

**TOWN OF SCITUATE**

*Planning Board*



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

**Common Driveway Special Permit and Stormwater Permit  
803 First Parish Road and Lot 3 Laurelwood Drive  
Decision: APPROVED with Conditions**

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TOWN OF SCITUATE  
TOWN CLERK

Owner: John T. Murray (803 FPR) and Simeone Properties LLC (Lot 3 Laurelwood Drive)

Applicant: J. Stephen Bjorklund

Date: August 9, 2022

Location: 803 First Parish Road and Lot 3 Laurelwood Drive

Assessor's Map: #29-1-2 (803 FPR) and 30-1-5-K (Lot 3 Laurelwood Drive)

Plans: Common Driveway Plan, 803 First Parish Road and Lot 3 Laurelwood Drive in Scituate, MA dated May 10, 2022 with revisions through June 22, 2022 consisting of two sheets prepared by Morse Engineering Co., Inc.; Proposed Vegetative Screening Plan, 803 First Parish Road and Lot 3 Laurelwood Drive, Scituate prepared by ECR, LLC dated 7/8/2022; Stormwater Permit Application for Common Driveway 803 First parish Road and Lot 3 Laurelwood Drive, Scituate, MA Assessor's Parcels 29-1-2 and 30-1-5-K by Morse Engineering Co., Inc dated May 10, 2022 with revisions through June 21, 2022.

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

**Background:** The properties are located in the Residential R-1 Zoning District and Water Resource Protection District on a lot of 52,014 sq. ft. for 803 First Parish Road and 51,426 sq. ft. for Lot 3 Laurelwood Drive according to the Common Driveway Plan. The common driveway is proposed as a 291 feet long driveway serving two lots with non-adjointing legal frontage to serve an existing dwelling at 803 First Parish Road and a new dwelling to be constructed at Lot 3 Laurelwood Drive. A Stormwater Permit is required as there is over 15,000 sq. ft. of disturbance

of land and a public hearing is required as over 40,000 sq. ft. of land is proposed to be altered. There are no trees or stone walls in the right-of-way of First Parish Road proposed to be disturbed, thus no Scenic Road hearing is required.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on July 6, 2022. A Public Hearing before the Planning Board was duly advertised and notices sent to all abutters in accordance with MGL Chapter 40A. The hearing was opened on July 28, 2022 and closed on the same date when the Planning Board approved the Special Permit with conditions.

**Hearing Summary:** The public hearing was opened on July 28, 2022 with the applicant, Mr. Stephen Bjorklund and his engineer, Greg Morse present. Mr. Morse and Mr. Bjorklund discussed the common driveway location, access, plantings, utilities and indicated stormwater was studied as well and all peer review comments were addressed. They indicated the swale will no longer be green grass, but an erosion control mix for dry sites with showy wildflowers as Mr. Bornstein had suggested.

**Public Comment:** Mark Donovan, Deputy Fire Chief, commented that an additional fire hydrant will be needed at the entrance to the common driveway on First Parish Road. He indicated the 12-foot width and turnaround are approved. Sean McCarthy indicated the existing utilities in First parish Road layout should be shown. Mark Cloud, Assistant Water Superintendent, indicated the water shut off should be moved out of the driveway and the water service should also avoid the driveway as much as possible. Comments received by the Planning Board's consulting engineer, TEC (The Engineering Corp.) show that the Common Driveway meets the Scituate Zoning Bylaw and stormwater management system meets the stormwater standards.

Pam Tierney of 26 Laurelwood questioned the abutter notification. She was told all property owners within 300 feet are notified per state law. She said she had a hard time reading the plan. Mr. Morse further explained the plan and included that the Laurelwood frontage for the lot has wetlands. Ryan Averill of 10 Laurelwood asked about the wetlands on the adjacent lot. There were several questions about drainage and access and the applicant indicated there would be no impact to abutters.

**Findings of Fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the common driveway and stormwater permit for 803 First Parish Road and Lot 3 Laurelwood Drive:

1. J. Stephen Bjorklund (the "Applicant") filed an application for a Site Plan Administrative Review for a Common Driveway less than 500 feet to serve two lots at 803 First Parish Road and Lot 3 Laurelwood Drive known as Assessor's Map/Block/Lot 29-1-2 and 30-1-5-K (the "Property") with the Town Clerk on May 26, 2022. It was determined after consultation with Town Counsel that a Special Permit was required as the lots did not have adjoining legal frontage. An application for a common driveway special permit for a Common Driveway less than 500 feet long to serve two lots without adjoining legal frontage was filed with the Town Clerk on July 6, 2022. The Applicant's deeds are

recorded with the Plymouth County Registry of Deeds at Book 10726, p.174 for 803 First Parish and Book 17804 Page 33-35 and Land Court Plan 40262D.

2. One Common Driveway is proposed (the “Common Driveway”). According to the application which measures the drive from the property line, the length of it is 291’ long. It serves 2 lots without adjoining legal frontage.
3. The property at 803 First Parish Road contains 52,014 sq. ft. of upland according to the plan and is in the Residence R-1 Zoning District and Water Resource Protection District. Lot 3 has 51,426 sq. ft. of land of which 47,576 sq. ft. is upland. This is also in the R-1 Zoning District and Water Resource Protection District.
4. The site is in the Water Resource Protection District. The zoning bylaw establishes a Water Resource Protection District “to include areas significant to the Town’s drinking water supply source which require zoning protection.” The Water Resource Protection District requires “all runoff from impervious surfaces to be recharged on the site, diverted toward areas covered with vegetation from surface infiltration to the extent possible or as otherwise directed from the Scituate DPW and Scituate Conservation Commission.” 1” of roof runoff is recharged and the first inch of runoff is recharged for all impervious areas according to DEP requirements.
5. The zoning bylaw prohibits rendering impervious any lot/parcel more than 15% or 2,500 sq. ft., whichever is greater, unless a system of artificial recharge is provided that will not result in degradation of water quality. The plans show that 803 First Parish Road will have 7,250 sq. ft. or 13.9% of the lot and Lot 3 Laurelwood Drive will have 3,400 sq. ft. or 6.6% of the lot as impervious. The engineer indicates the water quality will not be degraded as evidenced in a signed and stamped certification by engineer Gregory J. Morse, P.E. dated July 11, 2022.
6. Under the Stormwater bylaw, Section 32050 of the General Bylaws, all development and redevelopment projects that will disturb over 15,000 sq. ft. of land in a Residential zoning district, render 25% or more of an undeveloped lot impervious or increase the impervious area of a developed lot by 25% or more, even if it is conducted over separate phases and/or by separate owners require a Stormwater Permit. The proposed total impervious area of the two lots is 10,650 sq. ft. The existing of 2,715 sq. ft. is an increase of 144.4% according to the application and certification which is approximately 10.7% of the two lots combined. The proposed area of disturbance for re-grading or clearing is 40,320 sq. ft. or approximately 40% of the two lots combined. 90% TSS removal has been provided and adequate recharge has been provided.
7. The standards of the Common Driveway indicate that the location and construction of the Common Driveway should minimize soil disturbance, vegetation removal, and drainage impacts, and preserve existing trees over 12” caliper and other natural features of special significance. The plan shows at least 10 large trees over 12” which will be removed for the Common Driveway. Pictures provided by the Applicant show the trees are in declining health. A tree line of trees to remain on the properties is shown. The plan indicates a majority of the Common Driveway is in previously disturbed area of 803 First Parish. Based on the Findings of Fact presented in numbers 1-6, the Common Driveway meets the standards of Section 720.7A

8. The Common Driveway is 16 feet in width from Sta 0+00 to Sta 0+ 66 according to the plan. One side has a two-foot grass shoulder and the other side contains a two-foot wide pea stone diaphragm from Sta 0+50 to the remaining length of the Common Drive. The Common Driveway is 12' wide from Sta 0+66 to Sta 3+ 09. The Deputy Fire Chief has determined that the turnaround and the 12-foot-wide driveway beyond the turnaround leading to Lot 3 Laurelwood Drive is adequate. The requirements of Section 720.7B have been met.
9. The Common Driveway is accessed from First Parish Road, a public road in Scituate. The Common Driveway is not connected to any other Common Driveway. The Common Driveway meets the requirements of Section 720.7 C.
10. The Common Driveway shall be located in an easement which allows space for installation of water lines and utilities. The water line and electric line are shown to be in the Common Driveway easement. No other utilities are shown. Utilities are shown as underground utilities. The Common Driveway meets the requirements of Section 720.7 D.
11. The Common Driveway cross section shows a top course of 1 ½" of bituminous concrete top course Type I-1 over a 1 ½ bituminous base Type I-1 over a 12" processed gravel base Type C gravel borrow per Mass DOT Spec M1.03.1. The Common Driveway meets the requirements of Section 720.7 E.
12. The Common Driveway is approximately 291' long measured from end of the hammerhead to the property line. This is less than 1000 feet and meets the requirements of Section 720.7 F.
13. A Stormwater Permit has been filed simultaneously with the Common Driveway Special Permit. The plan indicates there is no increase in rate or volume of stormwater to abutting properties. The site is in the Water Resource Protection District, so the Board must review the adequacy of measures proposed to maximize recharge and surface infiltration of surface runoff from impervious surfaces and the diversion of runoff toward vegetated areas. The Applicant has stamped and certified there will be no increase in rate or volume of runoff to abutting properties for the 1, 2, 10 and 100 year 24-hour storm events. TEC (The Engineering Group) has indicated the abutting properties shall not exceed that which existed prior to construction of the Common Driveway and the home to be constructed on Lot 3. The Common Driveway meets the requirements of Section 720.7 G. As the site is in the Water Resource Protection District, infiltration of surface runoff is maximized by a pea stone diaphragm, a grassed rain garden and underground infiltration chambers.
14. No impervious areas are proposed to be located above the major components of the proposed septic system. The Common Driveway appears to meet the requirements of Section 720.7 H. as no impervious areas are above the proposed septic system for Lot 3 and the existing cesspool for 803 First Parish. The proposed septic system will be required to meet all of the Board of Health requirements. The standards of review for Section 720.7 H are met.

15. The Common Driveway will be buffered via vegetation from the adjacent single-family house at 797 First Parish Road. A planting plan has been submitted by ECR, LLC showing a buffer of native saplings and shrubs, evergreen and deciduous, commonly found in upland forested environments. This should buffer the adjacent single-family home. The Common Driveway meets the requirement of Section 720.7 I for screening and reducing visual impacts.
16. A turnaround for emergency vehicles shall be provided with a minimum length of 30' and width of 20' in locations approved by the Fire Chief. The Scituate Deputy Fire Chief indicated there was no issue with the turnaround. The Fire Department is requiring a hydrant to be located at the entrance to the Common Driveway. The Common Driveway meets the requirements of Section 720.7 J.
17. The Common Driveway Plan 803 First Parish Road and Lot 3 Laurelwood Drive in Scituate MA dated May 10, 2022 with revisions through June 22, 2022 shows the stopping sight distance requirements at the Common Driveway entrance have been met for the posted speed limit of 20 mph and American Association of State Highway and Transportation Officials (AASHTO) standards are met. The Common Driveway meets the requirements of Section 720.7 K.
18. Lot width for lots served by a Common Driveway may be measured parallel to the Common Driveway, except in the case of fifty-foot frontage lots. The lot width of Lot 3 is specified as 176.8' and is not measured parallel to the Common Driveway, but parallel to the frontage. Lot 3 is not a 50-foot frontage lot. 803 First Parish has a lot width of 194' meeting the requirements. The Common Driveway meets the requirements of requirements of Section 720.7 L.
19. Based on these findings and information submitted by the applicant and reviewed by the Board, the Common Driveway meets the requirements of Section 720 of the Scituate Zoning Bylaw.

Based upon the testimony presented at the Public meetings and public hearing, application and plans, minutes of the meetings, documents and comments submitted and the Findings of Fact, I move to approve the Special Permit for a Common Driveway and Stormwater Permit at 803 First Parish Road and Lot 3 Laurelwood Drive subject to the following conditions:

1. The Common Driveway shall be constructed according to plans entitled Common Driveway Plan 803 First Parish Road & Lot 3 Laurelwood Drive in Scituate, MA dated May 10, 2022 with revisions through June 22, 2022 consisting of 2 sheets prepared for applicant J. Stephen Bjorklund by Morse Engineering Co., Inc.; Stormwater Permit Application for 803 First Parish Road dated May 10, 2022 with revisions through June 21, 2022 inclusive of all information including calculations operation and maintenance information, Cultec stormwater chamber information ; all cover letters with submittals; Proposed Vegetative Screening Plan 803 First Parish Road & Lot 3 Laurelwood Drive, Scituate by ECR, LLC dated July 8, 2022 and as further revised to meet these conditions. A copy of the approved plans and conditions shall be kept on the site at all times during construction.

2. 803 First Parish Road and Lot 3 Laurelwood Drive shall access over the Common Driveway as depicted on the plans. No further extensions or attachments of any other roadways or Common Driveways, or other access to any other lots besides those created by the plan shall be permitted without approval of the Planning Board. The Common Driveway shall remain private in perpetuity and shall never be considered for acceptance as a Town road and that all maintenance and repair of the Common Driveway and drainage facilities shall be the responsibility of the owners of the property. A note shall be placed on the plan and deed for each lot serviced by the Common Driveway stating the above with proof provided to the Planning Board prior to occupancy of the new unit on Lot 3.
3. The Applicant shall mean the current applicant and all its successors in interest. This Common Driveway Special Permit and stormwater permit shall lapse within two years from the date of its issuance, which shall not include such time required to pursue or await the determination of appeal under Mass General Laws Chapter 40A, from the grant thereof unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9. The Planning Board may extend such period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which shall provide a detailed description of good cause necessitating an extension. The Planning Board office must receive written notification at least one week prior to any change of ownership of the property occurring during construction.
4. Copies of this approval including the plans and Common Driveway Easement shall be provided to subsequent owners who shall be advised of the need for maintenance of the Stormwater System per the Operation and Maintenance Plan and the need to retain the grading on the lot as approved. Prior to the transfer of the property, the owner shall provide to the subsequent owner and the Planning Office an inspection report certified by a professional engineer showing compliance with the Operation and Maintenance Plan. The Planning Office must receive written notification within least one week of any change in ownership of the property during construction.
5. There shall be no further division or subdivision of any lot shown on the plan for purposes of constructing additional units or buildings; there shall be no further expansion of any building or impervious surface on the site; no swimming pools are allowed without further review; no additional dwelling units shall be added; no additional expansion of the limit of work is allowed without further approval of the Scituate Planning Board.
6. The Applicant shall consent to allow members and Town officials from the Planning Board and other persons acting under the Planning Board or its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their effort to verify that the layout, design and construction work are satisfactory and conform to Town specifications and requirements of the Board.

7. Prior to the pre-construction conference, the applicant must obtain all necessary approvals and meet all requirements from the Board of Health (BOH), Conservation Commission, Fire Department, Building Department and Department of Public Works (DPW), and these shall be deemed conditions of the Planning Board approval. Any state and federal permits must be obtained if required and supplied to the Planning Board Office prior to scheduling the preconstruction conference and are also deemed to be conditions of the Planning Board approval. This includes a NPDES Permit.
8. Construction shall meet all requirements of the Scituate Zoning Bylaw. All contractors are responsible for all conditions shown on the plans and in the written decision.
9. No new in ground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water. In accordance with this policy rule, all irrigation systems installed in Scituate must be supplied by on-site sources at the expense of the property owner. Fines for violating this rule may be levied on the homeowner as well as the system installer.
10. The septic system for Lot 3 shall meet all the requirements of Title V and 310 CMR 22 including a reserve area. Any changes to the plan necessitated by compliance with any BOH provision, requires notification of the Town Planner to determine if the change is significant and requires further input from the Planning Board.
11. No work is allowed beyond the limit of work/tree line without approval of the Planning Board. The entire limit of work is to be staked with erosion control during construction. Fines shall be imposed for disturbance beyond the limit of work and any disturbance beyond the limit of work will be subject to full restoration with a restoration plan to be submitted to and approved by the Planning Board.
12. The Post Construction Operation and Maintenance Plan shall be strictly adhered to so that 90% Total Suspended Solid (TSS) removal is achieved at all times. An annual report is to be provided to the Planning Board yearly by June 30 certifying all required maintenance has been completed per the plan.
13. All utilities shall be placed underground for the Common Driveway and Lot 3.
14. The recharge chambers shall be installed to have the bottom elevation a minimum of three feet above seasonal high groundwater elevations. Stormwater during construction as well as after construction is not allowed to increase in rate or volume to adjacent properties, the street or offsite.
15. A stabilized construction entrance shall be installed prior to any work on the site and shall be maintained throughout construction to prevent dirt tracking onto the road.
16. No sediment (including silty water) shall be allowed to leave the site during construction.

17. A vegetated buffer shall be installed adjacent to the stonewall along the east property line as depicted on a plan entitled Proposed Vegetative Screening Plan, 803 First Parish Road & Lot 3 Laurelwood Drive, Scituate prepared by ECR, LLC dated July 8, 2022. No substitutions are allowed without written permission of the Town Planner/Planning Board. The vegetative buffer must be maintained to be living for the foreseeable future.
18. The bottom of the grassed rain garden swale shall be vegetated with New England Erosion Control Restoration Mix for dry sites augmented with a showy wildflower mix or approved equivalent. The Operation and Maintenance Plan shall be revised to include manufacturers recommendations for installation and maintenance of this seed mix.
19. The roof top runoff infiltration chambers, pea stone diaphragm and rain garden swale must be retained and maintained as designed as they are components of the stormwater system. Maintenance must be per the approved Post Construction Phase Operation and Maintenance Plan. Proper maintenance of the systems is required beyond the issuance of a Certificate of Completion.
20. Any condition contained herein that varies from the plans supersedes the plans where different.
21. A sign shall be placed at the entrance of the Common Driveway prior to occupancy clearly depicting the house numbers. House numbers must be clearly visible at all times for emergency response purposes.

#### **Common Driveway Agreement**

22. A Common Driveway Agreement shall assign to the owner of Lot 3 Laurelwood Drive the responsibilities and costs of maintenance and repair of the Common Driveway (including snowplowing), as well as the pea stone diaphragm and grassed rain garden, and all other drainage devices, grading and all other improvements for stormwater management in the Common Driveway Easement. (This particular agreement does not have 803 First Parish as a party to costs and responsibilities for maintenance)

The responsibilities of maintenance in the Common Driveway Agreement shall include all requirements of the Operation & Maintenance Plan, which shall be attached to the Agreement together with other typical maintenance such as snow-plowing and driveway repair.

The agreement shall indicate no parking is allowed in the Common Driveway Easement area and a sign indicating there is no parking must be placed in the easement area.

The Agreement shall require annual certification, to be submitted to the Town Planner by June 30 yearly, by an engineer that the stormwater system is being properly inspected and maintained per the Operation & Maintenance Plan. The Operation & Maintenance Plan shall also be provided to the Planning Board as a stand-alone document.



The standard format from the Planning office shall be used. A final draft of the Agreement shall be provided to the Planning Board within two weeks of the approval of this Common Driveway Special Permit and Stormwater Permit. The Agreement shall be recorded at the Registry of Deeds with the Special Permit and Stormwater Permit. No preconstruction conference or building permits will be issued without a recorded Common Driveway Agreement.

23. Any plan changes or changes from the proposed materials shall be submitted to the Planning Office to determine if the changes are insignificant or require a permit modification approved by the Board or Town Planner. The stormwater management system including all recharge chambers and components of the system, house, driveways, grading and site amenity locations shall not be changed or expanded without prior written approval of the issuing authority. Expansion includes additional pavement areas. Failure to obtain written approval is a violation of the Town of Scituate Stormwater Bylaw and subject to fines.
24. The use of pesticides and fertilizers shall be strictly prohibited.

### **Construction**

25. A pre-construction conference will be required prior to the start of construction including the Planning Board's consulting engineer, a representative of DPW, the site design engineer, the applicant, the owner, the site contractor and the Town Planner.
26. Prior to scheduling the pre-construction conference, the applicant shall provide to the Town Planner:
  - a. Recorded copy of the plan, decision and Common Driveway Agreement at the Plymouth County Registry of Deeds and proof of recording;
  - b. An initial deposit with the Town Planner of \$5,000 under G.L. c. 44 s 53G to secure construction review and inspections by the Town of Scituate consulting engineer. The deposit shall be applied toward the cost of construction inspections for the common driveway and stormwater improvements. The specific amount provided to the Planning Department shall be based on the consulting engineer's estimate and shall be subject to amendment from time to time and be supplemented by the Applicant as requested;
  - c. The Applicant shall provide surety for \$10,000 in a form acceptable to the Planning Board prior to beginning construction of the Common Driveway to guarantee completion of the common driveway(s), the drainage system(s), site work, landscaping and clean-up of the site and compliance with the stormwater plan and conditions. After the Town Planner has inspected the site and found grading, loaming and seeding, clean-up of earth materials and construction debris to be complete along with the as-built approved and a Certificate of Completion issued, these funds shall be returned to the Applicant; and

- d. A schedule of construction activities including approximate dates for installation of erosion control and other site stabilization features for all phases of the project and all applicable items in the Subdivision Rules and Regulations 9.1.3 shall be given to the Town Planner and the Owner of Lot 3 shall provide funds to cover the cost of inspections and attendance at the pre-construction conference by the Town's consulting engineer. Temporary drainage measures shall be provided onsite in the initial phase of construction prior to house construction.
27. The Town Planner is to be notified when construction begins and when construction is completed.
28. Prior to scheduling the preconstruction conference, the Applicant shall provide the Town Planner with permits from the Scituate DPW for street openings and a curb cut. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Any upgrades, modifications, or connections shall be at the Applicant's expense. The consulting engineer along with the Town shall review the construction activity to assure compliance with the Town's rules and regulations.
29. The property line and boundary of the limit of clearing shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of five days prior to the start of construction. The property line and limit of clearing shall remain staked in the field throughout construction.
30. All clearing and earth moving operations shall only occur while erosion and sedimentation control measures, approved by the Town Planner and shown on the plan are in place. Such control measures shall remain in place until the Town Planner determines that the danger of erosion or sedimentation no longer exists.
31. Any proposed changes in grading and drainage from the approved plan must be reviewed by the Town Planner and Town's consulting engineer to determine if they are materially significant. The Applicant's Engineer shall certify that such changes shall result in no impact on the drainage system and shall not increase runoff onto First Parish Road, abutting lots, or the rate and volume of the post condition from the predevelopment condition.
32. All proposed lawns and swale areas shall have a minimum of 6" of clean screened loam.
33. There shall be no flow to the subsurface systems until the tributary area is stabilized.
34. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant may be available at the water treatment plant for construction use if water supply allows and permission is obtained from DPW.
35. The inspections for this development will be done in accordance with Section 9.1.3 of the Town of Scituate Subdivision Rules and Regulations as modified in the next sentence. The Town's consulting engineer shall perform these inspections with costs paid by the Owner of

Lot 3. All required inspections shall take place and be inspected by the consulting engineer including water lines (along with DPW). Timely reports shall be submitted to the Planning Board stating results of all required inspections unless more frequent reports are needed. 48 hours minimum advance notice is required for all inspections. All stormwater recharge structures require inspection of the bottom of the excavation by the consulting engineer. SWPPP inspections for the NPDES permit by the applicant must be submitted after every ½” storm.

36. Construction of the Common Driveway, site drainage systems, grading and water system shall be supervised by a registered professional engineer approved by the Planning Board who shall certify in writing to the Planning Board at completion that the driveways, grading, drainage structures and utilities were constructed in accordance with the approved plans. This certification shall be accompanied by as-built plans, signed and stamped by a registered professional land surveyor and the supervising professional engineer. No Certificate of Occupancy shall be issued until the Planning Board is satisfied that access, construction of the driveways, grading, installation of drainage structures and stormwater management features, installation of utilities and site stabilization are in full compliance with the approved plans and permit. The stormwater system must be functioning in accordance with design requirements and the as-built certification must include a statement that any variation in grade is immaterial and does not materially alter the performance of the stormwater system. All grading and landscaping must be submitted prior to the final as-built submittal.
37. Grade stakes shall be provided for inspection of the consulting engineer prior to gravel and shall remain for inspection through final paving installation.
38. Prior to the issuance of an occupancy permit, the Board’s Consulting Engineer shall inspect the lots and notify the Board and Building Commissioner that the Common Driveway, grading drainage, site utilities and stabilization conforms to that shown on the Common Driveway and Stormwater Permit Plan.
39. Construction work shall not begin prior to 7 am on weekdays and 8 am on weekends and shall cease no later than 7 pm or sunset whichever is earlier. No construction is permitted on Sundays and federal and legal state holidays. Construction work includes any operation of machinery and idling of vehicles. The name and phone number of a 24-hour contact shall be provided to the Town Planner, Building Department, Police Department and Department of Public Works to be used in the event of an emergency prior to the preconstruction conference.
40. There shall be no parking, loading or unloading of construction equipment, staging or idling of vehicles on First Parish Road or Laurelwood Drive or adjacent public roads during construction unless a Police Detail is provided if warranted as determined by the Police Department.
41. 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.

42. Construction activities shall be conducted in a workman like manner at all times. Noise mitigation and proper dust controls shall be implemented so that levels conform to Mass DEP policies. All equipment that emanates sound shall be kept in proper working order through regular maintenance. Street sweeping shall be used to control dust from leaving the site. A wheel wash station may be required to prevent sediment from leaving the site. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down or other proper storage and disposal methods.
43. Construction activities on site shall conform to Town of Scituate General Bylaws.
44. Sight lines on First Parish Road shall be maintained per the plans.
45. All construction shall comply with all applicable requirements of the Water Resource Protection District in Section 520 of the Zoning bylaw. No finished slope shall exceed 4:1.
46. No Certificate of Occupancy shall be issued until both the Planning Board and Building Commissioner are satisfied that access, construction of the Common Driveway and installation of necessary utilities are in full compliance with the approved plans and the Special Permit conditions.
47. 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.

#### **Administration**

48. This special permit shall run with the land and be void if it is not recorded at the Registry of Deeds within 90 days of the expiration of the appeal period. The Applicant shall provide proof of this recording to the Planning Board prior to construction.
49. Failure to comply with any condition of this permit shall cause it to be deemed invalid.

**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 Special Permit for a Common Driveway and Stormwater Permit at 803 First Parish Road and Lot 3 Laurelwood Drive with the conditions noted above.

July 28, 2022

Date

SCITUATE PLANNING BOARD

Patricia A. Linnert  
~~Patricia A. Linnert~~

Ann Barbino  
Spencer P. Williams

This decision was filed with the Town Clerk on

8/9/22

date

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

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

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



**Post Construction Phase Operation & Maintenance Plan**  
**Best Management Practices**  
**803 First Parish Road & Lot 3 Laurelwood Drive**  
**Scituate, MA**

**Responsible Parties & Contact Information:**

**Applicant:**

**J. Stephen Bjorklund**

**15 Marion Way**

**Cohasset, MA 02025**

**stephenbjorklund@gmail.com**

**Record Keeping:**

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

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

**Operation & Maintenance:**

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

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

**Roof Drywells & Gutter Downspout Systems** shall be inspected at a minimum of twice a year and maintained as necessary. Maintenance includes inspecting water levels, removing debris, cleaning out gutter and downspouts systems, and replacing drywell systems if standing water is observed for greater than 72 hours after a storm event. Refer to Cultec O&M guidelines in Appendix A for further maintenance instructions.

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

**Snow Storage/Removal:**

Snow within the common driveway and emergency turnaround shall be plowed and stored within Lot 3 Laurelwood Drive. No snow shall be stored within the proposed sediment forebay or rain garden. If snow storage areas are exceeded, owner shall have snow removed from the site.

**Illicit Discharges:**

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

**Storage and Disposal of Hazardous Materials:**

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

The exterior storage of hazardous materials shall be prohibited.

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

**Pesticides, Herbicides and Fertilizers**

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

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

**Costs and Funding**

The funding for operation and maintenance of the ground cover, roof drywells, gutter downspout systems, peastone diaphragm, sediment forebay, rain garden, spillway and snow storage/removal is the responsibility of the property owner. The estimated annual cost for operation and maintenance of these items is \$500



**Project Location: 803 First Parish Road & Lot 3 Laurelwood Drive, Scituate, MA**  
**Stormwater Management – Post Construction Phase**  
**Best Management Practices – Inspection Schedule and Evaluation Checklist**

**Long Term Practices**

<b>Best Management Practice</b>	<b>Inspection Frequency (1)</b>	<b>Date Inspected</b>	<b>Inspector</b>	<b>Minimum Maintenance and Key Items to Check (1)</b>	<b>Cleaning/Repair Needed: <input type="checkbox"/>yes <input type="checkbox"/>no (List Items)</b>	<b>Date of Cleaning/Repair</b>	<b>Performed by</b>
Subsurface Infiltration System	See CULTEC Operation & Maintenance Guidelines (Attached in Appendix A of Stormwater Report)			See CULTEC Operation & Maintenance Guidelines (Attached in Appendix A of Stormwater Report)			
Gutter and Downspout System	Quarterly			Remove material in gutters and downspouts. Install gutter guards. Inspect for signs of overflow to surcharge.			
Turf Management	Semi-Annually			Repair eroded site areas. Plant grass or mulch exposed soil surfaces			
Peastone Diaphragm	Monthly			Remove sediment, trash and debris. Repair erosion and scour. Replace peastone if necessary.			
Sediment Forebays	Monthly			Clean forebays of accumulated sediment four times a year, or when sediment has accumulated past 3 inches.			
Rain Garden	Monthly			Check infiltrative capacity. Remove sediment, trash and debris. Repair erosion and scour. Remove weeds and brush. Maintain seed mixes in accordance with supplier's specifications.			
Spillway	Monthly			Remove sediment, trash and debris Repair erosion and scour. Replace crushed stone if necessary.			

