

TOWN OF SCITUATE



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Planning Board

**Site Plan Administrative Review for 3 Multi-family Buildings and Stormwater Permit
in the Village Center and Neighborhood District-North Scituate Village District – North
Scituate Village Outer Village District (VCN-NSV-OV)**

817 Country Way

Decision: APPROVED with Conditions

Applicant: Option C Properties, LLC – Chris Bruce, Manager
Address: PO Box 263, Weymouth, MA 02190
Owner: Option C Properties, LLC – Chris Bruce, Manager
Address: PO Box 263, Weymouth, MA 02190
Request: Approval of Site Plan Administrative Review and Stormwater Permit for two new Multi-family buildings and renovation of one existing Multi-Family building and in The Village Center and Neighborhood District- North Scituate Village District- North Scituate Village Outer Village District (VCN-NSV-OV) under Scituate Zoning Bylaw Section 580, 750 and 770 and Town of Scituate General Bylaws Section 32050 Stormwater and its regulations.

Date: April 3, 2024

Location: 817 Country Way Scituate, MA 02066

Assessor's Map: 12-2-38-F

Zoning District: Village Center and Neighborhood District- North Scituate Village District- North Scituate Village Outer Village District (VCN-NSV-OV)

Hearing Dates: April 27, 2023, July 13, 2023, October 12, 2023, November 9, 2023, January 25, 2024, February 22, 2024 and March 25, 2024.

Members Hearing Special Permit Application: Patricia Lambert, Stephen Pritchard, Rebecca Lewis, and Ann Burbine.

Decision: Approved with conditions by a vote of 4-0.

Background:

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Option C Properties, LLC, Chris Bruce, Manager, is proposing a project consisting of one existing and two new multi-family buildings in the Village Center and Neighborhood District-North Scituate Village District-North Scituate Village Outer District at 817 Country Way, Scituate, Massachusetts. The site currently consists of an 8-unit apartment building and a landscaping business with a second-floor apartment. All of the proposed work, including the site work, new buildings, site infrastructure, site improvements and new parking are collectively referred to herein as the "Project".

The property is composed of one parcel of 101,125 sq. ft. all of which 100,454 sq. ft. is upland. There is a small isolated vegetated wetland to the rear (west) lot line buffering the MBTA rail line. The lot has frontage and access off of Country Way.

The site is located in the Village Center and Neighborhood District – North Scituate Village District-North Scituate Village Outer District (VCN-NSV-OV). The resultant zoning in effect is the Village Center and Neighborhood District – North Scituate Village District-North Scituate Village Outer District Section 580, 750, 760 and 770 of the Scituate Zoning Bylaw.

In the VCN-NSV-OV District multi-family buildings are permitted building types and the use is allowed. Thirty-four (34) residential rental units are proposed in the three multi-family buildings (MFB). The density of 15 units per acre by right and 24 units per acre by special permit is being met as 34.8 units (rounded to 34) are allowed by right for the 101,125 sq. ft. site. No density bonus is needed or proposed.

The proposed project will have one access point off of Country Way. There will be one 12-foot-wide lane for access and one 12-foot wide lane for egress for a 24-foot-wide driveway.

The MFB project has thirty-four (34) residential units in three multi-family buildings. The first MFB is an existing building with eight (8) units and sixteen (16) bedrooms. The second MFB is a proposed building with ten (10) units and twenty (20) bedrooms. The third building is a proposed building with sixteen (16) units and thirty-five (35) bedrooms. Building 1 has eight (8) 2-bedroom units, Building 2 has two (2) 1-bedroom units, six (6) 2-bedroom units and two (2) 3-bedroom units. Building 3 has one (1) 1-bedroom unit, eleven (11) 2-bedroom units and four (4) 3-bedroom units. There is a total of 71 bedrooms. There will be five (5) affordable units which is 15% of the total number of units. Fifty-eight (58) exterior parking spaces are provided including two (2) handicap accessible spaces for each building for 6 handicap spaces total. Two (2) electric vehicle parking spaces are proposed for the project. The project requires fifty-three (53) parking spaces and 58 have been provided. Parking is per the bylaw at 1 space per one (1) bedroom unit, 1.5 spaces per two (2) bedroom unit, two (2) spaces per three-bedroom unit.

The Project will be serviced by Town water and a private septic system. The Water Division has indicated their requirements with respect to lines and utility betterment fees. The Sewer Division offered comments that the Town is considering a regional expansion which could provide sewer to the area with a low-pressure sewer main. The information is offered to help the Applicant plan for a low-cost sewer conversion if and when sewer may become available. The proposed stormwater management system consists of a piped drainage system leading to five different subsurface drainage

areas for the parking lot and the roof of each building. The rate and volume of post development conditions meets or does not exceed pre-development conditions for the 1, 2, 10, and 100 year 24-hour rain events. A water quality Best Management Practice (BMP) treats the first 1" of runoff as required and 80% Total Suspended Solids (TSS) are required to be removed. Massachusetts Department of Environmental Protection (MADEP) Stormwater Management Regulations and the requirements of the Town of Scituate Stormwater Bylaw and its regulations have been met.

The Applicant submitted a Stormwater Permit Application, Stormwater Management Design Calculations for the Proposed Multi-family Development at 817 Country Way by Grady Consulting, L.L.C. stamped by Kevin S. Grady, P.E. This report and the accompanying Site Plan, Country Way Estates, #817 Country Way, Assessor's Parcel 12-2-38-F, Scituate, MA consisting of 34 sheets were reviewed by the Town's consulting engineer, Peter F. Ellison, P.E. of TEC, Inc. "The Engineering Corporation", who submitted detailed comments to the Planning Board. In response to these comments, the Applicant provided revised reports and plans which, after further reviews by the consulting engineer, were found to address the comments and recommendations or could be conditioned.

No Density Bonus is required for the project as the density meets the by-right standard. As the project is located in the VCN and is near the North Scituate Commuter rail station and pedestrian access to the station from the site is minimal, the Applicant has agreed to contribute \$25,000.00 to fund pedestrian improvements/studies in the North Scituate Village District area.

Procedural Summary:

An application for a Site Plan Administrative Review and a Special Permit in the VCN-NSV-OV and Stormwater Permit was filed with the Town Clerk on February 23, 2023. A Public Hearing on the Site Plan Review and 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 April 27, 2023 with testimony taken. This was an in-person meeting with a hybrid ZOOM option under the open meeting law. The public hearing was continued to July 12, 2023, October 12, 2023, November 9, 2023, January 25, 2024, February 22, 2024 and March 28, 2024 when the public hearing was closed and the Site Plan Review and Stormwater 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 and 2023 were all in person and with remote participation by ZOOM available due to COVID – 19 procedures under the open meeting law.

Hearing Summary:

When the public hearing was opened on April 27, 2023, Attorney William Ohrenberger was present along with the Applicant, Chris Bruce, Kenny Sanchez, and Sean Stockbridge of Option C Properties, Kevin Grady, the applicant's engineer, Jamie Kelliher the applicant's architect and Peter Ellison, the town's consulting engineer. Karen Joseph, Town Planner and Shari Young, Planning Board Assistant were present.

An overview of the project was given. The filed proposal consisted of four multi-family buildings with 55 total units. The existing Building 1 was to be age restricted to 55 years plus. 70 parking spaces were proposed. There was going to be town water, an on-site septic system, and an onsite

drainage system designed for rate and volume control. 22,600 sq. ft. of amenity space was provided. Lighting and landscaping will be provided. A traffic report had not been completed. The Applicant was requesting a special permit so they were proposing 20% of the units be affordable in compliance with the bylaw. They asked to be referred to the Design Review Committee (DRC) to begin discussion of the architecture. The architect indicated they are proposing to update and replace materials on the existing building to match the three new buildings. The elevations show a New England shingle style architecture to match the aesthetics of the town.

The Town's peer review engineer questioned the accessibility as the proposed slope of the parking and driveway was 9%. He indicated several comments needed to be addressed on the underground infiltration system and the amenity space was close to the required minimum with the leaching fields serving as active amenity space. He questioned if a waiver was needed for the front yard build to zone as all of the buildings were further back.

The Board's opinion was that the buildings are too big, they do not support age-restricted housing, the buildings look institutional, they questioned the use of leaching fields as amenity space, more landscaping was needed, what low impact development standards were used, and visitor parking is needed. The Town Planner commented that a water study is required and a sequence of construction must be on the plans. She indicated comments had been received relating to meters, height concerns relative to the neighborhood, resource areas, and septic systems. She also indicated a density bonus for 21 units is required and the DPW has provided comments on the walk proposed from the site to Lincoln Park which would be a great benefit to have people be able to go to the commuter rail station. The Board referred the project to the DRC. The Board inquired as to the amount of fill needed and was told the site would be generally 3 to 4 feet higher than now.

Public comments from Mr. McCusker of 50 Gannett Pasture Lane included concerns if there is enough parking, buffering to the Housing Authority, rents, and roof pitches. Mr. Collins of 404 South Main Street in Cohasset was delighted to hear of the public benefit of a sidewalk; he was concerned about the catch basins and their discharges, the amount of water to be used, and sewer and septic runoff going to the gulf. Attorney Ohrenberger indicated the Board of Health is reviewing the septic system and everyone says sewer is coming and this site can accommodate septic. He indicated this project proposes to build needed housing.

At the July 13, 2023 hearing session, the attendees for the Applicant and Town were the same as the previous hearing. Attorney Ohrenberger said they have met with the DRC and are working on the architectural plans and Building 1 will no longer be age restricted. Mr. Grady indicated they are working on the landscaping and amenity space and comments from the DRC and the Board. He said the traffic study has been submitted. There was discussion on the leaching fields as open space. There was discussion on buildings – building 2 was redesigned to be 3 stories. Building 3 is still 4 stories as is Building 4. The Town's peer review still questions the driveway slope and walkways and plantings on the septic system. The Board is concerned about the number of units, septic systems under parking lots, locations of mechanical units, and buffers. The units have been reduced to 52. Mr. Ohrenberger questioned if the massing was what should be discussed versus number of units. He indicated the Applicant can just do a by right project. They questioned if reducing a floor on Building 3 would make a difference in the project size. Other project requirements of a Water

study need to be satisfied, fencing should be clarified as well as Construction Sequencing. A cost estimate for the public benefit was requested.

Ms. Desjourdy of 429 South Main Street Cohasset provided several written comments and expressed her concerns of the slope in the winter, distance to the dumpsters, location of watermain, tree removal, fencing height, ADA accessibility, and concerns on the density bonus. Mr. DeWaal of 421 South Main Street Cohasset opined in his letter and in person that the project is too big of a project for the lot. He thinks buildings are too tall for a historic neighborhood. He questioned if the watermain could go up the driveway. He thinks the size of the project will impact abutters and the general area. Mr. Buettner of 56 Mordecai Lincoln Road questioned the size, density, slopes, and water usage of the project. Ms. Broderick of 42 Mordecai Lincoln Road questioned the traffic study on when it was done, the street is a cut through, and should be in the study. The Traffic study was not addressed as it had not been peer reviewed.

At the October 12, 2023 hearing session, there was an immediate continuance with no testimony taken.

At the November 9, 2023 hearing session, the Applicant was represented by William Ohrenberger, Kevin Grady, Jamie Kelliher, and Chris Bruce. The town's consulting engineer, Peter Ellison, was present by ZOOM. Mr. Ohrenberger indicated the project has been to one DRC meeting with the revised plan for 34 units which now makes the project a by right project. The project is all rental units, there are units with 3 bedrooms, there are three buildings there are no age restrictions, there is no density bonus required, more parking than needed is shown, septic capacity exceeds what is required, and there is more green space.

Peter Ellison commented that improvements have been made with the elimination of one building; however, there are concerns with the accessible route, more detail is needed on retaining walls, and stopping sight distance is not according to standards and poses a challenging safety issue with the wall on the adjacent property. A meeting onsite with traffic and site engineers was suggested to view the issue. Ms. Burbine asked for a sidewalk even though it was not required. Mr. Grady said there was not enough room in the public right of way. It was noted there is a partial sidewalk to the train station.

The Town Planner identified several issues including: discrepancies need to be eliminated from the plans, water study is required, additional peer review money is needed, snow storage needs to be located, bicycle spaces should be identified, information on fill is needed, walls need more detail, privacy fence should be 6', septic not approved yet, need sections through Town line for fencing/planting, is it acceptable to have more parking, ADA compliance, number and location of affordable units, light spillover, and special permit may be needed for existing building as it is over 100' long.

Attorney Ohrenberger said no special permit is needed and there is no light spillover. Mr. Grady indicated items will be addressed. No decisions made. Abutter Ms. Desjourdy was happy a building was removed, but hard to tell impacts to her property. She questioned the lighting and ADA pathway and favors a sidewalk. Mr. Arbonies of 23 Gannett Pasture asked about sewer capacity and

expansion to this area. It was indicated the project is proposed for septic and sewer may come in the future. Olivia Falk of 3 Gannett Pasture likes that one building has been removed and questioned the height. Michael Buettner of 56 Mordecai Lincoln was happy one building was removed and asked if the tree line between this property and Cohasset homes could remain. He also had concerns on a sidewalk and trees living. Mr. Grady opined the Town should do the sidewalk not a private developer.

At the January 25, 2024 hearing session, Mr. Ohrenberger indicated an onsite meeting was held, Conservation voted on their Order of Conditions, the Board of Health is ready to issue a permit for the septic system, recommendations are expected from the DRC, and Mr. Grady has reviewed the accessibility issues with the Building Commissioner. Mr. Grady updated the Board saying the Water Study found adequate pressure and supply, fencing and snow storage and wall plans have been added, there is now a second dumpster, and 61 parking spaces are provided. TEC indicated there are a few issues which have not been resolved. TEC suggested the Applicant tie into the town drainage system with the stormwater flowing overland in the northeast corner. Mr. Ohrenberger suggested if DPW accepts the discharge, the Applicant will do so, otherwise the flow will remain overland as it is a better condition than today. Snow storage was relocated to not be in conflict with the fire truck movements and if there is too much snow it will be removed from the site. Mr. Grady will add the dry sewer line and indicated the construction sequence is what they know now and will accept a condition for it to be provided prior to a building permit.

The driveway entrance was questioned as the town's peer review engineer disagrees with the applicant's engineer that adequate site distance is provided. The engineers were going to work to resolve the issue. Pedestrian circulation was discussed. It appears acceptable onsite; however, there is no offsite sidewalk to the train station. Discussion on walkways off site led to no resolution. Discussion on if a special permit was required for Building 1 length was inconclusive with an opinion being sought from Town Counsel. No DRC recommendations have been received and there are still a number of plan inconsistencies that need addressing.

Kathy Desjourdy expressed concern of the overland flow to the catch basin, snow storage and snow removal, lighting close to the property line, and if all of the walk is still proposed on the north side of the property. Several people commented on traffic on Mordecai Lincoln Road and there is a safety concern for Country Way as the road is tight and everyone needs to be safe. Interested residents want the details resolved.

At the February 22, 2024 hearing session, Mr. Ohrenberger provided a brief summary of the issues: Applicant is working with Conservation; DRC comments consistent with what they were expecting; five affordable units will be spread throughout the 3 buildings; Applicant agrees to the granite curbing at the entry; Applicant will not tie into the catch basin in Country Way and would accept a condition related to if the system does not work; and, Applicant is not seeking a special permit for Building 1 and has reached out to the Building Commissioner for a determination if one is needed. The Town Planner indicated an opinion is being sought from Town Counsel on this matter and Town Counsel is present to listen to the hearing proceedings prior to making a written determination.

Kevin Grady reviewed some sight issues which have been addressed including snow storage and the accessible route. Handicapped parking by Building 1 is an issue for the Board; however, the driveway location is not finalized for sight distance and the driveway will likely move 10 feet further north. Mr. Thornton opined there is adequate sight distance, but will have to measure it once the final driveway layout is provided to him. Kevin Dandrade, Town's Traffic Consultant, opined that the AASHTO sight standard needs to be measured 14.5 feet back from the edge of the travel way with the proper speed. Radar speed signs will be located; however, they may mitigate speed by 10-20%.

There was a discussion about safe pedestrian access offsite. The Applicant is not required to have a public benefit; but, will provide a monetary contribution of \$25,000 for pedestrian access in the future. Mr. Ohrenberger said they would like a waiver of Section 750.5 as they are not altering Building 1. He said they are putting a new façade with a new color to make it look like the rest of the project. He disagrees a special permit is needed. Town Counsel said he will opine on the issue.

John DeWaal questioned the site not tying into the Town drainage as there already is an issue. It was indicated the post construction flow was less than or equal to the existing and if there is a future problem the Applicant will need to look at the situation. Kathy Desjourdy remained concerned about the drainage, the radar feedback sign flashing into her home, 3 overgrown invasive species shrubs near the edge of the road that are overgrown and impeding access, landscape maintenance in the future and, the ADA path along the north side of the property. Elise Beaulieu asked about a bus location for the children of the development and was told it would be in front on the walk. Mia Broderick was concerned about the bus route.

At the March 25, 2024 hearing session, the Board discussed the sight distance and determined, after much discussion, with the relocated driveway the plan was acceptable as conditioned. Peter Ellison indicated the engineering comment have been addressed. Town Counsel opined there were three options for addressing the re-skinning with color change for Building 1: 1) obtain a special permit from the Planning Board pursuant to Section 750.5 B.2.d 2) obtain a finding from the Board of Appeals pursuant to Section 810.2. C. 3) request a waiver from the Planning Board pursuant to Section 750.5 which provides that if "in the opinion of the Planning Board, deviations from the standard guidelines contained herein would improve the overall design of the proposed project, the standards and guidelines in question may be waived with the exception of building height, which may not be waived." The Applicant chose the waiver provision. Ms. Joseph agreed that all of the comments have been addressed or could be conditioned. Ms. Lambert indicated a majority vote was needed and Mr. Niebauer is not eligible to vote. The Board reviewed and approved the draft Findings of Fact and Conditions with minor changes and a vote of 4-0 approved the project.

Additional Public and Town Department Input:

Mark Cloud, Interim Water Superintendent, indicated each unit will require a separate water meter located in a common utility room, buildings without an active meter would need to pay \$14,000 water connection fee and \$500 for each 5/8" unit meter, and contractor must follow Water Division construction specifications. Eric Langlan, Water Superintendent, commented that there shall be an 8" ductile iron main with a hydrant at the end of the main, inspections are required for all

components, if there is fire suppression a flow test must be conducted, all hydrants shall be Mueller, and there shall be no 90-degree mechanical bends. Sean McCarthy of the Engineering Division, commented that all water components shall meet the Town of Scituate Specification and hydrant color must match specification.

DPW Engineering Division commented that flowable fill will be required for any excavation in Country Way; a water study showing project requirement sand usage shall be done; flow tests and building type calculations should be performed to ensure proper fire protection requirements; size, material and condition of existing water service shall be determined before reuse; entrance crosswalk to be installed to ADA & MUTCD standards and be painted with thermoplastic paint; vertical granite curb shall be installed at entrance radii; concrete handicap ramps shall be installed on both sides of the entrance to MassDOT standards including landing pads; handicap ramps to include cast iron detectable warning strips in the right-of-way; and a memorandum of comments dated February 15, 2024 on evaluation of the existing catch basin located in Country Way at the northeast corner of the site.

The Building Commissioner, Robert Vogel, provided comments on the handicapped accessible route. The Conservation Agent, Amy Walkey, provided comments on the resource areas.

William Branton of the Sewer Division commented that there is no sewer service in the area. Scituate is considering a regional sewer expansion which may provide sewer service to the area. The area would-be low-pressure sewer mains. This information is provided to help the applicant plan for a low-cost conversion if and when sewer becomes available. He indicated the proposed septic pump chamber could be retrofitted into a grinder pump station to convey wastes into a future low-pressure sewer main. He provided comments on structures, manholes, mains, pipe fittings for sewer while making no guarantee sewer will be available in the future.

Mark Donovan, Deputy Fire Chief, asked the fire hydrant in front of 817 Country Way to be replaced; an additional hydrant to the south side of the driveway between Building 1 and 2; and an additional hydrant to the sidewalk island on the southwest corner of Building 3. Deputy Chief Patrick Reilly reaffirmed the comments from now Chief Donovan and indicated "room for turning is sufficient at best." He indicated the hydrant is marked where it exists in front of 817 Country Way; a hydrant is added at the southwest corner of Building 3. The Design should ensure the hydrant is not blocked and has free access from landscaping; clarification needed to determine if hydrant added to the south side of driveway between Building 1 and 2; and ensure trees are of a proper height to not block turning radius of the ladder truck.

Weston and Sampson provided the water study for the Applicant. Eric Langlan of the Water Division, indicated the Water Division agrees with the recommendations in the water study report from Weston & Sampson for 817 Country Way.

The Design Review Committee recommended the Planning Board move ahead with the process contingent upon 1) additional fencing be added at the condenser units located to the west of Building 2 and the north of Building 3; 2) The project proposes CertainTeed cedar impressions. The DRC requests the project be detailed with the CertainTeed system. They do not want to see a mix and

match of manufacturers and materials. The DRC request approval of materials and design details. Before a permit is issued, the DRC requests a meeting to review the conformance of materials and building details. They are looking to ensure a level of quality that relates to traditional construction methods with the use of the CertainTeed product. They expect to review details that include, but is not limited to the following: foundation/water table; typical exterior casing; typical sill; inverted corner and regular corner trim; soffit details; rake board; and eave returns. They agree the building heights are less than 40'-0" to the mid-point of the highest gable; the proportion and façade composition meet the intent of the bylaw; the roof design meets the intent of the bylaw; there is insufficient information regarding compliance of exterior treatments; and site layout, landscaping, lighting, open space and screening meet the intent of the bylaw.

Many emails and letters were received on the project. The concerns can be summarized as follows: increased nitrogen levels in bound Brook and the Gulf River as the site will be on septic; traffic, speeding and the one-lane bridge on Mordecai Lincoln Road; bus routes; septic system beneath a parking area; parking exceeds the bylaw requirements; slope of the walkways; lighting spillover to adjacent properties; landscaping; traffic report; septic system; stormwater; no continuous sidewalk on Country Way; water; more trees needed; maintenance of the property; aesthetics; emergency issues; initial density of the project; traffic on Country Way; height of the initial buildings; ADA parking and accessible routes; initial age restriction; and grading and elevation changes.

Findings of Fact:

The following Findings of Fact based on information submitted by the Applicant and the testimony given during the Public Hearing were approved:

1. On February 23, 2023, the Applicant and Owners, Option C Properties, LLC – Chris Bruce, Manager filed an application for a Special Permit, Major Site Plan Review and Stormwater Permit for a Mixed-Use Building 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. Cover letter, Application Forms including attachment A-F, compliance memorandums on the zoning bylaw and by the architect, and Stormwater Permit form and locus deed;
 - b. Filing Fees and Abutters' List;
 - c. Site Plan, Country Way Estates, 817 Country Way, Assessor's Parcel 12-2-38F, Scituate, MA dated February 2, 2023 by Grady Consulting, L.L.C. consisting of 25 sheets;
 - d. Site Plan Sheet PB-1 with proposed 390-foot-long 4-foot-wide bituminous concrete sidewalk for the public benefit, Country Way Estates, 817 Country Way, Assessor's Parcel 12-2-38F, Scituate, MA dated February 2, 2023 by Grady Consulting, L.L.C.

- e. Architectural rendering and Architectural Plans for Country Way Estates, 817 Country Way, Scituate, MA by Axiom Architects dated January 2023 consisting of a colored rendering and Sheets A101 – 104 for Building 3 and Sheets A101-A104 for Building 1 & 2 Floor Plans and Building Elevations.
 - f. Stormwater Permit Management Design Calculations, 817 Country Way, Assessors Map 12-2-38-F, Scituate, MA dated January 16, 2023 by Grady Consulting, L.L.C.
 - g. Operation and Maintenance Plan, 817 Country Way, Assessors Map 12-2-38-F, Scituate, MA dated January 16, 2023 by Grady Consulting, L.L.C.
 - h. Lighting Plan Sheet E-1 for 817 Country Way, Scituate, MA dated 1/23/2023 by Visual.
2. The Property that is the subject of the Application is composed of one parcel. The Parcel is lot 12-2-38-F and it is 101,125 sq. ft. of which 100,454 sq. ft. +/- is upland. The parcel has frontage on and access off of Country Way, a public way. The Property is currently improved with an 8-unit apartment building and a landscaping business with a second-floor apartment.
 3. The Project is located in the Village Center and Neighborhood (VCN) Zoning District, North Scituate Village (NSV) Outer Village Subdistrict (OV). – VCN-NSV-OV.
 4. The Zoning Bylaw in effect for this project is the bylaw approved by the Scituate Annual Town Meeting on 4/10/2023 and Attorney General on 6/13/2023, and posted to the website on July 5, 2023.
 5. The Project proposed by the Applicant consists of thirty-four (34) residential units in three (3) multi-family buildings (MFB). The first MFB is an existing building with eight (8) units and sixteen (16) bedrooms. The second MFB is a proposed building with ten (10) units and twenty (20) bedrooms. The third building is a proposed building with sixteen (16) units and thirty-five (35) bedrooms. Building 1 has eight (8) 2-bedroom units. Building 2 has 2 1-bedroom units, 6 2-bedroom units and 2 3-bedroom units. Building 3 has one (1) 1-bedroom units, eleven (11) 2-bedroom units and four (4) 3-bedroom units. There is a total of seventy-one (71) bedrooms. There will be five (5) affordable units, which is 15% of the total number of units.
 6. Building 1, the existing MFB, is 2 stories, which is less than the maximum height of 40 feet as defined in the Scituate Zoning Bylaw. Building 2 is 3 stories and is 39'-7 1/2" to the roof peak, which is less than 40 feet as defined in the Scituate Zoning Bylaw. Building 3 is 4 stories and is 39'-6" to the roof mid-point and 44'-8" to the highest point, which is less than 40 feet as defined in the Scituate Zoning Bylaw.
 7. There are fifty-eight (58) total exterior parking spaces provided. This includes two handicap parking spaces at the northwest corner of the parking lot behind Building 1, two handicap spaces to the west of Building 2 and two handicap spaces to the east of Building 3. The project requires fifty-three (53) parking spaces. 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, 1.5 spaces for a 2-bedroom unit, and 2 spaces for a 3-bedroom unit in a multi-family or mixed-use building as the site is in the VCN District.

8. Section 760.7 does not apply because the proposed use is residential in the VCN.
9. The property at 817 Country Way does not require a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw.
10. In the VCN-NSV-OV, a multi-family building is an allowed use by right per Section 420 of the Zoning Bylaw and an allowed building type per Section 580.3 with the Design Standards of Section 750 of the Zoning Bylaw.
11. The base residential density in the VCN-NSV-OV subdistrict, per Section 580.4 of the zoning bylaw for a multi-family building, is fifteen (15) units per acre by right and twenty-four (24) units per acre by special permit. The proposed Project has 34.8 units (rounded to 34) that are allowed by right and up to 55 units are allowed by special permit. Thirty-four (34) units are proposed on-site which does not require a density bonus but is allowed by right.
12. Section 580.4 also has minimum bulk standards for dwelling sizes. Two plus -bedroom units are 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 Project has proposed one-bedroom units with a usable area of 892 sq. ft. minimum, the proposed two-bedroom units with a usable area of 900 sq. ft. minimum and the proposed three-bedroom units with a usable area of 900 s. ft. minimum, all of which meet the bulk standard.
13. No Public Realm Standards are required for this Project because no new streets are being created. A pedestrian crosswalk is required by zoning and is provided.
14. Five (5) affordable housing units among the 34 residential units are required for the Project. The affordable units are distributed throughout the proposed buildings of the Project. Two (2) affordable units are one-bedroom, two (2) affordable units are two-bedroom and one (1) affordable unit is three-bedrooms. All of the affordable units are designed so that the exterior is indistinguishable from the market rate units. The Applicant has stated they will be using MetroWest Collaborative Development as the monitoring agent for the affordable units. No other information has been submitted for the affordable units at this time. The Applicant requests a waiver to allow the remaining information to be submitted after the project is approved. The affordable units must be able to count toward the Town of Scituate's Subsidized Housing Inventory and comply with the Local Initiative Program (LIP) 760.CMR 56.00.
15. The Applicant was referred to meet with the Design Review Committee ("DRC") and subsequently met with the DRC on several occasions to discuss this Project. The DRC recommended that "the Planning Board move ahead with the Special Permit process" in a recommendation memorandum to the Planning Board dated January 25, 2024 with the recommendations conditional on the following: 1) The DRC requested the addition of fencing at the condenser units located to the west of Building 2 and north of Building 3. The fencing shall be the same material as the perimeter. 2) The project proposes CertainTeed

cedar impressions vinyl siding, as well as CertainTeed Double 5" vinyl in certain areas. The DRC requests that the project be detailed within the CertainTeed system. They do not want to see a mix-and-match of manufacturers and materials. 3) The DRC requests approval of materials and design details. Prior to a building permit being issued, the DRC requests a meeting to review the conformance of materials and building details. They are looking to ensure a level of quality that relates to traditional construction methods with the use of the CertainTeed product. The DRC expects to review details that include, but are not limited to the following: foundation/water table, typical exterior casing, typical sill, inverted corner and regular corner trim, soffit details, rake board and eave returns. The Zoning Bylaw states in Section 750.5 B. 4. Exterior Treatments, that synthetic materials "may be appropriate, provided they are applied in combination with proportional architectural elements". The DRC also noted that the two proposed buildings all meet the setbacks, height and scale requirements of the bylaw. They also indicated the building proportions and façade composition and roof designs meet the intent of the bylaw as do landscaping, lighting, open space and screening. They felt there was insufficient information to determine exterior treatment conformance.

16. A MFB, as is the proposed Project, 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. The Project has 245.47' of frontage on Country Way.
- Lot depth is not required.
- The front yard build-to-zone (setback) is 0' for all building types. The Project has a 28.3' setback from Country Way to Building 1 and further for Building 2 and Building 3.
- Minimum side yard is 0 feet if a common wall with an adjacent building exists which this project does not thus 15' side yard is required and met. The Project has provided approximately 22' to the existing Building 1, 18.8' to the proposed Building 2 and 16' to the proposed Building 3.
- Minimum rear yard is 20'. The Project has provided 77.4' to the proposed Building 3.
- Outdoor Amenity Space Coverage required is 15% of the lot. The project has provided 21% or 21,486 sq. ft. of private open space in the form of common yard and garden per the plans as follows: i) there is a common yard of 2,692 sq. ft. between Building 1 and 2; ii) there is a common yard of 10,253 sq. ft. between Building 2 and Building 3; iii) there is common yard of 6,955 around Building 3. The outdoor amenity space provided is in accordance with the requirements of Section 752 of the Scituate Zoning Bylaw and Section 580.9 B. 2. b) 1. is a Common Yard and Garden.

- The building height conforms to the height regulation set forth for an MFB as Building 1, the existing MFB, is 2 stories and less than 40 feet as defined in the Scituate Zoning Bylaw. Building 2 is 3 stories and is in height 39'-7 1/2" to the roof peak which is less than 40 feet as defined in the Scituate Zoning Bylaw. Building 3 is 4 stories and is 39'-6" to the roof mid-point and 44'-8" to the highest point which is less than 40 feet as defined in the Scituate Zoning Bylaw.
- The required minimum street facing wall width for a multi-family building is 40' and the maximum width 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. The existing Building 1 has a wall width of 128'. The Applicant has stated that the existing building is to be re-skinned to match the proposed buildings. This is a change in materials and color. Town Counsel has opined a special permit is necessary for the existing building to be re-skinned with materials and color similar to the proposed buildings or alternately a waiver could be requested from the Planning Board pursuant to Section 750.5 that provides for deviations from the standards and guidelines can be allowed by waiver if the overall design of the project would be improved.
- A street facing entrance is required and has been provided.
- A maximum building footprint allowed is not applicable in the VCN-NSV-OV.

17. 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. The Project has three buildings on the lot, which meet the required dimensions.
- The Project's principal building and accessory structures are located outside of any required front, side, or rear setbacks, except as otherwise permitted.
- The Build to Zone Occupancy is measured as a percentage of the width of the street frontage. The Primary Build to Zone Occupancy shall be no less than 50% of the frontage width. The existing building of the Project has greater than 50% of the frontage width at approximately 52.1%.
- The Project's lot is not a corner lot.
- Multi-family buildings taller than 25' are required to be setback or stepped back from the street right-of-way. The existing Building 1 of the project is set back 28.3' from the Country Way front property line. For buildings setback 12.5' to 37.5', a maximum height of 30' is allowed. According to the Applicant, Building 1 is an existing two-story building and this requirement is not applicable.
- The scale of the Project is visually compatible with the site and with its neighborhood in Scituate. Building 2 has been reduced from 4 stories to 3 stories to better adapt to the neighborhood.

- The Zoning Bylaw building articulation standards have been met by the Project with a building that is greater than 50' in width designed to read as a series of smaller buildings with varied articulation. Buildings 2 and 3 have articulation to help them look smaller.
- The Project's existing Building 1 street facing building elevation facing Country Way is 128', which exceeds the 100' standard. The building is planned to be re-skinned to match the proposed buildings with similar materials and color. A waiver is being sought as the overall design of the project would be improved by re-skinning the building.
- Horizontal modulation and articulation are required as the Project's Building 2 and 3 are 3 stories and taller. The fronts of the buildings are visually articulated over the three and four stories with overhangs and prominent cornices. The rear of the building is visually articulated over three and four stories with overhangs and cornices.
- Street facing building facades are required to provide surface relief through dormers and door canopies. The Project has provided door canopies and dormers.
- Façade transparency is required for multi-family buildings facing a street right of way line. Windows shall be evenly spaced along the façade, windows shall be low reflectivity glass, and 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 does not have Building 2 face the street. Building 3 meets the requirements with window spacing, façade glazing occurring on the first floor between two to twelve feet and low reflectivity glass.
- The Project roof pitches for Building 3 are 10:12 with the dormers at 4:12 or 5:12. This meets the requirements for a gable roof at 6:12 minimum and 12:12 maximum. The roof pitches for Building 2 are generally 11 ½" :12, 8 ¼":12 or 6:12 meeting the requirements. The project meets the required roof pitches.
- Exterior treatments are provided by the Project. Exterior treatments will be synthetic materials composed of vinyl siding intended to provide the look and character of traditional building materials when they are applied in combination with proportional architectural elements i.e. corner boards, soffits, and eaves. Traditional materials such as brick, stone, clapboard, and shingle are preferred construction materials and may be waived "although other materials must be used in ways that are compatible with more traditional materials." The exterior will be a light color. The proposed materials include CertainTeed 5" vinyl and CertainTeed cedar impressions vinyl siding. The DRC recommendations include review of materials and design details prior to a building permit issuing to ensure a level of quality that relates to traditional construction methods with the use of the CertainTeed product. The roof will be charcoal colored architectural asphalt shingles for the entire roof. 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. The Project is visually compatible with the surrounding buildings and exterior treatments provide character to the Project, synthetic materials with proportional architectural elements are provided that continue around the sides of the Project visible from the street.

18. Development site standards (Section 750.8) are met including:

- The Project site consists of three buildings – one existing and two proposed;
- The Project site does not include any existing or proposed right-of-way;
- The Project's multi-family buildings are 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 by the Project and the plantings are arranged so as to not obscure the vision of exiting traffic.
- Parking must be located a minimum of 5 feet behind the front façade of the primary building. The project meets this requirement. A street screen is required where parking is visible from a public street or sidewalk. A landscape screen or fencing is provided to screen parking from the street along Country Way.
- A driveway servicing the site is provided off Country Way and is 24 feet wide.
- New public utilities will be provided as underground utilities.
- Two outside trash storage areas are provided with a dumpster inside a fenced enclosure.
- Loading areas are not provided.
- Bicycle racks have been provided at a minimum required rate of 10% of the total automobile spaces. 7 bicycle rack spaces are required and 12 space are provided. There are bicycle racks at each building which can accommodate up to 4 bicycles each.

19. Sustainable Site Design is required in the VCN District per Section 751 of the Zoning Bylaw such that stormwater management shall conform to best management practices as described in the Commonwealth of Massachusetts Stormwater Management Handbook. For the Project, the predevelopment hydrology is maintained by infiltrating stormwater in underground chambers. The Project's post construction stormwater peak rate and volume of runoff is not exceeded from pre-development flows for the 1-, 2-, 10-, 25-, and 100-year 24-hour rain events using Northeast Regional Climate Center rain data. Stormwater Best Management Practices are required and the project meets those best practices through the use of deep sump hooded catch basins and full subsurface infiltration. The project partially minimizes impervious surfaces as additional parking is proposed beyond what is needed.

The total impervious area on the site is 49,042 sq. ft. and the total disturbance is 79,950 sq. ft. out of the 101,125 sq. ft. site. Greater than 80% TSS removal has been provided. Adequate recharge has been provided.

20. A Landscape Plan is required for all submissions, except where waived by the Planning Board, which plan should, to the greatest extent possible, utilize native plants. No plants listed as Invasive or Prohibited by Massachusetts shall be used and existing invasive plants shall be removed. A Project Landscape Plan has been provided in which minimal native plantings are proposed. Moreover, the lawn area in the front yard is minimized and fertilizer use is discouraged and screening of the parking area from the front has been provided. This requirement has been met.
21. Front yards shall not include impervious surfaces except for a driveway, walkways, or paved outdoor dining area which shall constitute no more than 25% of the front yard. There is one driveway, walkways and a wall in the front yard which the Applicant indicates constitutes 1,102 feet of impervious area over the 7,161 sq. ft. front yard (30-foot setback); thus, the impervious in the front yard is 15.3%.
22. Parking Design Standards also must include access from parking lots to a public sidewalk and to the primary building as stated in Section 760.8. F. 2. The Project has provided a walkway connection from each of the buildings to a cross walk at the end of the driveway. There is no public sidewalk in front of Building 1 and a public sidewalk extending south toward the train station is non-existent in some places and marginal in other places.
23. Section 760 Parking – Parking has been provided per the Zoning Bylaw. 53 parking spaces are required and 58 spaces are provided. The parking includes 12 spaces for (6) 3-bedroom units at 2 spaces per unit; 38 spaces for (25) 2-bedroom units at 1.5 spaces per unit, 3 spaces for (3) one-bedroom units at 1 space per unit. Two (2) handicapped spaces are provided at each of the three (3) buildings along with two (2) Electric Vehicle (EV) charging spaces for the project.
24. A Transportation Impact Assessment for Proposed Residential Development 817 Country Way, Scituate, MA was prepared by Vanasse and Associates, Inc. (VAI) dated May 2023. In response to that, the Planning Board's peer review traffic engineer, TEC, The Engineering Group, provided a peer review with traffic engineering comments. VAI provided a response to the engineering comments. A site meeting took place at the end of November 2023 to help address the sight distance issue. The two engineers disagree on the sight distance issue and have exchanged several memorandums back and forth on the topic. Grady Consulting, L.L.C. shifted the entry drive ten (10) feet to the north. TEC has reviewed VAI comments on the relocated driveway and TEC's comments have not been addressed with the additional submissions, but could potentially be addressed with the conditions provided.
25. Scituate Zoning Bylaw, Section 770.6, sets forth the standard of review for approval of proposed site plans that are required for proposed developments which are of a size that may have significant impacts on neighborhoods. MFB's require a site plan reviewed by the Planning Board. In reviewing applications, the Planning Board is required to assure, to a

degree consistent with the reasonable use of the site for the purposes permitted by the regulations of the district in which the land is located, all of the following:

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 a previously developed mixed use property including 21 residential bedrooms and an active landscape business. The existing Building 1 is a 16-bedroom MFB which will be incorporated into the project. The proposed redevelopment will modify the site with allowed uses in accordance with the Zoning Bylaw. The northern boundary line is bordered by the Scituate Cohasset Town line with single family dwellings in Cohasset. The rear western lot line is bounded by MBTA land and the train tracks and an isolated wetland. The southern lot line is bounded by the Scituate Housing Authority Lincoln Park. The southeastern lot line is bounded by a commercial development which is also proposed for redevelopment with a mixed-use facility. Country Way borders the front property. Retaining walls, privacy fence, and screening will be provided around the site. The adjoining premises are protected from detrimental and/or offensive impacts from the development. The site has been designed with respect to landscape, lighting, stormwater, septic, and trash to mitigate impacts to the abutting properties. This standard is met.

26. 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 proposed Project is located off of Country Way prior to the Cohasset Town Line. The proposed Project will have its own separate off-street parking meeting the requirements of 750.8 and 760. Access to the site will be provided with an existing curb cut into the site from Country Way that will be shifted 10 feet to the north. The Applicant has demonstrated that there is capacity on Country Way to handle the traffic from changing the site from a landscape business and existing MFB to three MFBs. However, the Applicant has not demonstrated adequate sight distance for the proposed driveway as the assessment does not take into account the AASHTO guidelines for the likely speed characteristics assuming the potential benefits of radar speed feedback signs proposed by the Applicant for the Country Way road approaches. Any queued traffic leaving the site will be contained on the site. This standard is **not** met, but would expect it be addressed with the conditions provided.

27. 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 Project will have its own separate off-street parking meeting the requirements of Section 750.8 and 760. Access will be from an existing curb cut onto Country Way. The access off Country Way is 24' wide. There is an internal site walkway

to reach a proposed cross walk across the driveway to an asphalt walking area with no curb in front of 809 Country Way. There is no formal pedestrian sidewalk on Country Way from the site until after the train station to the south. The Applicant has demonstrated the site will have sufficient access for service and emergency vehicles. Headlight glare should not be an issue as there are walls, fencing and screening to the adjacent property. Cut off light fixtures will be used to minimize light glare. This standard is met.

28. 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 use an on-site septic system designed in compliance with Title 5 and will have an empty pipe to possibly connect to sewer in the future. The property presently utilizes two existing water connections; one for each building. The project proposes an on-site water connection to Country Way. The Water study provided by Weston and Sampson indicate there is water capacity in the public water systems and that the individual connections must meet DPW requirements. The Applicant shall continue to use the two existing water department accounts as service locations are being relocated for Building 1 and 2. The Applicant shall pay for one additional water connection for Building 3. The residential units in Building 2 and 3 will be individually metered for water. Building 1 may continue with a single water meter serving all units in the entire building. Building 2 and 3 will have fire sprinklers for fire protection. If any future renovations go beyond cosmetic exterior improvements, the DPW reserves the right to require individual meters for each unit. The existing hydrant in front of 817 Country Way will need to be replaced with a new hydrant. There is a proposed hydrant in front of Building 3 and one on the south side of the driveway in between Building 1 and 2. There are two fenced-in dumpster areas for trash which will be emptied on a weekly basis or more frequently as necessary between Building 1 and 2 and in front of Building 3. This standard is met.

29. 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 stormwater management system for the Project consists of five subsurface recharge systems for the proposed buildings, parking areas and driveway. Snow storage area is provided in several locations in the parking lot. The Board engaged TEC to evaluate the adequacy and accuracy of Grady Consulting, L.L.C.'s stormwater report and data as well as the efficacy of the design. TEC submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and Grady Consulting, L.L.C. provided responses, revised reports where requested and updated the site plans. After further review by TEC, the Applicant was determined to have adequately addressed the comments and recommendations, assuming 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 for the entire construction period and thereafter during on-going operations.

The Applicant has submitted an Erosion and Sediment Control Plan that has been reviewed by the Board's peer review consultant. The Board deemed it acceptable with the conditions provided.

The Applicant has provided some snow storage areas and will be responsible to remove snow from the property and dispose of it in accordance with state and local regulations.

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

30. 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 site is not within the Water Resource Protection District. There are no toxic or hazardous materials proposed to be stored onsite or no oil storage or discharges are expected. This standard is met.

31. 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 Project disturbs approximately 79,950 sq. ft. of a 101,125 sq. ft. site. The site is on an incline so grade changes are proposed; there will be anywhere from 2 – 4 feet of fill needed to construct the project as graded to provide separation to groundwater. Cut and fill is proposed. There will need to be topsoil stripping, and various structural fills will need to be brought in to accomplish the grade changes. Minimal existing vegetation is proposed to remain on site and only at the edges of the site or in the wetlands. This standard is met.

32. 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 Project complies with this requirement.

33. 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 has one driveway off of Country Way designed to service the three MFBs. 58 parking spaces are provided. Shade trees meeting minimum size requirements are proposed adjacent to the parking area. Fencing provided is six feet to provide screening. Exterior lighting has been arranged to minimize glare and light spillover to adjacent properties thereby meeting the requirements of the Bylaw. This standard is met.

34. 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 site itself has safe, functional, and convenient pedestrian access with the installation of sidewalks and an ADA accessible route internal to the site. There is no actual sidewalk located on Country Way leading to the North Scituate train station. Three bike racks locations are proposed – one at each building. There is a walking connection from the site to a proposed cross walk across the site driveway to an asphalt walk with no curbing on the adjacent site of 809 Country Way leading to the train station. This standard is met.

Based on these findings, the Planning Board finds the Stormwater Permit and Site Plan Review in the Village Center and Neighborhood District meets the requirements under the Village Center and Neighborhood District Section 580, 750, 760 and 770 or can be conditioned as the Project will be in harmony with the general purposes of this bylaw, meets the requirements of M.G.L. c. 40A 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 Stormwater Permit and Site Plan Review in the Village Center and Neighborhood District for 817 Country Way (“Site”) with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Grady Consulting, L.L.C. entitled “Site Plan Country Way Estates #817 Country Way Assessor’s Parcel 12-2-38-F Scituate, MA ”, consisting of 32 sheets, dated February 2, 2023 with revisions through March 7, 2024; ii) Architectural Plans by Axiom Architects consisting of a three colored rendering, Floor Plans Country Way Estates, 817 Country Way Design Set

Building 2 A101 First Floor Plan, A102 Floor Plans, A103 Building Elevations, A104 Building Elevations dated October, 2023 revised 12/23; Design Set Building 3 A101 Floor Plans, A102 Floor Plans, A103 Building Elevations, A-103 Roof Plan, A104 Building Elevations, A105 Building Elevations dated October 2023 with revisions dated 12/23; iii) Stormwater Management Design Calculations for 817 Country Way, Scituate, MA dated January 16, 2023 with revisions through March 4, 2024; iv) Water System Review for 817 Country Way, Scituate, MA dated January 11, 2024 by Weston & Sampson; v) Lighting Plan for 817 Country Way by Visual dated 1/23/2023 with revisions received by Planning Office through 12/15/2023; vi) Stand Alone Operation and Maintenance Plan for 817 Country Way dated January 16, 2023 with revisions through March 4, 2024; vii) Response to TEC peer Review dated June 20, 2023 with revisions through 3/6/2024; viii) Transportation Impact Assessment Proposed Residential Development 817 Country Way Scituate, MA by Vanasse and Associates Inc. dated May 2023, Traffic Engineering & Parking Peer Review by TEC The Engineering Group dated September 28, 2023, Vanasse Response to September 28, 2023 letter from TEC dated October 25, 2023, TEC follow up Traffic Engineering Peer Review dated December 1, 2023, Response to Sight Distance Issue by Vanasse dated January 31, 2024; ix) Application for Site Plan Review letter from Grady Consulting, L.L.C. dated November 9, 2023 with revisions through march 7, 2024; x) photos of recently done projects; xi) DRC Recommendations dated January 25, 2024 received February 5, 2024. 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 Stormwater Permit and Site Plan Review 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 Stormwater 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 Country Way. Construction shall meet all applicable federal, state, and local laws, regulations, and sub-regulatory guidance, including, but not limited to, those of the Scituate DPW, Fire Dept., Building Dept., Board of Health, Planning Board, as well as the Massachusetts DEP and State Building Code. All necessary permits and approvals must be received prior to construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw.
4. The Applicant shall mean the current Applicant and all its successors in interest. This site plan review and stormwater 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 thirty-four (34). There will be eight (8) two-bedroom units in the existing Building 1; there will be ten (10) units in Building 2 consisting of two (2) 1-bedroom units, six (6) two-bedroom units and two (2) three-bedroom units; there will be sixteen (16) units in Building 3 consisting of one (1) 1-bedroom units, Eleven (11) 2-bedroom units and four (4) 3-bedroom units. Five (5) of the 34 units will be Affordable Units, which is the required 15%. The total number of bedrooms on the Site shall not exceed seventy-one (71). A bedroom is 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 rental conditions.
6. The Applicant shall obtain the plan endorsement from the Planning Board for the Site Plan Review and Stormwater 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. 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 and on a map in the building lobby for identification, fire protection and emergency response purposes.
10. Gates are not allowed at the access driveway now or in the future.
11. The crosswalk across the new entrance shall be 10 feet wide and must comply with Town Standards, ADA standards, and MUTCD standards. This must be on the plans prior to endorsement.

Waivers

12. A waiver is requested from Section 754.4 and 754.5 of the Zoning Bylaw to allow for the monitoring agent and other affordability requirements for the affordable units to be submitted after approval and prior to application for the first occupancy permit. The Board grants this waiver.
13. A waiver is requested from Section 750.5 B. 2. d of the Zoning Bylaw to not require a Special Permit from the Planning Board for the street facing building elevation of the existing building being greater than 100 feet. The existing building is 128.5 feet. The existing building is planned to be re-skinned with similar materials and color to the proposed buildings changing the outward appearance. Section 750.5 allows the Planning Board to grant a waiver of the standards and guidelines if in the opinion of the Board, the overall design of the proposed project would be improved. The Board opines the overall design of the proposed project would be improved by re-skinning the building resulting in a change in material and color of the outside of the building and grants the waiver.

Utilities, Parking, Traffic and Street Improvements

14. Maintenance and repair of the driveway and parking areas, stormwater management system, site utilities, snow removal, lighting, and landscaping shall be the responsibility of the Applicant.

15. All parking is limited to designated spaces as shown on the plan. Fifty-eight (58) surface parking spaces including six handicap accessible spaces are provided. Two (2) Electric Vehicle (EV) charging station parking spaces are to be provided and shown on the plan prior to endorsement. All parking is limited to spaces shown on the plan.
16. No underground irrigation systems are 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 (Select Board) 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.
17. 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 Site Plan Review Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
18. Independent inspector(s) contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations and as otherwise defined herein. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities, and the driveway and parking areas. The inspector(s) shall be approved by the Town Planner and shall work under the direction of the Town Planner. The costs for these inspections shall be paid by the Applicant. Written reports will be submitted to the Applicant and the Planning Board in a timely manner stating results of any and all required inspections during construction unless more frequent reports are needed. 48 hours' minimum advance notice is required for all inspections. All stormwater recharge structures require inspection of the bottom of the excavation by the consulting engineer/independent inspector. Noise, dust and air quality control shall be in accordance with DEP regulations.
19. 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 Stormwater 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, driveways, 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.

20. All materials for utility construction shall meet DPW construction standards.
21. A street opening permit shall be obtained for each individual utility connection with a fee and bond required with the permit application.
22. Flowable fill shall be used for any excavation in Country Way (Gas and Water connections).
23. A Curb Cut permit shall be obtained from DPW prior to the preconstruction conference.
24. ADA compliant ramps shall be constructed at Country Way at the proposed driveway, which ramps shall meet Town Standards and shall be in conformance with the Site Plans. Cast iron tactile pads shall be used for detectable warning strips in the Town right-of-way. Granite curb shall be installed along the whole length of both entrance curves. Flush granite curb shall be used at the bottom of the ramps where they meet the bituminous concrete pavement. This shall be added to the plan prior to endorsement.
25. The Applicant shall obtain all necessary approvals for the use of Town water 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 water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Copies of all necessary approvals shall be furnished to the Town Planner by the Applicant.
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. Prior to endorsement the plans must be revised as noted below:
 - Mueller hydrants to be used with no 90-degree mechanical bends.
 - All water components must meet the Town of Scituate Water specifications with hydrant color specification.
 - Inspections required for all components.
 - All ductile iron fittings shall be installed with restrained mechanical joints rather than thrust blocks.

- All ductile iron water mains, not just fittings, shall be installed with polyethylene corrosion protection wrap.
- The existing 2-inch water service to the site shall be abandoned at the existing 12-inch Ductile iron water main by closing and capping the corporation stop in the street.
- Fire flow conditions shall be calculated per the Weston & Sampson report. Flow tests and building type calculations shall be performed to ensure proper fire protection requirements.
- All units shall be individually metered in a common utility room except for Building 1. No master meters are allowed.
- Buildings without an active metered account would need to pay a \$14,000 water connection fee and \$500 for each 5/8" unit meter

27. A dry sewer connection pipe shall be installed on-site in the event sewer is available in the future. The sewer line shall address the following:

- a. All sewer mains and structures to be designed and constructed using TR16 guidelines for sanitary sewers and wastewater collection.
- b. The privately constructed sewer infrastructure will be owned and shall be maintained at all times by the Applicant. The sewer line from the property line in is owned by the Applicant.
- c. 6" Sewer pipe fittings shall be limited to maximum 22 degrees angle change with a minimum of 3 feet between fittings.
- d. Manhole structures must be fitted with gasketed water tight bolt down covers or approved equal.
- e. All structures and mains to be pressure and vacuum tested.
- f. Owner responsible for ensuring pipes and structures installed and maintained on site remain free from inflows and infiltration.
- g. Location, elevation and type of potential future sewer in road to be determined. The Town makes no guarantee that sewer will be available, nor can the town guarantee what the depth or type of collection piping might exist in the future.
- h. Applicant shall provide as-built plan to the Sewer division once constructed.
- i. All sewer line work shall be done by a drainlayer licensed with the Town of Scituate.

28. The building, parking, walkways and required signage shall meet all applicable requirements of the ADA, MAAB, and Scituate Commission on Disabilities if applicable.

29. 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 Country Way, are designed, installed and maintained so as not to impede lines of sight. (not to exceed 2.5 feet in height)

30. All signs and pavement markings to be installed shall conform to the applicable specifications of the Manual on Uniform Traffic Control Devices (MUTCD). All pavement markings in the public way shall be thermoplastic. The entrance crosswalk shall be painted with thermoplastic paint.
31. The Applicant shall ensure that snow windrows located within the sight triangle areas of the Project Site driveway intersections with Country Way that exceed 2.5 feet in height or that would otherwise inhibit sight lines are promptly removed.
32. Snow storage areas have been designated on-site. 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. Snow will be removed from the premises if parking is not available to residents. Deicing and sanding agents can only be stored on site if they are covered or contained.
33. Trash management shall be internal to the building. Two dumpster locations are proposed with concrete dumpster pads. Trash removal shall occur as often as needed so debris is not placed outside the covered fenced dumpster, but at least on a weekly basis.
34. All electrical, telephone, cable, and similar utilities shall be located underground.
35. 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 according to the Post-Construction Phase Operation and Maintenance Plan Best Management Practices March 4, 2024 by Grady Consulting, L.L.C. and which are attached to this decision. The Post- Construction Phase Operation and Maintenance Plan Best Management Practices shall be provided to all property owners and property management people. The Post Construction Operation and Maintenance Plan shall be revised as a stand-alone document prior to endorsement and include snow removal conditions.
36. 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 require all necessary mitigation to permanently remedy the situation. This condition applies to all construction activities and survives the issuance of a Certificate of Completion to apply during all on-going operations of the building and site.
37. No separate Stormwater Permit is required as long as the Site is built according to the approved plans and stormwater calculations. This approval and conditions constitute the Stormwater Permit.
38. Inspection of all infiltration systems must be performed by the Planning Board's consulting engineer and the design engineer prior to any backfill or system component installation to confirm suitability of the soils.
39. Soil conditions at the bottom of the proposed infiltration area shall be inspected by the Town's Consulting Engineer prior to infiltration devices being installed and backfilled.

40. The project is proposing an at-grade discharge of stormwater that will convey runoff, via a rip rap swale, into the existing catch basin in Country Way at the north end of the site from the subsurface drain system 3. If the Town observes more stormwater overland flow/surcharge going to the catch basin than the design flows then it is the responsibility of the Applicant to identify and make the corrections in consultation with the Town and that correction could include the Applicant connecting to the municipal system via an underground pipe connection or if the presence of stormwater runoff at the ground surface presents a safety hazard within the Country Way public right-of-way, the Applicant will be required to connect to the municipal system via an underground, piped connection, upgrade the catch basin, and any downstream piping to correct the deficiency per DPW standards outlined in the DPW memorandum of February 15, 2024.
41. Prior to the issuance of a Building Permit, the Applicant shall provide a certified assessment to the Planning Board, from a professional engineer, that attests that the Applicant's driveway intersection sight line characteristics at the Country Way curb cut satisfy the minimum intersection sight distance (ISD) and stopping sight distance (SSD) guidelines as prescribed by the American Association of State Highway Transportation Officials (AASHTO) in their document entitled, "A Policy on Geometric Design of Highways & Streets" or "Green Book" (latest edition), Section 9.5. Unless otherwise stipulated in a more recent edition of this industry-standard document, the sight line assessment shall be determined based on the town wide speed limit of 25 mph or as otherwise posted for Country Way near the site driveway and shall consider a side street (driveway) driver vantage point that 14.5 feet offset from the edge of the closest Country Way travel way at a height of 42 inches as defined in Section 9.5.3.21 of the AASHTO manual.
42. Prior to the issuance of any Occupancy Permit, the Applicant will install and maintain speed mitigation devices for Country Way, the sight line assessment may be conducted for a projected, or estimated speed target based on an independent engineering study supporting the effectiveness of the proposed measures or devices.
43. Following full occupancy, the Town reserves the right to retain a third-party consulting engineer to perform the review of the driveway sight distance. The Applicant shall be responsible for providing funds to cover the cost of the third-party review. The Applicant, in concert with the Town, shall use best efforts to address additional calming measures.

Affordability

44. All Affordable Units shall meet the requirements for inclusion in the Subsidized Housing Inventory through the state's 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 Site Plan Review, not less than fifteen percent (15%) of housing units constructed shall be Affordable Housing. Five (5) Affordable Units are required for the 34-unit project. The units shall be distributed throughout the proposed housing units. There are one 1-bedroom units and one 2-bedroom units in Building 2 and one 1-bedroom unit, one 2-bedroom units and one 3- bedroom units

in Building 3. All of the affordable units are reserved for tenants with incomes at or below 80% of Area Median Income (AMI).

46. The Affordable Units shall be constructed simultaneously with the market rate units. No Certificate of Occupancy will be issued for any residential dwelling building without the Affordable Units ready for occupancy.
47. The Applicant shall be responsible for preparation of a LIP Local Action Units application to be submitted to the Executive Office of Housing and Livable Communities (EOHLC) by the municipality (chief elected official). Assistance will be available from the Planning Office.

Erosion Control and Phasing

48. An Erosion Control Plan with preliminary sequence of construction has been provided. Prior to application for a building permit and the preconstruction conference, a detailed sequence of construction shall be provided including access, parking, and fencing provisions for Building 1 as it is intended to remain occupied during construction; access, fencing, staging and parking provisions for Building 2 and 3 during construction; and a detailed sequence of erosion and sediment control, dewatering methodology so all dewatering stays onsite throughout construction.
49. 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.
50. There can be only 2 acres of disturbance at any one time.
51. There shall be full unimpeded access for the fire truck and ambulance during construction.
52. The Construction Phase Operation & Maintenance Plan Proposed Site Work – During Construction shall be adhered to and added to the plans prior to endorsement.

Environmental Conditions: Noise and Dust

53. Site noise levels shall conform to the MassDEP's Division of Air Quality Control's Noise Policy. A baseline condition shall be taken and submitted to the Town Planner prior to the commencement of any construction activities.
54. The Applicant shall follow all regulations under the Massachusetts Department of Environmental Protection, 310 CMR 7.00: Air Pollution Control, 7.01 General Regulations to Prevent Air Pollution and 310 CMR 7.09 U Dust, Odor, Construction and Demolition. Per 310 CMR 7.09 U Dust, Odor, Construction, and Demolition water must be used to prevent excessive emission of particulate matter throughout the construction Project.
55. The Applicant shall not operate any concrete crushing machinery on the Project Site.
56. A dust control plan must be provided to the Planning Board for review and approval prior to the preconstruction conference.

Landscaping, Site Amenities and Public Realm Improvements:

57. All changes to the proposed plans must be presented to the Town Planner for approval. The Town Planner or the Planning Board's inspector have the authority 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.

58. 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. Any sign must be reviewed by the DRC prior to permitting.
59. All proposed lawns and swale areas shall have a minimum of 6" of clean screened loam. A bill of lading shall be provided to the Town Planner during construction to show that the loam is clean.
60. There shall be no lighting spillover to any abutting properties. Lighting fixtures shall be cut off/down lighting style. All fixtures shall be LED and no higher than 16 feet. Lighting Fixture details and specifications shall be provided on the plans prior to endorsement.
61. Shrubbery around the condenser units shall be shown on the outside of the fence prior to endorsement.
62. Street trees shall be a minimum of 3" caliper and 10 feet high with branching height above 6 feet.
63. The existing loam stripped for the project shall not be spread back on the site if it contains invasive species i.e. knotweed.
64. All existing shrubs and vines on the state invasive plant list i.e. Japanese barberry shall be removed from the site prior to the first occupancy permit.
65. All landscaping on the north side of the property should be inside the fence.
66. As a mitigating feature that is critical to the sight line characteristics for the Applicant's proposed driveway design, the Applicant shall install two Radar Speed Feedback signs on Country Way in Scituate in the vicinity of the project in the northbound and southbound directions with the final locations to be approved by the Town Planner and Select Board or designee in consultation with DPW Engineering, the Police Department, and Town's consulting traffic engineers. These Radar Speed Feedback signs shall be installed prior to any occupancy permit on the site and shall be maintained in perpetuity by the Applicant unless otherwise approved by the Town. The Town Planner and DPW Engineering shall review and approve the specific devices proposed by the Applicant.
67. The Applicant has agreed to contribute the sum of twenty-five thousand dollars (\$25,000.00), to be held in a gift account, to fund pedestrian improvements/studies in the North Scituate area as approved by the Planning Board. The Applicant shall provide such funds as a gift to the Town, given on terms to be reviewed and approved by the Town Planner in advance, prior to the commencement of construction.

Architecture/Design:

- 68. 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.
- 69. 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 differ from the approved plans, approval of the changes by the Planning Board will be required.
- 70. The addition of fencing at the condenser units located to the west of Building 2 and north of Building 3 is required. The fencing shall be the same material as the perimeter fencing with a plan to be approved by the Town Planner prior to endorsement.

The project proposes CertainTeed cedar impressions vinyl siding. The Planning Board requires that the project be detailed within the CertainTeed system. Prior to a building permit being issued, a meeting is required with the DRC and Town Planner to review materials and design details to ensure a level of quality that relates to traditional construction methods with the use of the CertainTeed product. The following details shall include, but are not limited to the following: foundation/water table, typical exterior casing, typical sill, inverted corner and regular corner trim, soffit details, rake board and eave returns. The Zoning Bylaw indicates in Section 750.5 B. 4. Exterior Treatments that synthetic materials “may be appropriate, provided they are applied in combination with proportional architectural elements”. The DRC also noted that the three proposed buildings all meet the setbacks, height and scale requirements of the bylaw. They also indicated the building proportions and façade composition and roof designs meet the intent of the bylaw as do landscaping, lighting, open space and screening. They felt there was insufficient information to determine exterior treatment conformance.

- 71. Low reflectivity glass is required for Building 3 because it faces the street.
- 72. Any privacy fencing on site is required to be 6 feet tall.
- 73. There shall be a minimum of seven (7) 8-foot picnic tables located throughout the site which are to be field located during construction with approval of these locations by the Town Planner.
- 74. 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.
- 75. A certification shall be provided to the Town Planner by the architect prior to obtaining a Certificate of Occupancy that the buildings as constructed are in substantial compliance with the approved plans. This requirement is in addition to what is required from the Building Department.

Required Prior to Scheduling the Pre-Construction Conference

- 76. As the units are rental units, the Applicant shall provide draft leasing documents for review to 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 and shall be maintained by the Applicant 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. 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-Construction Phase Operation and Maintenance Plan approved by the Planning Board's consulting engineer; ii) provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways has been provided; and iii) a description of the required annual maintenance of the driveway, parking areas, landscaping, lighting, and other common amenities.
- c. A table of the number and general location of parking spaces assigned to each unit.
- d. The revised Post-Construction Phase Operation & Maintenance Plan shall be provided to the Planning Board as a stand-alone document.

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

- a. Copies of the recorded site plan review and stormwater 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, 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 to 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 buildings, and all applicable items in Subdivision Rules and Regulations Section 9.0; and
- d. A type and amount of security, cash or performance bond, 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, utilities, 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

78. 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.
79. The property lines of the subject Property shall be marked or flagged in the field under the direction of a licensed 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.
80. 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

81. 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.
82. 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.
83. 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 always ensure the maintenance and management of all stormwater control measures during construction, to ensure there are no increases in stormwater flow, velocity, or volume to abutting properties at any time.
84. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
85. No sediment (including silty water) shall be allowed to leave the site during construction.

86. No parking or unloading on Country Way shall be permitted during construction unless approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access on-site.
87. All construction parking shall be on site unless otherwise approved by the Planning Board.
88. 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.
89. 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 on weekdays or 8:00 AM on Saturday. Police details may be required for construction access or work within the layout of Country Way.
90. The Applicant shall provide the Town with the route(s) construction traffic will use to reach the project site. If, in the Town's determination, any identified route will create a safety hazard or material disruption of the public way, a police detail shall be obtained by the Applicant at its expense.
91. 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.
92. 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.
93. 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.
94. Blasting, if necessary, shall be conducted according to all necessary permits and meet all of the requirements of the Scituate Fire Department.
95. Snow cannot be stored on subsurface stormwater or leaching areas. Snow stockpiles must remain on paved areas. This condition survives in perpetuity.
96. No dewatering water shall leave the site. It shall remain totally on site.

Required Prior to Issuance of Occupancy Permits

97. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the building (s), driveway, parking areas, and installation of necessary utilities is in full compliance with the approved plans and the site plan review and stormwater permit.
98. 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.

99. Prior to applying for an Occupancy Permit, the Applicant shall provide:

- a. A copy of an executed regulatory agreement between the developer, municipality and EOHLC to insure long-term affordability.
- b. The proposed rental price of the affordable units;
- c. A draft deed restriction to restrict the subsequent price of the affordable rental units to the applicable rental amounts for units at or below 80% of the AMI according to the EOHLC in perpetuity. The draft deed restriction shall be approved by Town Counsel and proof of recording provided to the Planning Board prior to the issuance of the Occupancy Permit for an affordable unit;
- d. A plan showing the location of the affordable units for the Building and Planning Departments;
- e. The name and contact information for agencies, companies or individuals who will conduct marketing, hold the lottery and perform the monitoring;
- f. A draft affirmative marketing plan meeting the guidelines for approval of EOHLC. The marketing Plan must affirmatively provide outreach to area minority communities to notify them of the availability of the units and must demonstrate the need for local preference as well as insure there will be no discriminatory impacts as a result of using local preference criteria. If the plan does not meet EOHLC requirements for inclusion of the units on the Subsidized Housing Inventory, revisions will be required prior to an Occupancy permit.
- g. Any changes to the affordability documents must be approved by the Town Planner.

Administration

100. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
101. This Site Plan Review and Stormwater 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 Permit. The Applicant shall provide proof that the Permit was recorded to the Planning Board.
102. The Planning Board may at its discretion waive or modify conditions of this Site Plan Review 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 site plan review and stormwater permit decision or is otherwise warranted.
103. This Site Plan Review and Stormwater 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.
104. All plan sheets of the Site Plan Review and Stormwater Permit shall be recorded at the Registry of Deeds.

105. 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.

106. 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 to approve the Site Plan Review and Stormwater Permit for 817 Country Way with the conditions noted above.

March 28, 2024

Date

SCITUATE PLANNING BOARD

Patricia A. Leonard
Ann Burbidge
Rebecca J.

This decision was filed with the Town Clerk on

April 3, 2024

date

Appeal of this site plan review and stormwater 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 site plan review and stormwater 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.