front yard. The Board granted this waiver on 10/13/2022 by a unanimous vote.



13. A waiver is requested from Section 750.8. D.2. for a street screen to be required where private parking is visible from a public street or sidewalk including a 5-foot buffer area which includes a wall and/or landscaping that provides a sight impervious screen. There is not a sight impervious screen for the handicap parking in the front yard. The Board granted this waiver on 10/13/2022 by a unanimous vote subject to the condition that additional planting screening be provided between the handicap ramp and walk and the property line.
14. A waiver is requested from Section 751.3.E. Treatment of Front Yards for the front yard to include 35% impervious surfaces where 25% is allowed as there is a handicap accessible walkway and parking space in the front yard. The Board granted this waiver on 10/13/2022 by a unanimous vote.

#### **Utilities, Parking, Traffic and Street Improvements**

15. Maintenance and repair of the driveway and parking areas, stormwater management system, snow removal, lighting and landscaping shall be the responsibility of the Applicant until a Condominium Association is formed and responsibility for the same has been transferred to the condominium association.
16. All parking is limited to designated spaces as shown on the plan. Eleven (11) surfaces parking spaces including one handicap accessible space and sixteen (16) garage parking spaces including one handicap accessible space are provided.
17. Soil testing is required prior to construction of the patio and pervious pavers walkway. The Consulting engineer must be present and approve test results.
18. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy made effective by the Board of Selectmen on October 8, 2014 and reaffirmed by the Scituate Water Commissioners on May 26, 2015. All irrigation systems installed in accordance with the policy must be supplied by on-site sources or private water suppliers at the expense of the property owner.
19. The Applicant shall 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.
20. An independent inspector contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities. The inspector shall be approved by the Town Planner and DPW and shall work under the direction of the Town Planner. The costs for these inspections shall be paid by the Owner. Written reports shall be submitted to the Applicant and the Planning Board in a



timely manner stating results of any and all required inspections during construction. 48 hours' notice minimum advance notice is required for all inspections. All stormwater recharge structures require inspection of the bottom of the excavation by the consulting engineer. Noise, dust and air quality control shall be in accordance with DEP regulations.

21. Construction of the proposed driveways, parking areas, proposed drainage system, proposed water system and proposed sewer system shall be supervised by a registered professional engineer. Said supervising engineer shall certify in writing to the Planning Board and DPW at completion that the proposed driveways, parking areas, drainage system, water system and sewer system were constructed in accordance with the approved plans and that said systems are functioning in full accordance with the approved design.

The certification of the proposed driveways, parking areas and utilities shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and the supervising registered professional engineer. Prior to issuance of an occupancy permit for the building, a registered professional engineer shall inspect the exterior of the building as necessary and certify to the Planning Board and Building Commissioner with his signature and stamp on an as-built plan, that the grading and stormwater management systems conforms to that shown on the Site Plan Review and VCN Special Permit Plans and are functioning in accordance with design requirements and any variation in grade is immaterial and does not materially alter the performance of the stormwater system. The site development As-Builts including building structures, topography, roadways, water, sewer, gas, cable, fiber optic, electrical and storm drainage infrastructure will be submitted in AutoCAD Format 2013 or higher or ESRI Interchange Format registered to the Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1983 compatible with the Town's system along with stamped and signed copies of said plans.

22. All materials for utility construction shall meet DPW construction standards.
23. A street opening permit shall be obtained for each individual utility connection.
24. A Curb Cut permit shall be obtained from DPW prior to the preconstruction conference.
25. The Applicant shall eliminate the existing driveway openings as necessary onto New Driftway and add sidewalk and vertical granite curb to match existing walk and curb to DPW standards. Saw cutting of the pavement and ADA accessible access is required.
26. A determination of adequacy of the existing water service/fire flow for the proposed use shall be provided by the Applicant to the DPW and Town Planner for their approval prior to scheduling the pre-construction conference. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW. Any required upgrades, modifications or connections shall be at the Applicant's expense. Prior to endorsement the plans must be revised as noted below:



- Separate connections for fire and domestic service to the existing 12" water main are required. Splitting a single tap at the street/property line is not acceptable.
- The water service(s) that serve the existing building should be identified on the plans. Notes should be added to abandon the existing water service (s) by excavating, closing, and capping the corporation stop. If existing tees are found, they should be removed and replaced with 12" ductile iron water main and solid sleeve couplings.
- The proposed new 6" ductile iron water main service connection could be located at the abandoned service location and could potentially reuse the connections if they are found to be of the required size and in good condition. The new service connection could be made with a tee, gate valve, and solid sleeve couplings instead of proposed tapping sleeve and gate valve.
- A new hydrant shall be located at the southeast corner of the entrance driveway. The exact location to be determined in the field by DPW Engineering. The existing hydrant at the site frontage shall be replaced with a new hydrant. All hydrants shall meet Town of Scituate standards.
- The size of the proposed domestic and fire water services should be confirmed. Sizes for domestic and fire lines to be provided on a revised plan to Planning prior to application for a building permit.
- Fire flow conditions shall be calculated per the Weston & Sampson report.

27. 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. Prior to endorsement, the plans must be revised as noted below:

- Based on the previous blockage/surcharge of the system and upon the existence of FOG at the Herring Brook Pump Station, it is required that the Applicant perform light cleaning and closed-circuit television (CCTV) inspection of the existing sewer lines between SMH STA 0+05W and STA 4+04W New Driftway. (see Record drawing C-8) to better define the current condition of these existing tributary pipes.
- The existing sewer service from New Driftway to the site shall be cleaned and a CCTV inspection performed as it is proposed to be used for the new building.
- Sewer cleanout shall have a metal cover.

28. All replacement of, or connection to, Town sewer, drainage and the installation of water mains and appurtenances shall be performed according to the specifications of the Scituate DPW with an independent inspector contracted or employed by the Town to review the construction activity and assure compliance with the Town's rules and regulations. DPW personnel must be in attendance for any sewer, drainage and water infrastructure and appurtenance work in the Town rights of way and on the Project Site. In addition, the following must be addressed to the satisfaction of the Town Sewer Division prior to the commencement of construction:



- a. Confirmation that newly constructed manhole structures, if any, 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.
  - b. Confirmation that newly constructed sewer lines must be pressure tested in accordance with Town test standards and the test must be witnessed by the Sewer Division and/or by the Town's approved independent inspector.
  - c. 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.
  - d. External cleanouts and viewports: Each building line shall have an external cleanout.
  - e. The privately constructed sewer infrastructure will be owned and shall be maintained at all times by the Applicant/Condominium Association. The sewer line from the property line in is owned by the property owner.
29. The building, parking, walkways and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities if applicable.
  30. 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)
  31. 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.
  32. 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 exceed 3.5 feet in height or that would otherwise inhibit sight lines.
  33. Snow storage areas have **not** been designated on-site. The Applicant shall provide snow storage areas on the site plan prior to endorsement. The Applicant shall ensure all maintenance personnel are informed of snow storage locations. When on-site capacity is exceeded, an off-site location shall be used in compliance with all federal, state and local laws. Allowable deicing and sanding agents can only be stored on site if they are covered or contained.
  34. A dumpster is proposed with a concrete dumpster pad. Trash removal shall occur as often as needed so debris is not placed outside the covered dumpster.
  35. All electrical, telephone, cable and similar utilities shall be located underground.
  36. Except for the Town-owned segments of the sewer and water line from the property line outward, all utilities including but not limited to the stormwater drainage shall be maintained by the Applicant/Condominium Association according to the Post-Development Best Management Practices Operation and Maintenance Plan & Long-Term Pollution Prevention Plan revised dated September 9, 2022 by McKenzie Engineering Group and which are attached to this decision. Town of Scituate contact information must be updated prior to endorsement to include The Town Planner. The Post-Development Best Management Practices Operation and Maintenance Plan &



Long-Term Pollution Prevention Plan shall be provided to all property owners and all occupants of the property as conditions of their ownership agreements.

37. The Post-Development Best Management Practices Operation and Maintenance Plan & Long-Term Pollution Prevention Plan must be revised and resubmitted prior to endorsement to restrict salt for deicing and restrict pesticide and fertilizer use to none on site and to have no vehicle washing on site. Only Best Management Practices used on-site should be listed in the plan. The person responsible for plan compliance must be listed by name as well as phone and email provided.
38. If the drainage system is not performing as designed and conditioned or stormwater is observed going to abutting properties or to the street, the Stormwater Authority can request necessary mitigation to remedy the situation. This condition applies to all construction activities and survives the issuance of a Certificate of Completion.
39. No separate Stormwater Permit is required as long as the Site is built according to the approved plans and stormwater calculations.
40. The media in the rain garden must be replaced if the system is flooded by a coastal storm. Planning and Conservation Departments must be notified prior to replacement.
41. Electric vehicle charging stations shall be provided for two (2) vehicles for use by residents of the development.
42. A weather protected bicycle rack should be provided within the parking garage.
43. No gated entry is allowed now or in the future.

#### **Affordability**

44. All affordable units shall meet the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiative Program ("LIP") or other similar state-approved program in effect at the time of application.
45. According to Section 754 of the Zoning Bylaw, for projects receiving a density bonus, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. Four (4) affordable units are required for 19 units receiving a density bonus. Technically, the affordable units are part of the project total number of units, thus 23 units requires 4.6 units or 5 units of Affordable Housing as any fractional unit is deemed to constitute a whole unit. A group home is proposed off-site. The group home is proposed to have five (5) bedrooms where each bedroom shall count as an individual unit on the Town's SHI. The five (5) units of Affordable Housing required for the project will be met upon completion of the construction of 7 New Driftway and the Stockbridge Road project.
46. The affordable units shall be constructed simultaneously with the market rate units. No Certificate of Occupancy will be issued for 7 New Driftway unless and until 165-167 Stockbridge Road receives a Certificate of Occupancy. This condition cannot be waived without the grant of a special permit modification by the Planning Board after a duly noticed public hearing.



47. Prior to issuance of a building permit for 7 New Driftway and 165-167 Stockbridge Road, the following must be received by the Planning Board and Affordable Housing Trust;
- a) A deed restriction for affordability in perpetuity for the premises at 165-167 Stockbridge Road;
  - b) A copy of the Development Agreement duly executed by all necessary parties;
  - c) A Purchase and Sales Agreement for the property at 165-167 Stockbridge Road duly executed by all necessary parties;
  - d) Architectural and engineering plans, site development permits and a schedule of development for 165-167 Stockbridge Road;
  - e) The Applicant must demonstrate to the satisfaction of the Planning Board that the method by which affordable rents or prices are computed at 165-167 Stockbridge Road shall be consistent with state and federal guideline for affordability applicable to Scituate;
  - f) Proof, in a form acceptable to Town Counsel, that the Commonwealth will accept the proposed group home for inclusion on the Subsidized Housing Inventory as a LIP project or other similar state-approved program in effect at the time of application.
48. The Applicant shall prepare a LIP Local Action Units application or other similar state-approved program for the affordable units to be submitted to DHCD by the municipality (chief elected official) or the Applicant shall provide the Town Planner and Town Counsel with the paperwork provided to the Commonwealth to have the off-site affordable units incorporated in the SHI, prior to the issuance of a Certificate of Occupancy for 7 New Driftway. The Applicant shall also provide the Town Planner and Building Commissioner with proof that the group home has been fully licensed by all applicable state agencies prior to physical occupancy of the group home. All deed restrictions shall be in force in perpetuity. Compliance with the LIP program or other state-approved program must be presented to the Town Planner within 10 days of issuance of the occupancy permit for 165-167 Stockbridge Road.

#### **Erosion Control and Phasing**

49. An Erosion Control Plan with preliminary sequence of construction has been provided. The plan shall be updated and provided to the Board prior to scheduling the pre-construction meeting and prior to commencement of construction. The plan shall comply with the Wetlands Protection Act and Order of Conditions for the project.
50. Stockpiles must be located outside of the 100-foot buffer zone of wetland resource areas and be protected with erosion control.
51. Stockpiles shall be located as shown on the plans and must be protected with erosion controls including but not limited to silt socks and temporary seeding.

#### **Environmental Conditions: Noise and Dust**



52. Site noise levels shall conform to the MassDEP's Division of Air Quality Control's Noise Policy. A baseline condition shall be taken and submitted to the Town Planner prior to the commencement of any construction activities.
53. 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.
54. The Applicant shall not operate any concrete crushing machinery on the Project Site.
55. A dust control plan must be provided to the Planning Board and Board of Health for review and approval prior to the preconstruction conference.

**Landscaping, Site Amenities, Density Bonus and Public Realm Improvement:**

56. All changes to the proposed plans must be presented to the Town Planner for approval. The Town Planner or the Planning 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. All other changes shall be approved by the Planning Board. Material selection shall be provided to the Town Planner for review for compliance with approved plans prior to installation.
57. A separate sign permit shall be required from the Building Department for any free-standing signs, unless otherwise exempted under the Zoning Bylaws. Signs shall be fully located on the Applicant's property and shall not block sight lines for traffic entry/egress from the Site.
58. A density bonus of four (4) units has been requested not including the affordable units for the project. The Planning Board may approve this additional density by special permit if the Applicant provides benefits to the residents of the project and VCN District and surrounding area. Finding #9 indicates the Applicant has agreed to provide a contribution of seventy thousand dollars (\$70,000) to fund pier improvements/maintenance/repair/reconstruction and associated engineering in Driftway Conservation Park, located in the area of the Project and included in the Town's 2018 Open Space and Recreation Plan or any other project acceptable to the Planning Board. This contribution is made in lieu of meeting physical requirements for a density bonus under Section 580.4 C of the zoning bylaw. The Applicant has agreed to stipulate in express written terms or conditions of the contribution that funds shall be placed in an interest-bearing account and that the interest on the funds may remain with and become part of the account and may be expended as part thereof by the Planning Board without further appropriation. Use of the funds for specific pier improvements/maintenance in the Driftway Conservation Park shall be approved by the Town Administrator, Town Planner, Planning Board and Conservation Commission. The Applicant shall provide such funds to the Town prior to commencement of construction.
59. The Applicant has agreed to contribute the sum of ten thousand dollars (\$10,000.00) to fund traffic and pedestrian improvements/studies in the Greenbush-Driftway area as approved by the Planning Board. The Applicant has agreed to stipulate in express written terms or conditions of



the contribution that the funds shall be placed in an interest-bearing account and that the interest on the funds may remain with and become part of the account and may be expended as part thereof by the Planning Board without further appropriation. Use of the funds for specific improvements shall be approved by the Town Planner, Planning Board and Town Administrator. The Applicant shall provide such funds to the Town prior to the commencement of construction.

60. All proposed lawns and swale areas shall have a minimum of 6" of clean screened loam. A bill of laden shall be provided to the Town Planner during construction to show that the loam is clean.
61. If the parking garage is visible from New Driftway or Country Way, the Planning Board shall require plantings to hide the garage prior to a Certificate of Occupancy being issued.
62. Outdoor amenity areas must be shown by type, size in square feet and percentage of lot area and labelled on plan prior to endorsement.
63. A minimum of three seating amenities shall be provided for in the patio area available for year-round use.
64. Additional planting screening shall be provided between the handicap ramp and walk and the property line to be shown on the plan prior to endorsement.

#### **Architecture/Design:**

65. 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.
66. The final building plans, stamped by a registered architect, shall be provided to the Planning Department prior to a building permit being issued for review for consistency with the elevations and renderings described in Condition 1. If the plans appear inconsistent, approval by the Planning Board will be required.
67. Low reflectivity glass is required.
68. Calculations for gutter capacity, downspout sizing and pipe sizing shall be submitted and approved by the consulting engineer prior to issuance of a building permit.
69. Revised architectural plans and site plans shall be submitted prior to endorsement showing the flood flow panels for the site. A revised Operation and Maintenance Plan shall also be submitted to incorporate clean-up from flooding.
70. A certification shall be provided to the Town Planner by the architect prior to a Certificate of Occupancy that the building as constructed is in substantial compliance with the approved plans.

#### **Required Prior to Scheduling the Pre-Construction Conference**

71. The Applicant shall provide draft condominium trust documents and a master deed review to include the proposed owners of the units in the residential buildings for Town Counsel review. Pursuant to G.L. Ch.183 A, the Condominium Master Deed and Condominium Trust document



must be recorded prior to any use of the units that comprise the condominium. The Condominium Master Deed and trust documents, in their final form, shall include:

- a. A statement that the driveway, parking areas, drainage system, sewer, landscaping, amenity spaces and other common areas shall be owned by the Applicant or the future unit owner's organization (herein after the "Condominium Association") and shall be maintained by the Applicant and Condominium Association and shall not be the responsibility of the Town to maintain. The driveway, drainage system, landscaping, lighting, stormwater leaching system and other common areas shall be inspected, maintained and repaired by the Applicant or the Condominium Association. This shall also be stated in a note added to the plans prior to endorsement.
- b. A requirement that: i) maintenance of the drainage system, parking, driveways, and landscaping shall be in accordance with the Post-Development Best Management Practices Operation and Maintenance Plan & Long Term Pollution Prevention Plan approved by the Planning Board's consulting engineer; ii) provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways has been provided; and iii) a description of the required annual maintenance of the driveway, parking areas, landscaping, lighting and other common amenities is provided by the Applicant.
- c. A table of the number and general location of parking spaces assigned to each unit.
- d. The revised Post-Development Best Management Practice Operation and Maintenance Plan & Long-Term Pollution Prevention Plan shall be provided to the Planning Board as a stand-alone document.
- e. A requirement that after the Applicant completes the construction of all the units and the units receive final occupancy certificates and the Condominium Association shall maintain an account always containing a reserve equal to one year's cost for maintenance. A contractor's estimate of this maintenance and proof of the available funds in the account shall be provided to the Planning Board with the agreement and annually on January 31 of every year.
- f. A requirement that the Condominium Association notify the Planning Board of the name, address, phone number and email of the trustees within fourteen (14) calendar days of their election and to provide an annual report of the maintenance activities to the Planning Office by January 31 of every year.
- g. A requirement that the Applicant notify contractors, builders and real estate agents that membership in a Condominium Association is required along with parking available to each unit are required to be disclosed to all prospective buyers. Copies of the Condominium Master Deed and Condominium Association documents shall be provided to prospective buyers and owners. Proof of owner receipt must be provided to the Planning Board within 72 hours of the sale.

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



- a. Copies of the recorded site plan review and special permit and plans;
- b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum, inspections of Subdivision Rules and Regulations Section 9.0, for the driveway, parking areas, walks, patios and stormwater management systems, water system, municipal sewage connection and sanitary sewerage line, new curbing and erosion and dust control measures, as well as any specific requirements contained herein which may require review and/or inspections by the Town. The specific amount shall be provided by the Planning Dept. based on the consulting engineer's estimate, shall be subject to amendment from time to time and shall be supplemented by the Applicant as requested by the Planning Dept.;
- c. A construction schedule including approximate dates for installation of erosion control and other site protection/stabilization, construction of the building, and all applicable items in Subdivision Rules and Regulations Section 9.0; and
- d. A type and amount of security provided by the Applicant reasonably satisfactory to the Planning Board to cover the satisfactory completion of site and infrastructure features shown on the site plan including landscaping, parking, drainage, signs, lighting and related conditions imposed by the Board. The amount shall be based on the Applicant's contractor's estimate of costs of these items, reviewed by the Town's consulting engineer and shall be approved by the Planning Board prior to the preconstruction conference.
- e. Provide contact data for the Site Contractor, General Contractor and 24-hour number for responsible party in the event of an emergency.

#### **Required Prior to the Start of Construction**

73. 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.
74. The property lines of the subject Property shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of three business days prior to the start of construction. The property line shall be staked or pinned at all times during construction.
75. 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**



76. 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.
77. The Board reserves the right to require the consulting engineer to visit the site weekly or as often as necessary during construction to observe and report on matters within the scope of the Planning Board's authority.
78. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures are in place and approved by the Town Planner or Town's Consulting Engineer. Such control measures shall remain in place until the Board's consulting engineer determines after consultation with the Town Planner, that the danger of erosion or sedimentation no longer exists. It is the Applicant's affirmative responsibility to ensure the maintenance and management of all stormwater control measures at all times during construction to ensure there are no increases in stormwater flow, velocity or volume to abutting properties at any time.
79. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
80. No sediment (including silty water) shall be allowed to leave the site during construction.
81. No parking or unloading on New Driftway shall be permitted during construction unless approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access.
82. 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.
83. The Applicant shall not allow any large construction equipment or trucks to stage or idle on public roads and shall not allow such equipment or trucks to idle onsite prior to 7:00 AM. Police details may be required for construction access or work within the layout of New Driftway.
84. 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.
85. 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.
86. 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.
87. In an effort to reduce noise levels, the Applicant shall keep all equipment that emanates sounds from the structures or site in proper working order through regular maintenance.
88. Blasting, if necessary, shall be conducted according to all necessary permits and meet all of the requirements of the Scituate Fire Department.



### **Required Prior to Issuance of Occupancy Permits**

89. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the driveway, parking areas, and installation of necessary utilities is in full compliance with the approved plans and the site plan review and special permit.
90. 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.
91. Following review and approval by Town Counsel and the Planning Board, the Condominium Master Deed and Condominium Association Documents shall be recorded at the Registry of Deeds prior to the Building Department's issuance of any Occupancy Permits. Proof of Recording must be provided to the Planning Board.
92. Prior to applying for an Occupancy Permit for 7 New Driftway, the Applicant shall provide:
  - a. A copy of an executed regulatory agreement between the developer, municipality and DHCD to insure long-term affordability at 165-167 Stockbridge Road.
  - b. Any changes to the affordability documents must be approved by the Town Planner.

### **Administration**

93. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
94. This Site Plan Review and Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 120 days of expiration of the appeal period or such extension of that time period granted by the Planning Board following approval of this Special Permit. The Applicant shall provide proof that the Special Permit was recorded to the Planning Board.
95. 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.
96. 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.
97. All plan sheets of the Site Plan Review and VCN Special Permit shall be recorded at the Registry of Deeds.
98. All construction work shall be done in accordance with the plans. Failure to comply with any condition of this permit shall cause it to be deemed invalid.
99. Any condition contained herein that varies from the plan supersedes the plan where different.



**Vote:**

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Site Plan Administrative Review and Special Permit for a Multi-family Building in the Village Center and Neighborhood District-Greenbush Gateway District – Greenbush Gateway Business Subdistrict (VCN-GDG-GWB) and Stormwater Permit with the conditions noted above.

October 27, 2022

Date

SCITUATE PLANNING BOARD

Patricia Lombert  
[Signature]

Ann Burke  
[Signature]  
[Signature]

This decision was filed with the Town Clerk on November 17, 2022  
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