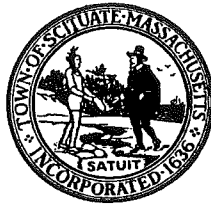


TOWN OF SCITUATE



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
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Planning Board

**Special Permit – Mixed Use in the Village Business Overlay District
247 Driftway
Decision: APPROVED with Conditions**

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TOWN OF SCITUATE
TOWN CLERK

Applicant: Drew Company, Inc.
Address: 2 Seaport Lane, 9th Floor, Boston, MA 02210
Owner: The Residences at Driftway Place, LLC (ID No. 001373996) an affiliate of Drew Company, Inc. managed by John P. Drew and John E. Drew
(The property was acquired on July 2, 2019 from the Massachusetts Bay Transportation Authority (MBTA))
Address: 2 Seaport Lane, 9th Floor Boston, MA 02110
Request: Approval of Special Permit for Mixed Use in the Village Business Overlay District under Scituate Zoning Bylaw Section 560
Date: August 13, 2019
Location: 247 Driftway, Scituate, MA 02066
Assessor's Map: 53-2-8, 53-2-8B, 53-2-9A, 53-2-10 and 53-2-10A
Zoning District: Business, Village Business Overlay District
Hearing Dates: February 14, 2019, April 25, 2019, May 9, 2019, June 13, 2019, July 11, 2019 and August 8, 2019
Members Hearing Special Permit Application: Ann Burbine, Stephen Pritchard, William Limbacher, Benjamin Bornstein and Patricia Lambert.
Decision: **Approved with conditions by a unanimous vote**

Background:

Drew Company, Inc. ("Drew"), of 2 Seaport Lane, 9th Floor, Boston, Massachusetts (the "Applicant") is proposing a Village Business Overlay District ("VBOD") mixed-use project,

including retail, commercial and residential uses on a portion of the existing east parking lot at Greenbush Station which is known as and numbered 247 Driftway, Scituate, Massachusetts. The existing Massachusetts Bay Transportation Authority ("MBTA") parking lot will be reconfigured and reconstructed to accommodate the site improvements and new uses. All of the proposed work, including the site work, new construction, site infrastructure and reconstructed parking lots are collectively referred to herein as the "Project".

The property is a 194,498 sq. ft. (4.46 +/-AC) upland parcel improved with the existing east parking lot servicing the MBTA Greenbush Line Commuter Rail Station located at 247 Driftway, Scituate, MA. The property is shown on the Scituate Assessor's Maps as parcels 53-2-8, 53-2-8B, 53-2-9A; 53-2-10, and 53-2-10A (the "Property"). At the time of application in January 2019, the Property was owned by the MBTA. The Property is now owned by The Residences at Driftway Place, LLC, (ID No. 001373996), an affiliate of the Applicant. The MBTA will continue to own the Greenbush Station property and parking area on the west (opposite) side of Old Driftway. As part of the Project, Drew has agreed to provide the MBTA with a permanent, perpetual easement in the Property to operate, maintain, repair and use 196 surface parking spaces with associated easements for (i) vehicular ingress and egress from the parking area to the public way; (ii) pedestrian access from the parking area to Greenbush Station; and (iii) utility and drainage easements to accommodate the MBTA's utility and drainage needs for the associated parking area. Sixty-three (63) parking spaces will be created off North Road at the northerly portion of the Property and one hundred thirty-three (133) parking spaces will be created in an area easterly of the proposed Project in an area depicted as the East Lot on the Project plans. In addition, forty-five (45) additional parking spaces are proposed on the Town land adjacent to the easternmost portion of the Property. All public parking is accessible from Old Driftway and New Driftway. The Applicant proposes to reconstruct Old Driftway to provide for 13 additional spaces in the roadway layout, three of which will also be made available for additional loading in the morning.

The site was located in the Commercial District and the VBOD when the Project was filed with the Board in January 2019. It is now located in the Village Center and Neighborhood District. However, the provisions of the new Village Center and Neighborhood District do not apply to any application filed with the Planning Board and Town Clerk pursuant to Section 560, Village Business Overlay District for the Greenbush-Driftway area prior to April 1, 2019.

In the VBOD, the Planning Board can issue a special permit for a mixed use development including one or more mixed use buildings with 16 residential units per 40,000 sq. ft. of land area without significant public benefit or 17 – 20 residential units per 40,000 sq. ft. with significant public benefit. The proposed mixed-use Project will have access from Old Driftway in three locations and from New Driftway in one location. The Applicant is proposing to construct 78 residential rental apartments located in five three-story buildings (Buildings A, B, C, D and E) with covered garage parking. Approximately 8,600 sq. ft. of retail and commercial space will be located in Buildings A and B and a 2,000 sq. ft. retail/restaurant will be located in Building F. The Applicant is not proposing any density bonus.

The seventy-eight (78) residential rental units are a mixture of twenty-seven (27) one bedroom and forty-nine (49) two bedroom units. 12 units (15%) will be affordable in accordance with the Town Zoning Bylaw. The affordable units will consist of four (4) one bedroom units and eight (8) two bedroom units.

Building A will contain two (2) one (1) bedroom dwelling units with two parking spaces on Centre Way. Building B will contain nineteen (19) dwelling units consisting of ten (10) two (2) bedroom units and nine (9) one (1) bedroom units: twenty-four (24) parking spaces are required with fifteen (15) covered parking spaces located below the building and nine (9) parking spaces located on Centre Way. Residential Building C will contain fifteen (15) dwelling units consisting of nine (9) two (2) bedroom units and six (6) one (1) bedroom units: twenty (20) parking spaces are required with seventeen (17) covered parking spaces located below the building and three (3) parking spaces located on Centre Way. Residential Building D will contain twenty-one (21) dwelling units consisting of fifteen (15) two (2) bedroom units and six (6) one (1) bedroom units: twenty-nine (29) parking spaces are required with twenty-three (23) located as covered parking spaces below the building and four (4) parking spaces located on South Lane and two (2) parking spaces located along Centre Way. Residential Building E will contain twenty-one (21) dwelling units consisting of fifteen (15) two (2) bedroom units and six (6) one (1) bedroom units: twenty-nine (29) parking spaces are required with twenty-three (23) covered parking spaces located below the building and six (6) parking spaces located on the east lot. Per the Town Zoning Bylaw, residential parking is calculated as 1 space per one bedroom units and 1.5 spaces per 2 bedroom units. The dedicated parking spaces of one hundred and sixty (160) meet the minimum parking requirements. The development will be marketed with the parking requirements as noted.

The retail and commercial uses will be located in Buildings A and B which are closest to the existing MBTA train station. Building A will have 4,143 sq. ft. of retail space on the first floor and 2,012 sq. ft. of commercial space on the third floor. Twenty-one (21) parking spaces are provided for the retail use and seven (7) parking spaces are provided for the commercial use on Centre Way. Building B will have 1,860 sq. ft. of retail on a portion of the first floor with nine (9) parking spaces provided on Centre Way. Building F is proposed as a 2,000 sq. ft. retail/restaurant with fifteen (15) parking spaces provided consisting of eleven (11) parking spaces in the Building F lot and four (4) parking spaces in the east lot.

A total of one hundred sixty (160) parking spaces are required by the Town's Zoning Bylaws and are provided for in the Project in addition to the 196 spaces required by the MBTA. In addition, as part of the Project, thirteen (13) parallel parking spaces will be constructed in the layout of Old Driftway. Three spaces within the layout of Old Driftway will be designated for loading in the morning hours.

The Project will provide a needed rental housing option in a transit-oriented setting where residents can live with easy access to public transportation and retail options. The site is designed with the buildings connected by internal site drives and walkways with indoor and outdoor amenity areas that will be landscaped providing a sense of place that will buffer the proposed community from the abutting properties and create a village setting benefitting the Town.

The Project will be serviced by Town water and sewer which has been determined by the Board of Selectmen to have adequate capacity for the development. The total wastewater design flow will be 15,114 gallons per day ("gpd") with an additional 20% requested by the Town to be added to the Title 5 design flow for a total of 18,137 gpd total flow offset. The proposed stormwater management system consists of catch basins piped to bio-retention areas with pretreatment forebays and overflows to the existing MBTA-owned closed drainage system servicing the parking area which flows to the MBTA station property. The rate and volume of post development conditions does not exceed pre-development conditions for the 2, 10, 25 and 100 year storms. A water quality Best Management Practice (BMP) treats the first 1" of runoff to the maximum extent practicable as required and 80% Total Suspended Solids (TSS) are required to be removed which the calculations indicate will be achieved. A small increase in impervious area is proposed (3,254 sq. ft. or 1.6%) for post development conditions. Massachusetts Department of Environmental Protection (MA DEP) Stormwater Management Regulations and the requirements of the Town of Scituate Stormwater Bylaw and its regulations have been met.

The Applicant submitted a Stormwater Management Report by Horsley Witten Group stamped by Richard A. Claytor, P.E. This report and the accompanying mixed use special permit plans were reviewed by the Town's consulting engineer, Peter G. Palmieri, P.E. of Merrill Engineers and Land Surveyors, who submitted detailed comments to the Planning Board. In response to these comments, the Applicant provided revised reports and plans which, after further review by the consulting engineer, were found to address his comments and recommendations or could be conditioned.

The Planning Board's consulting engineer hired Vanasse & Associates to review the Traffic Impact and Access Study performed by the Applicant's consultant VHB. Vanasse & Associates concluded that the Applicant has demonstrated that vehicle access and on-site circulation can be afforded to the Project site in a safe and efficient manner and that sufficient parking is available to meet the anticipated demands of the proposed uses. Vanasse & Associates are in agreement with the sight distance measurements and the conclusion that the driveways are appropriately located along Old Driftway and New Driftway to afford the necessary lines of sight to function in a safe manner. The Deputy Fire Chief, Alfred Elliott, has opined that based on the turn radius completed with specifications provided by the Scituate Fire Dept. Ladder Truck and presented by Joe Henderson of Horsley Witten, the Fire Department is confident that they will have adequate access to the proposed structures in the Project. The Fire Department expects to have unfettered two-way access to the Project from points on both New Driftway and Old Driftway and clear access to all sprinkler system Fire Department Connections. The fire department expects to have access to ground level elevator lobbies in each building.

Old Driftway will be reconstructed as part of the Project to add thirteen (13) new on-street parking spaces within the layout of the street with sidewalks and crosswalks connecting the Project and its amenities to the MBTA Greenbush Station providing a significant public benefit. The Applicant has committed to a cash contribution of \$229,000 to the Town for its sewer privilege fee. The Applicant has also committed to study off-site traffic and pedestrian improvements in the greater Greenbush area and provide some funding to the Town for some of the improvements.

Procedural Summary:

An application for a Mixed Use Development Special Permit in the VBOD was filed with the Town Clerk on January 18, 2019. A Public Hearing on the Special Permit was duly advertised and notices sent to all abutters in accordance with M.G.L. Chapter 40A. The Public Hearing was opened on February 14, 2019. The public hearing was continued to April 25, 2019, May 9, 2019, June 13, 2019, July 11, 2019 and August 8, 2019 when the hearing was closed and the Special Permit was approved with conditions. All members were at all sessions where testimony and evidence was presented or filed a Mullin Rule Certification for missing only one meeting.

Hearing Summary:

When the public hearing was opened on February 14, 2019, the Applicant was present and represented by John P. Drew, John E. Drew, Bob Walsh; Jon Ford and Joe Henderson of Horsley Witten were present as the Applicant's design engineer; Jim Sandell of Carr Lynch Sandell was present as Project architect and David Black of VHB, was present as the Applicant's traffic engineer. Peter Palmieri from Merrill Engineers and Jeffrey Dirk from Vanasse & Associates as the town's consulting engineers were also present along with Karen Joseph, Town Planner. The Applicant made a presentation for the Project consisting of 78 unit residential mixed use project with approximately 10,500 sq. ft. of commercial and retail space. The Applicant indicated they are an international real estate developer with an agreement to purchase the site of 4.46 acres from the MBTA. The Applicant indicated that they will have a maintenance agreement with the MBTA and there will be a permanent easement with the MBTA for the MBTA's use of 196 spaces.

The Applicant indicated that Building A would be commercial and retail; Building B would be commercial and residential; Buildings C, D, and E would be residential and Building F would be a coffee shop or food use with no projected tenant. They indicated parking is generally under each residential building with some surface parking for residential, retail and a plaza space adjacent to Old Driftway for a connection to the commuter rail. Architect Jim Sandell indicated they have taken advantage of the grades on site for parking and the buildings will be stepped up the slope. He said Boston ivy will screen the parking area. The Town and the Applicant indicated there was work to do on the traffic analysis. Mr. Pritchard was concerned about peak congestion with the train. Mr. Dirk said the peak factor was taken into account in the analysis. Mr. Bornstein asked for the rationale of how the MBTA determined that the land was surplus and how additional parking could be accommodated in the future if required. He also asked how the retail commercial split was developed. Mr. Sandell indicated the Town requirements are clear on that issue. Drew indicated the retail component here is projected to compliment other uses in Town.

Infrastructure was reviewed and the Applicant indicated they will be providing a sewer privilege fee of \$229,000 and they helped the Town obtain a \$2,200,000 MassWorks Grant which is designed to help correct some of the Town's inflow and infiltration (I & I) effectively freeing up sewer capacity within the Town. The Applicant indicated they are working with the DPW on water issues and that the Board of Selectmen has approved the additional water supply capacity. The Applicant indicated the Project will not be phased. Mr. Pritchard asked for light and noise pollution to be addressed along with parking and trail and pedestrian connections. Ms. Lambert opined another coffee shop is not needed and she hopes this will be a one stop shopping area so cars are not needed. Mr. Limbacher was concerned about handicapped access and the flow of traffic to the development. Ms.

Burbine indicated that traffic needs to be looked at on an overall basis and will be reviewed for the Project. She said the Town does need apartments, affordability and the Board will see to it that the project will be the best it can be. She opined the economy drives development and that the Board will see that the rules and regulations are met for the project to go forward.

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

At the April 25, 2019 hearing an immediate continuance was voted upon favorably by all members to continue the hearing until May 9, 2019. There was no public comment or testimony taken.

At the May 9, 2019 hearing, Attorney Robert Galvin, representing the Drew Company, provided a brief overview of the Project. He indicated the site is in the zoning districts of Commercial and VBOD. Parking is located on the ground floor of each residential building with a screening system with additional parking for non-residents located on Centre Way and Old Driftway. He indicated that 15% of the units would be affordable, screening would be provided to protect existing and future residents from the adjacent commercial uses, the property will be connected to sewer, there is adequate water for the site and stormwater will be managed on-site. He indicated public improvements/benefits include: new parking spaces on Old Driftway; extension of sidewalks; a newly refurbished east MBTA parking lot; participation in the MassWorks Infrastructure grant program to help the Town obtain a \$2,200,000 million grant and a cash contribution of \$229,000 for infrastructure improvements.

John P. Drew indicated that Building F will now be a restaurant with no drive through, they have been working with the MBTA to document the number of spaces to maintain on the site and they have met several times with the Design Review Committee ("DRC") whose recommendations have helped the Project. Architect Jim Sandell indicated that Buildings C & D will have open space for the residents on the roof deck and there will be Boston ivy screening systems to screen the garage parking.

Hal Stokes of the DRC indicated their meetings with the Applicant resulted in the articulation and animation of the facades being as they are proposed with atmospheric perspective. He indicated the DRC was responsive to the colors and materials presented to them by the Applicant. He indicated the DRC was favorable to the lighting, benches and bicycle racks although specific selections have not been made. Jonathan Ford from Horsley Witten reviewed how people move around the site, stormwater and drainage and evolution of the landscape. He said that there will be right turn in and right turn out only from New Driftway. He reviewed pedestrian crossing locations, trash enclosure locations, loading zone locations, the site will be ADA compliant, storm drainage, projected paving materials, landscape design and that planting will be drought tolerant so that irrigation will not be needed.

Peter Palmieri, the Town's consulting engineer, indicated he has reviewed the plans and still has a few comments which need to be addressed. Water and sewer issues were discussed with Drew who indicated the Applicant has an agreement with the Selectmen to provide additional inflow and infiltration work ("I & I") and assisted the Town in obtaining the \$2,200,000 MassWorks Grant awarded to the Town. The Applicant's traffic consultant, David Black, of VHB, indicated the

following mitigation measures would be performed: drive through for Building F has been removed and there will not be a coffee shop in that location; concerns for truck servicing on North Road will be addressed with signage and restrictions; parallel parking spaces on Old Driftway will have time restrictions; and the Applicant agrees to review the signal timing at Old and New Driftway when 60% of the units are occupied. The Applicant would like Centre Way, North Road and South Lane all to be two way traffic. The Applicant suggests installing a speed sign on Old Driftway is not necessary as traffic will be controlled with the use of crosswalks. The Applicant indicated off site mitigation is still in the process of being finalized. Jeffrey Dirk of Vanasse Associates, the Town's traffic consultant, indicated that there are no outstanding items related to the traffic study and the only location of significant impact is the existing rotary which will likely experience a marginal increase on queuing. He indicated Drew has committed to all the traffic mitigation and improvements he has suggested. Access to Building F was discussed. Mr. Dirk suggested right turn in and right turn out of the two driveways as it would eliminate cut through traffic by MBTA commuters. Mr. Black clarified they would like two way traffic into the MBTA lot from New Driftway and would check the traffic analysis to see if this type of access was supported.

Ms. Burbine commented that she would like to see South Lane be one way in with circulation in Centre Way and one way out through North Road. Mr. Pritchard suggested discussing with the MBTA potential uses of the back lot during off peak hours, including a farmer's market. Drew indicated they were having those discussions.

At the June 13, 2019 hearing session, Attorney Robert Galvin, John P. Drew and David Black of VHB indicated that they have answered most of the items in the engineering peer review and there are no significant changes to the plans. They did indicate that they will change South Lane to be one way into the site with a no left turn sign from Old Driftway into the site at South Lane. The locations of the cross walks across Old Driftway to the MBTA station have been reduced to two with one at North Road and one located between Buildings B and C where pedestrian activity will correspond with the access through the site. The existing cross walk at the light will remain. These two locations will have rectangular rapid flashing beacons to be pedestrian activated. There will be two radar speed feedback signs on New Driftway installed in locations to be agreed upon with the Applicant and Town. Signage will be provided directing patrons to the main entrance at North Road. Drew is working with the Town on additional mitigation.

A comment letter from Gregory J. Morse, P.E. on behalf of his client, John Tedeschi, was submitted to the Board on June 12, 2019. Attorney Galvin indicated that most of the items in the letter can be addressed and highlighted a few of the concerns. He indicated in #4 - Density - that the project has public benefits to qualify for the density; #5 yard lots - that the project is a mixed use project and the MBTA use is part of the project; #11 - front yard parking on New Driftway - the Board could waive the requirement for the front two parking spaces; #12 - building setback from New Driftway - the Board could waive the requirement as they would like to leave Building F as is; #14 - width of buildings of 120 feet - if the building needs to be changed they will change it but the length of the building resulted from Design Review Committee meetings; #15 - shared driveways - shared drives are encouraged and not required and at this time there is no agreement to provide shared access to Mr. Tedeschi's property but this shouldn't be an impediment for a decision; #20 - Building height - Drew believes they have met the building height requirement; #21 - location of curb cuts - if a

driveway is needed to be eliminated it will be done, however the viability of the plan is not impacted; #23-40 Stormwater/drainage - can all be addressed. Attorney Galvin indicated the comments will be addressed one by one and a full list of requested waivers will be provided.

Drew indicated that mailboxes would be in the foyers of buildings, they are still evaluating heating systems, condensers on the roof would be hidden by a false roof, handicap access is provided and trash management will occur during limited hours as will deliveries. Drew indicated that there will be no irrigation and there will be no Town water used for landscaping. They believe the buildings will be LEED certified to a silver level. They indicated that the closing date with the MBTA is at the end of June. Drew indicated that erosion control was on Mr. Tedeschi's property; however, the sidewalk can be modified so that it not necessary. Horsley Witten indicated that lighting is being developed and light posts on Mr. Tedeschi's property need to be worked out with the MBTA. Sight distance from South Lane also becomes a moot point as the circulation has been changed to one way in so an easement for traffic coming out of South Lane is not necessary.

At the July 11, 2019 public hearing session, Attorney Galvin indicated that the Applicant has been working on finalizing changes to the plans to ensure zoning compliance and respond to the comments from Morse Engineering on behalf of an abutter. He indicated draft findings of fact had been supplied to the Town for consideration in a draft decision. John P. Drew indicated that some of the plan changes include elimination of the driveway and parking in the front yard by Building F, South Lane has been made to be one way in up to Centre Way, access into Building C garage has been eliminated from South Lane in favor of an access to both Buildings B and C from Old Driftway, two units have been removed from Building B and a third floor added over the retail and commercial area of Building A. Ms. Joseph indicated that the access and egress locations were reviewed again with Deputy Fire Chief Al Elliott who had no issue. The Applicant indicated they are trying to get access to the MBTA land for review of the stormceptor prior to submission of plans on July 25. Charles Tevo of 60 New Driftway asked about the timeframe for construction. Drew indicated it would be about 16 months to the first certificate of occupancy. Drew indicated they will be managing the property after completion. They also indicated that the MBTA requires 50 spaces during construction and these spaces will vary depending on where the work is located. They reaffirmed they will be aiming for LEED Silver certification on the construction and that rents will likely be in the range of \$2500 for a one bedroom and \$3,000 for a two bedroom but the estimates are very preliminary.

On August 8, 2019 the public hearing on the Mixed Use Special Permit in the Village Business Overlay District was closed after The Applicant provided a summary of progress on the draft decision. No public testimony was offered. The Planning Board voted to grant the Mixed Use Special Permit in the Village Business Overlay District for Drew Company for 247 Driftway based on the Findings of Fact and subject to the Conditions as discussed.

Public and Town Department Input:

Joan Schmid, Public Health Department, requested the air conditioning units on the roof be wrapped in sound attenuating material. She also requested if there are to be animals living on site that an outside area be set aside for them near the apartments as well the Animal Control Officer should be

notified. With regards to any restaurants the applicant will need to comply with all Board of Health rules and regulations; a plan review by the Board of Health Food Inspector will be required to any proposed interior layout prior to the build out of restaurants.

William Branton, of the Scituate Sewer Division, indicated that there is sewer available and the property already has a sewer lateral to the site giving them the right to connect to the sewer with additional fees for the sewer permit and privilege fees. Additionally, an external grease trap with an inner baffle wall is required at any non-residential space with food preparation. Newly constructed manholes will need to meet the conditions of the Sewer Division as outlined in the special permit. Connections to the sewer system will need to meet all requirements of the sewer division including flow assessments and how it impacts the Town collection system and capacity of the nearest pump station and Waste Water Treatment Plant.

Department of Public Works indicated all roadway construction shall meet Scituate DPW and MassDOT construction standards. Old Driftway shall be cold planed and repaved from Driftway to Stockbridge Road following construction and a winter freeze-thaw cycle to allow for settlement to occur. They indicated that controlled density fill will be required for excavations in Driftway and the curbing along Old Driftway shall remain as granite.

Alfred Elliott, Deputy Fire Chief, indicated the utilities plan 4/18/19 satisfies the requests of the Fire Department for fire hydrant locations. Coordination will be necessary in the future so that Fire Department connections are within 100 feet of hydrants. Coordination will also be necessary for fire alarm and sprinkler requirements and NFPA 241 Code requirements.

Hal Stokes, Chairman of the Design Review Committee (DRC), provided the committee's thoughts and recommendations. They recommended that gabled roof forms of buildings B, C, D and E were lowered to appear pavilion like and that the tops of the condensing units be fully concealed below the roof ridge and roof top screen walls not be visible to pedestrians. The gabled facades will be articulated by stepping the faces out from the background façade. They concurred with the Drew proposal to have the ground floor walls of Buildings B, C, D and E consist of vertical planting screens of Boston Ivy interspersed with opaque piers to conceal the garage structure. They recommended stone veneer to reinforce the garden wall appearance of the street front level. The DRC recommends the "Link" connecting buildings D and E be flat roofed with a ledge around the top to make the structure look lower from the street. The DRC supports Drew in having Boston ivy on the building side. The DRC recommends the color scheme as presented with a yellow for the protruding gables and grey for the flat wall behind as it provides relief to the façade. They also recommended that specific styles and locations of outdoor furniture, bike racks and wayfinding signs be provided. They recommend the stone walls be angular, horizontally-oriented block, not smooth looking modular block. They also recommend that there be detailed lighting plans with wall mounted sconces and street and pedestrian lights. It was recommended that the streetlights be compatible with streetlights in the Greenbush village and uniform throughout the site. The DRC did not feel up lighting would be appropriate. They felt white PVC trim for the windows and white anodized metal railings for balconies in the residential area was appropriate. They recommended that Drew provide specific planting and sidewalk treatments to the Board and that Building F be a one story hip roof building of traditional materials.

Jeffrey L. Dougan, Member Commission on Disabilities, provided the commission's thoughts on MAAB (Massachusetts Architectural Access Boards) rules and regulations. He indicated as the project will be new construction, full compliance with the MAAB rules and regulations will need to be met. This includes an accessible route through the site coinciding with the route for the general public and there will need to be four (4) accessible units.

The Traffic Rules and Regulations Committee requested several changes to improve vehicular/pedestrian circulation including relocating the loading space to eliminate safety issues or restricting loading hours to off-hours and limited to step-vans or box trucks only; install parallel parking along the North Road in the area between El 34" and EL 41"; eliminate the exit from Building F to New Driftway; South lane be designated as one way; button activated rapid flashing crosswalk sign be installed at the three Old Driftway crosswalks and that digital radar activated speed signs be installed mid-block on Old Driftway.

At the February 14, 2019 hearing session, Mike Hayes, resident of 35 Allen Place and a local attorney, said he was in favor of the project and agrees that it may be short sighted of the MBTA to sell the lot. He said he had concerns with the developers not looking into long term effects of the traffic in the area especially with the proposed new zoning. He opined the first group in has a distinct advantage with development especially with traffic which should be reviewed for the whole area. He indicated he did not feel it was a destination for residents of Scituate and the retail component will want people there during the day. He indicated handicapped access needs to be reviewed and is concerned about distance to parking spaces from the commercial/retail areas.

Ms. Sytske Humphrey of 8 Ladds Way opined there was not enough green space, had concerns with traffic patterns and asked if there would be electrical components for cars in the garages. She concurred that there are enough coffee shops and traffic from Dunkin Donuts is hard enough to deal with. John McLaughlin of 160 Turner Road agreed with the comments thus far and was also concerned about levitation – young families moving to the area, raising children and retiring here. He wants more ADA compliance. Frank Kilduff of 125 Chief Justice Cushing Hwy asked about management of the project after it is built and if the residents will have individual meters and will have to pay the same sewer hook-up fees as the rest of the Town residents. He inquired if there was not a limit to development.

Heather Clark of 60 Brockton Ave. asked about water conservation measures including irrigation. She inquired about solar and energy consumption and if the project would be a "green" project. Drew indicated the project would address some of her issues. She also asked if some of the jobs would be set for Scituate residents and if prevailing wage would be paid. Drew indicated they have not picked the construction company yet, they do not have jobs set aside for Scituate residents and the project will likely be non-union with appropriate compensation. Tom Kilduff of 108 Tilden Road suggested that the MBTA be present at future meetings and the presentation from the meeting be made available. John Tedeschi, a direct abutter and owner of the Celtic Paws property, said he is in support of the project, but has concerns over the engineering of the project, water, utilities and water runoff. He indicated that all of the drainage structures, half an acre of the parking lot and

lighting is on his property. He opined that he does support the project and thinks that Drew and he can work together to design something that works for both parcels and the Town of Scituate.

Charles Tevo of 60 New Driftway inquired if the parking is calculated for 8,000 sq. ft. of office space. Drew indicated the parking is calculated for the uses. Jerry MacDonald of 60 New Driftway asked for clarification on which is Old Driftway and which is New Driftway. He said he had concerns on handicap access and parking on Driftway. Mr. Tedeschi clarified that Old Driftway runs between the two MBTA parking lots. Greg Morse of 167 Tack Factory Pond Drive asked how the proposed zoning change would impact the project. Chairman Burbine indicated that the project falls in line with the new overlay. Ms. Joseph indicated that there is an applicability clause in the portion of Section 580 of the proposed bylaw. Richard Murphy of 60 New Driftway was concerned about the MBTA entrance and exit at the far end of the project as it could become an issue.

Michael Hayes was concerned why an incomplete application was accepted and felt that it could be construed as putting an automatic zoning freeze on the property. Mr. Limbacher disagreed indicating the project will be thoroughly reviewed and the Planning Board is managing their load as to not hinder any project. Mr. Pritchard also did not agree with Mr. Hayes' characterization of the process and indicated the applicant would be required to address all issues and concerns. The Board referred the project to the Design Review Committee to focus on massing and proportion.

At the May 9, 2019 public hearing session, Doug Smith of 691 Country Way opined that he thought the project was a good project and was glad to see a vacant lot being transformed into tax dollars for the town.

At the June 13, 2019 hearing session, Gregory Morse, P.E. representing John Tedeschi, said they support the project; however, they have expressed to Drew and the Town Planner that they would like a shared access as the access from Mr. Tedeschi's property is potentially cut off from the traffic light. He said he has seen the Board ask people to work together. He also indicated that Drew's two entries at Building F will hinder Mr. Tedeschi and asks that the Board help Mr. Tedeschi. Mr. Morse said the issues have been there since the beginning and thought the Town Planner and consulting engineer would have raised many of these issues. He indicated the drainage should be reviewed as in any other project. A comment letter dated June 12, 2019 was received from Mr. Morse on behalf of John Tedeschi.

At the July 23, 2019 meeting of the Scituate Board of Selectmen, John E. Drew and Attorney Robert Galvin appeared to review the project with the Selectmen and discuss the proposed changes within the layout of Old Driftway including the proposal for thirteen (13) new parking spaces to be added within the Layout of Old Driftway three (3) of which would have a morning hours restriction for loading. They also discussed the relocation of the crosswalks, the entrances and egresses on Old and New Driftway and pavement markings within the layout of Old Driftway. The Board of Selectmen consented to the Director of Public Works being authorized to approve the proposed 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 on August 8, 2019:

1. On January 18, 2019, the Applicant filed an application for a Village Business Overlay District (“VBOD”) Special Permit under Scituate Zoning Bylaw Section 560 and Site Plan Approval under Scituate Zoning Bylaw Section 770. The Application included, but is not limited to, the following:
 - a. Overview/Application Narrative;
 - b. Signed Purchase and Sale Agreement (redacted) by and between MBTA and The Applicant;
 - c. Traffic Impact and Access Study dated July 31, 2018 revised January 16, 2019 performed by the Applicant’s consultant VHB;
 - d. Master Site Plan and Building A-F Building Elevations and Floor Plans, Greenbush Development, Scituate, MA dated January 18, 2019 by Carr, Lynch and Sandell, Inc;
 - e. Filing Fees and Abutters’ List; and
 - f. Greenbush Development Permitting Plans Scituate, Massachusetts, by Horsley Witten Group, Inc. dated 3/14/19 with revisions of 4/18/19, 5/30/19, 7/1/19 and 7/25/2019 consisting of twenty one (21) individual sheets.
2. The Property that is the subject of the Application is an approximately 4.46 acre parcel located off of Old and New Driftway and is also known as and numbered 247 Driftway, Scituate, Massachusetts. The Property is currently improved with a commuter parking lot used by the MBTA in connection with the MBTA’s Greenbush commuter rail station on the westerly side of Old Driftway. The Property is located in the Commercial and Village Business Overlay District on the Town of Scituate Zoning Map and under the Scituate Zoning Bylaw.
3. The Project proposed by the Applicant consists of seventy-eight (78) residential rental apartments. Building A will have two (2) residential units on the second floor of the building and seventy-six (76) apartments are located in four three-story buildings (Buildings B, C, D and E) with covered garage parking on the first floors of the buildings and approximately 10,500 square feet of retail and commercial space located in Buildings A, B and F. Buildings B - E use podium/stepped retaining wall design to take advantage of the average finished grade of the sloped site and the lowermost story of these buildings will not have more than 60% of the wall surfaces enclosing that story above the natural grade ensuring that the buildings meet the height regulation set forth in the Scituate Zoning Bylaw.
4. The seventy-eight (78) residential proposed units are a mixture of twenty-nine (29) one-bedroom and forty-nine (49) two-bedroom units. Each of the proposed residential buildings/units and the retail and commercial spaces will have dedicated parking spaces that meets the minimum parking thresholds. Approximately 80% of the parking appurtenant to the residential units in Buildings B, C, D & E is located on the first level of the buildings below the

buildings in a covered garage area accessed from the ways and lanes to be constructed as a part of the Project. The remainder of the residential parking is dedicated surface parking.

5. As required by the Section 560.7 of the Scituate Zoning Bylaws, the Applicant proposes fifteen percent (15%) of the total of proposed housing units or twelve (12) units, at the time of their initial rental, will be affordable to low- and moderate-income households with income at or below eighty (80) percent of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Scituate as determined annually by the U.S. Department of Housing and Urban Development ("HUD"). Thereafter the subsequent rents shall be controlled through a deed rider or an affordable housing restriction as defined by Massachusetts General Laws Chapter 184, Section 31, recorded at the Plymouth County Registry of Deeds and/or Land Court as applicable, and shall be in force in perpetuity or as long a period as legally possible.
6. As part of the Project, the Applicant, as a result of its contractual obligations with the MBTA, has proposed to provide as a part of the mixed use development the MBTA with a permanent, perpetual easement in the Property to operate, maintain, repair and use 196 surface parking spaces, together with associated easements for (i) vehicular ingress and egress from the parking area to a public way; (ii) pedestrian access from the parking area to Greenbush Station; and (iii) utility and drainage easements to accommodate the MBTA's utility and drainage needs associated with the parking area.
7. As a part of the proposed Project, the Applicant will reconstruct the Old Driftway to provide for additional thirteen (13) spaces of parallel parking within the layout of the street as a significant public benefit to the Town. Three (3) of the spaces will be restricted to facilitate loading in the morning hours for the proposed retail component of the project.
8. In advance of and during the permitting process, the Applicant engaged Horsley Witten Group, Inc. to prepare an Inflow and Infiltration ("I & I") remediation plan intended to reduce I & I and thereby create significant additional sewer design capacity in the existing municipal sewerage system operated by the Town. Horsley Witten Group's plan which was reviewed by the Town's consulting engineers, identified remedial measures that when implemented will restore significant public sewer design capacity to the municipal system that will enable the Town to advance this development project and one approved project that expand housing choices, diversity of housing stock, and increase affordable housing options. The Applicant's plan was utilized by the Town to obtain a recent \$2,200,000 million dollar MassWorks Infrastructure Grant designed to implement the I & I remediation plan and improve sewer infrastructure. This is a significant public benefit to the Town.
9. In consideration of the MassWorks Infrastructure Grant (referenced in Finding #8 above), the Board of Selectmen through their role as Sewer Commissioners, agreed to accept a privilege fee of \$229,000 for the Project to connect to the municipal sewer system.

10. In the VBOD, the Scituate Zoning Bylaw permits a mixed use development provided that a special permit is obtained from the Planning Board in accordance with the provisions of Section 560. A mixed use development includes a group of structures containing retail, office and/or residential uses, and including one or more mixed use buildings and may include buildings containing only multiple dwellings as long as there is an existing or proposed mixed use building on the same lot. The Applicant's Project qualifies as a mixed use development as Buildings A and B are mixed use buildings.
11. The Applicant proposes to construct seventy-eight (78) residential rental units. Two (2) residential units are located on the second floor of Building A and seventy-six (76) residential rental apartments are located in four three-story buildings (Buildings B, C, D and E) with covered garage parking on the first floors of the buildings and approximately 10,500 square feet of retail and commercial space located in Buildings A, B and F.
12. Section 560.4 of the Scituate Zoning Bylaw sets forth certain specific conditions applicable to mixed use developments. The Applicant has demonstrated on its plans and in its presentation that the lot or yard areas required for any new building or use do not include any part of a lot that is required by any other building or use to comply with any requirements of this bylaw.
13. The Applicant met with the Design Review Committee ("DRC") and Planning Department Staff, to review whether the proposed Project meets the Design Review Standards of Section 560.8. Under Scituate Zoning Bylaw Section 750, the three-member, Design Review Committee is charged with making recommendations to the Planning Board on building and site design. Following discussions with the DRC and Planning Staff, the Applicant modified its original architectural plans to address recommendations involving the scale, height, proportion and rhythm of solids, the building façades, roof shapes, façade materials, and compatibility of site features such as landscaping and parking with the building and its abutting properties. Based on the changes and as shown on the updated architectural renderings, the proposed Project meets the Design Review Standards of Section 560.8 (see also below).
14. Scituate Zoning Bylaw Section 560.4.D. requires applicants proposing mixed use development to concentrate retail uses in the center of each village, so they can better be supported by pedestrian activity and to accomplish this goal more than 50% of the net floor area of the first floor of a mixed use building shall be occupied by retail uses. Building A and Building B are the mixed use buildings in the proposed mixed use development and comply with this bylaw standard since 100% of the first floor of Building A is retail and more than 50% of the net floor area of the first story of Building B is proposed to be occupied by retail use(s).
15. Scituate Zoning Bylaw Section 560.4.E. sets forth certain dimensional requirements for mixed use buildings including limiting the number of units permitted to up to 16 units per 40,000 sq. ft. or the equivalent of 17 to 20 units per 40,000 sq. ft. if significant public benefits are provided (described below). The Applicant's proposed Project is consistent with the density limitations

since it provides significant public benefits. Section 560.5 further allows bonus density of up to 20 units per 40,000 s.f. in the Greenbush area if parking is provided under the mixed use structure, provided the Board makes a written finding that the applicant will provide significant improvements providing a public benefit which can include off-site infrastructure serving a public purpose, such as sidewalks and also infrastructure for neighborhood wastewater treatment or other community infrastructure. The Applicant is providing significant public benefits, via its off-site parking and street improvements on Old Driftway, committing to a traffic safety audit post-construction, by paying for the cost of the past study of the sewer system, participating as a project in the public grant program, and agreeing to contribute a design and some funding for traffic and pedestrian improvements in Greenbush.

16. The Applicant will devote twenty- six percent (26%) of the lot to open space in excess of the twenty percent (20%) required by Section 560.4.E. The Property has significantly more frontage than the required 20' along both Old Driftway and New Driftway which will be utilized to promote safe and convenient access by cars and pedestrians to and within the site.
17. Scituate Zoning Bylaw Section 560.6 sets forth the parking requirements for mixed use buildings and parking in the VBOD. The Planning Board may waive these requirements in the Greenbush area due to the proximity of the MBTA parking area. The Applicant proposes a total of 160 parking spaces associated with the Project as shown on a Zoning Compliance Plan with the latest revision date of August 8, 2019. The parking includes 1.5 spaces for a 2 bedroom unit and 1 parking space for a 1 bedroom unit. The proposed parking plan is compliant with the Bylaw requirements of Section 560.6 without need of a waiver.
18. As required by Scituate Zoning Bylaw Section 560.8, Design Review Standards, the Planning Board has considered the extent to which the Project satisfies the Design Standards detailed below:

- A. Standard: Roof pitched to center, dormers encouraged not more than 20' in width, 8:12 pitch to roof; > 20% roof may be flat.

Finding: As depicted on the architectural plans, the proposed roof designs of the retail, mixed use and multi-family buildings are consistent with the pitch, style, dormers, and design variation requirements of the Bylaw; and, therefore, meets the requirements of Section 560.8.A. Building A, B, C, D, E and F all have roof pitches greater than or equal to 8:12 except for dormers which are exempt. Less than twenty percent (20%) of roof areas are flat or a design other than a sloped or pitched roof.

- B. Standard: Facades - a minimum of fifty percent (50%) of ground floor building façades and thirty percent of second floor building façades facing public ways shall be glazed.

Finding: The Applicant has proposed architectural features for the proposed building facing the public ways that have been recommended by the Design Review Committee (DRC) and Planning Staff that include a mixture of glazed surfaces, finished surfaces, stone, brick, and/or surfaces that are designed to be screened by ivy

or other natural planting. The Planning Board finds that the use of this design scheme recommended by the DRC and Planning Staff is superior to the glazing scheme contemplated by the Bylaw and grants a waiver to allow the approved design scheme as shown on the final architectural renderings.

- C. Standard: Front Yard Setbacks (min 5' and max 15' on Driftway – min. 10' and max 25' on all other streets).

Finding: The Applicant's site plans demonstrate that all buildings meet the minimum and maximum front yard requirements as they are located within these dimensions. Building A has a 5' setback, Buildings B and C have 5.1' setbacks to the foyer and Building F has a 12.1' setback. There is no parking in the front yard setbacks in accordance with this standard. The Project accordingly meets the requirements of Section 560.8 C.

- D. Standard: Side Yard and Rear Yards Setbacks – 8' in Greenbush.

Finding: The plans indicate that all buildings will have a side and rear yard setback of at least 8' in accordance with this standard and, therefore, meets the requirements of Section 560.8 D.

- E. Standard: Special Setbacks – Scituate Harbor. Not applicable to Project.

- F. Standard: Greenbush Design Standards. To encourage new development on large parcels while visually maintaining the smaller residential scale characteristic of the area, the following limitations shall apply to mixed use buildings in Greenbush: (1) No building structure shall be longer than one hundred twenty feet measured along any side of the building which faces the street; and, (2) Front building facades shall be no longer than fifty feet (50) without articulation.

Finding: The plans indicate that all buildings facing a street are less than 120' along the side facing any street and front building facades are not longer than 50' without articulation in accordance with this standard and, therefore, meets the requirements of Section 560.8.F.

- G. Standard 1: Parking and Landscaping: Driveways shall be no greater than twenty-four (24) feet in width. Shared access to parking lots by two or more businesses is to be encouraged wherever possible.

Finding: The site access driveways to the parking area are shown on the proposed plan and proposed site access driveways are less than twenty-four (24) feet in width in accordance with this standard and, therefore, meets the requirements of Section 560.8.G.1.

- H. Standard 2: Parking and Landscaping: A Landscape Plan shall be required for all submissions, except where waived by the Planning Board.

Finding: The Applicant submitted a landscape plan prepared by a registered landscape architect in accordance with this standard and, therefore, meets the requirements of Section 560.8.G.2.

- I. Standard 3: Parking and Landscaping: Special Standards for the Water Resource Protection District.

Finding: Not applicable.

- J. Standard 4: Parking and Landscaping: New landscaping shall not include invasive plants, as identified on a list provided by the Planning Department, and to the greatest extent possible, existing invasive plants will be removed. Native plants shall be used in landscaping wherever possible.

Finding: The Applicant submitted a landscape plan showing appropriate plantings and prepared by a registered landscape architect in accordance with this standard and, therefore, meets the requirements of Section 560.8.G.4. No invasive plants are proposed and native plants are used where possible.

- K. Standard 5: Parking and Landscaping: Screening: All buildings and parking areas within 50' of an adjacent residential zoning district shall be screened on each side adjoining residential premises, except where screening is already provided by an existing fence, wall, hedge or natural terrain feature. Said screening shall be maintained in good condition and no advertising shall be placed thereon, and shall be designed so as not to obstruct vehicle sight distances at entrances, exits or street intersections. Screening provisions may be modified or waived by the Planning Board for good cause.

Finding: There are no applicable screening requirements in the Commercial and VBOD; however, the Applicant has proposed trees and plantings that will screen the buildings from abutting uses. Screening is proposed at the edge of the property to buffer abutting uses.

19. As required by Scituate Zoning Bylaw Section 560.9, Special Permit Review Procedure, the Applicant engaged in the required Pre-Application Review and Review Process; accordingly, the Applicant met the requirements of Section 560.9.
20. Scituate Zoning Bylaw, Section 620.1 limits the building height of all structures in the Commercial zoning district, exclusive of chimneys, spires, towers and other projections not used for human occupancy to three (3) stories or forty (40') whichever is lower. The Applicant has met this standard since the proposed buildings do not exceed three stories as the first story for the purposes of determining building height shall be the lowermost story with more than sixty (60%) of the wall surfaces enclosing that story above the natural grade (see Definition of Story in Section 200). The lowermost story of each of the buildings in the proposed Project meeting that standard is the first floor above the proposed garage levels and, therefore, the Applicant is proposing buildings that meet the building height requirements of Section 620.1.

21. Scituate Zoning Bylaw, Section 770.6 sets forth the standard of review for approval of proposed site plans which are required for proposed mixed use developments.
22. Section 770.6.A Site Plan Approval Standard A: Protection of adjoining premises against detrimental and offensive methods of utilizing the site.

Finding: The proposed use replaces an illuminated commercial parking lot with a mixed use development, including retail, commercial, mixed use buildings, multi-family residential buildings and a reconstructed commuter parking lot for the MBTA. As depicted in the plans, the site work, drainage infrastructure, sewer connection, site plans, landscape plans the proposed Project represent a significant improvement of the site and a benefit to the neighborhood and abutting properties. The use as developed will not adversely affect the neighborhood and will improve it, will not be an undue nuisance or result in any hazard to vehicles or pedestrians as a result of the proposed use or structure, and is designed with adequate and appropriate facilities to assure the proper operation of the proposed Project and minimize any impacts to the neighborhood and abutting properties. The abutting uses to the north of a concrete pipe plant, to the east of the Town Transfer Station, to the west the Greenbush Station Commuter Rail and to the south a dog kennel all have some significant noise associated with them. Accordingly, the proposed Project, meets the requirements of Section 770.6.A.

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

Finding: The Applicant engaged VHB, to prepare a Traffic Impact and Access Study. The Board, through its engineering peer review consultant Merrill Engineers and Land Surveyors, engaged Vanasse & Associates, Inc. (VAI) to evaluate the adequacy and accuracy of VHB's methodology, data, findings and conclusions. VAI submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and VHB provided responses, revised reports where requested and updated the site plans. After further review by VAI, the Applicant was determined to have adequately addressed VAI's comments and recommendations. The Board determines that the proposed Project, as conditioned, provides for traffic safety and eases of access at the street and access driveways, meets or exceeds all AASHTO standards for site distance, and will not create any undue congestion in the streets and ways abutting the proposed Project or in intersections within relevant proximity to the proposed Project.

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

Finding: The Board finds that the proposed Project has safe and convenient driveway layouts, makes adequate provision for pedestrian safety including access to and from the proposed Project across Old Driftway, makes adequate provision for off-street parking which meets the requirements of the Scituate Zoning Bylaw, adds off-site parking on Old Driftway, and has appropriate loading areas for the retail and commercial uses and can restrict additional spaces for additional loading spaces along Old Driftway, that there is adequate truck and public safety access including for emergency vehicles at all times.

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

Finding: The Board finds that there are adequate waste disposal facilities that are accessible abutting each of the proposed buildings and that wastewater will be connected with the municipal sewerage system to which the Applicant is contributing its study and resources to improve in order to free up necessary capacity through an I & I remediation plan. The Board is in receipt of consulting reviews that concur with the DPW and public safety officials of the town that there is adequate water supply for drinking water and for firefighting purposes, which capacities are currently being evaluated in a comprehensive Water Study by the DPW.

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

Finding: The Board finds that the proposed site plans show adequate snow storage areas and as conditioned will not present any significant concerns arising from or relating to snow storage. The Applicant engaged Horsley Witten Group, Inc., a civil engineering firm, to prepare a Stormwater Impact Assessment and Report to demonstrate that the proposed Project will meet state and local standards for the collection, treatment and disposal of stormwater. The Board engaged Merrill Engineers, Inc. ("Merrill") to evaluate the adequacy and accuracy of Horsley Witten Group's report and data as well as the efficacy and adequacy of the design. Merrill submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and Horsley Witten Group provided responses, revised reports where requested and updated the site plans. After further review by Merrill, the Applicant was determined to have adequately addressed Merrill's comments and recommendations if the stormwater management system is built as designed. The Applicant has submitted a stormwater management plan and erosion and sedimentation control plan that ensures that the project will be managed appropriately before, during and after the completion of construction.

The review of the stormwater management system by the Planning Board's consulting engineer and their approval of this special permit eliminates the requirement for a separate Stormwater Permit under the Stormwater General Bylaw and its regulations for any work that conforms to the plans. Richard A. Claytor, P.E. has certified that the drainage system can be expected to result in post-development runoff characteristics (including peak flow,

total volume of runoff and water quality runoff) to be equal or less than pre-development runoff characteristics.

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

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

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

Finding: The existing site is a large parking area that is void of vegetation except along the very perimeter of the Property and is mostly paved and illuminated. The Project, as designed, utilizes the existing topography which is elevated and slopes from east to west to fit the proposed buildings into the site, increase the amount of open space, and add substantially to the open space with trees and landscaping that is an improvement over existing conditions.

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

Finding: Not applicable.

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

Finding: The Board finds that the parking areas for the proposed Project will include covered parking spaces, interior spaces in the center of Buildings B, C, D & E, perimeter parking, reconstructed parking for the MBTA, and off-street parking along Old Driftway. The parking areas are all buffered from abutting properties by fencing or vegetation and shaded where possible by existing or proposed trees thereby meeting the requirements of the Bylaw.

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

Finding: The Board finds that there is safe, functional, and convenient on-site and off-site pedestrian, bicycle, and transit access to the proposed Project that is opposite the Greenbush

MBTA commuter rail station meeting the requirements of the bylaw. The proposed Project also ties into a network of public sidewalks that will be reconstructed in part in connection with the project providing the required continuity required by the Bylaw.

Based on these findings, the Planning Board finds the Village Business Overlay District Special Permit meets the requirements under the Village Business Overlay District, Section 560 as the Project will be in harmony with the general purposes of this bylaw and the requirements of MGL Ch. 40 A and it will not have a greater detrimental impact on the neighborhood than a conventional commercial development plan, is designed with consideration for health and safety and is superior to a conventional development plan in preserving open space, minimizing environmental disruption and allowing for more efficient provision of services.

Decision:

Based on the Findings of Fact and testimony provided at the public hearing, the Planning Board approved the Mixed Use Development Special Permit in the Village Business Overlay District for 247 Driftway on August 8, 2019 with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Horsley Witten, Inc. entitled "Greenbush Development Permitting Plans Scituate, Massachusetts", dated 3/14/19 with revisions of 4/18/19, 5/30/19, 7/1/19 and 7/25/2019 any additional revisions needed to conform to the conditions contained herein (the "Mixed Use Special Permit "); ii) Architectural Plans consisting of a Master Site Plan, dated 1/18/2019, Building A -- Floor Plans and Elevations Aa-1.1, Sections and Floor Plans Ab-1.1, Elevations Ab-1.2, Section and Floor Plans Ac-1.1, Elevations Ac-1.2, Building D & E Floor Plans & Sections Ade-1.1, Buildings D & E - Elevations Ade-1.2, Building F Floor Plans and Elevations Af-1.1 with revisions through 8/8/19; iii) Zoning Compliance Plan dated 2/14/19 with revisions through 8/8/19; iv) Old Driftway Street Elevation, dated 2/14/19 with revisions through 8/8/19; v) Aerial View Greenbush Development Scituate, MA The Drew Company dated 2/14/19 with revisions through 8/8/19; vi) View -- Centre Way A & B received 2/14/19; vii) View Old Driftway A & B received 2/14/19; viii) View Centre Way received for 5/9/19 meeting; ix) View Old Driftway received for 5/9/19 meeting; x) View- Centre Way received for 5/9/19 meeting; xi) Building B Entry dated 5/9/19; xii) Building C -- Three Dimensional View dated 5/9/19; xiii) Building D & E -- West Elevation dated 5/9/19 with revisions through 8/8/19; xiv) Section-Elevation -- Centre Way received for 5/9/19 meeting; by Carr, Lynch and Sandell, Cambridge, MA; xv) Photometric Plan dated 5/28/19 by Omni-Lite, Inc. for Greenbush Dev. and any additional revisions needed to conform to the conditions contained therein. Building elevations must be approved by the Town Planner prior to receipt of a building permit for conformance to submitted material.
2. Where this Mixed Use Special Permit requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's (the "Planning Board" or the "Board") approval of this Mixed Use Special Permit, including, but not limited to approval of work by the Board of Selectmen's and Department of Public Works ("DPW") in all public rights of way including Old

Driftway and New Driftway. Construction shall meet all applicable federal, state and local laws and regulations including, but not limited to, those of the Scituate DPW, Fire Dept., Building Dept., Board of Health, Planning Board as well as the Massachusetts DEP and State Building Code. All necessary permits and approvals must be received prior to construction.

3. Construction shall meet all requirements of the Scituate Zoning Bylaw. All conditions of approval shall be inscribed on the Mixed Use Special Permit Plans.
4. The Applicant shall mean the current Applicant and all its successors in interest. This special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause. The Planning Board may extend said period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which request shall provide a detailed description of the good cause necessitating an extension. A public hearing may be required.
5. The total number of residential dwelling units on the site shall not exceed seventy-eight (78). There will be twelve (12) affordable units within the seventy-eight (78) units. The housing mix shall be twenty-nine (29) one bedroom units, four (4) of which units shall be affordable and forty-nine (49) two bedroom units, eight (8) of which units shall be affordable. The total number of bedrooms shall not exceed one hundred twenty-nine (129). A bedroom shall be defined in accordance with Title V of the State Sanitary Code. Massachusetts Architectural Access Board ("MAAB") requirements must be met. All units will be rented under long-term rental agreements as indicated by the Applicant.
6. The Applicant shall obtain the plan endorsement from the Planning Board for the Mixed Use Special Permit within 90 days of the expiration of the appeal period and this decision becoming final. The signature block on the plans shall be revised to allow for five (5) signatures. The elevation of Bio-Retention Area 7b showing an elevation of 33.8 ft. should be revised to match the HydroCAD elevation of 34 ft. prior to endorsement.
7. The property line shall be staked or pinned at all times during construction.

Utilities, Parking, Traffic and Street Improvements

8. Maintenance and repair of the driveways, MBTA parking areas (initial maintenance and repair only), pedestrian access to the MBTA commuter rail station, stormwater management system, snow removal, lighting and landscaping shall be the responsibility of the Applicant.
9. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy made effective by the Board of Selectmen on October 8, 2014 and reaffirmed by the Scituate Water Commissioners on May 26, 2015. All irrigation systems installed in accordance with the policy must be supplied by on-site sources or private water suppliers at the expense of the property owner.

10. The Applicant shall consent to allow members and town officials of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in the Special Permit Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
11. An independent inspector contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities. The inspector shall be approved by the Town Planner and DPW and shall work under the direction of the Town Planner. Weekly written reports shall be submitted to the Applicant and the Planning Board stating results of any and all required inspections during construction unless more frequent reports are needed. Noise and air quality monitoring with equipment reporting in accordance with DEP regulations shall also be required.
12. Construction of the proposed roads, 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 roads, 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.
13. The certification of the roadway construction and utilities shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and the supervising registered professional engineer. Prior to issuance of an occupancy permit for any building, a registered professional engineer shall inspect the exterior of each building as necessary and certify to the Planning Board and Building Commissioner with his signature and stamp on an as-built plan, that the grading and stormwater management systems conforms to that shown on Mixed Use Development Special Permit and are functioning in accordance with design requirements and any variation in grade is immaterial and does not materially alter the performance of the stormwater system. The site development As-Builts including building structures, topography, roadways, water, sewer, gas, cable, fiber optic, electrical and storm drainage infrastructure will be submitted in AutoCAD Format 2013 or higher or ESRI Interchange Format registered to the Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1983 compatible with the Town's system along with stamped and signed copies of said plans.
14. All materials for utility construction shall meet DPW construction standards.
15. A street opening permit will be required for each individual utility connection.
16. The Applicant shall be responsible to ensure an inspection of the existing water quality treatment systems located underneath the Greenbush commuter rail line west parking lot is conducted at least twenty (20) days prior to commencement of construction by the Applicant's registered

professional engineer with a representative of the Planning Board also present in order to evaluate the condition and performance of the existing water quality treatment system.

Acceptable water quality treatment for the proposed project area and the off-site system has not been included in the drainage calculations nor relied upon for the proposed development to meet applicable stormwater regulations. This inspection report shall be provided to the Board at least ten (10) days prior to construction commencing and scheduling the pre-construction conference and all recommended follow up work shall be completed prior to the start of construction.

17. Additional soil testing is required at the location of the proposed bio-retention area nos. 2, 3, 5 and 6 in order to confirm the soil conditions and depth to the estimated seasonal high groundwater elevation (ESHGW) used in the stormwater calculations. The soil testing shall be completed within thirty (30) days of construction commencing. Any required design modifications resulting from such testing shall be submitted to the Town Planner within 30 days of completion of the testing, all of which is required prior to installation of any drainage onsite.
18. The specifications for the engineered soil mixture for the bio-retention areas shall be submitted prior to the pre-construction meeting. These specifications shall clearly demonstrate that the infiltration capacity of the engineered soil mixture meet the infiltration rate used in the stormwater calculations.
19. All replacement of, or connection to, Town sewer, drainage and the installation of water mains and appurtenances shall be performed according to the specifications of the Scituate DPW with an independent inspector contracted or employed by the Town to review the construction activity and assure compliance with the Town's rules and regulations. DPW personnel must be in attendance for any sewer, drainage and water infrastructure and appurtenance work in the Town rights of way. In addition, the following must be addressed to the satisfaction of the Town Sewer Division prior to the commencement of construction.
 - a. An external grease trap with an inner baffle wall shall be required in any non-residential space with food preparation and shall be noted on the plans.
 - b. Newly constructed manholes shall be furnished with watertight covers and frames.
 - c. Newly constructed manhole structures shall be vacuum tested. The test must also be witnessed by the Sewer Division and/or by the town's approved independent inspector.
 - d. Newly constructed sewer lines must be pressure tested in accordance with Town test standards and the test must be witnessed by the Sewer Division and/or by the Town's approved independent inspector.
 - e. A street opening permit for the sewer line at Building F shall be obtained; police details, if required for traffic management and safety, shall be provided through the Scituate Police Department and shall be the responsibility of the contractor. Any proposed disruption/shutdown required to the existing force sewer main on the Driftway shall be reviewed, coordinated and agreed to with the Sewer Division.

- f. Sewer permits are required and shall be obtained for each building. The privilege fees will be calculated from each building's permit application, which fees are based on the number of sewer units in each building; the total amount for the privilege fees for the Project shall be \$229,000 in accordance with the terms of an agreement between the Applicant and Board of Selectmen to be paid in one lump sum prior to any water use from the site.
- g. External cleanouts and viewports: Given that the Applicant has confirmed that the proposed sewer infrastructure will be owned and maintained by the Applicant; the sewer division will allow the requirements for external cleanouts and viewports to be waived at the Applicant's discretion. Should the Applicant choose not to install external cleanouts, then an internal cleanout must be included for each building.
- h. The privately constructed sewer infrastructure will be owned and shall be maintained at all times by the Applicant.
- i. A letter of acceptance from the Sewer Commissioners shall be provided to DPW, Sewer Division and the Planning Board.
- j. A flow assessment document certified by a professional engineer detailing the amount of flow from the project and impacts to the Town's collection system and impact to the capacity at the nearest pump station and the WWTP shall be provided to the DPW and Planning Board within 45 days of approval of this permit and no later than 60 days prior to the commencement of construction.

The final sewer permit shall be provided to the Planning Board prior to scheduling the pre-construction conference and any construction commencing.

- 20. Prior to commencement of work or as soon as practical thereafter, street signs shall be erected with approved street names. Such street names shall be approved by the DPW, Police Department, Fire Department and Planning Board.
- 21. The building, parking, walkways, paths and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities.
- 22. The Applicant shall provide a copy of the recorded Easement Agreement prior to endorsement that demonstrates that the remaining designated number of MBTA parking spaces has been mutually approved by the MBTA and the Applicant.
- 23. All parking shall be constructed as shown on the Zoning Compliance Plan, revised, dated 8/8/2019. Marketing material advertising the rental of the residential units shall include the parking limitations noted on the Plan (Zoning Compliance Plan) attached hereto and incorporated into this decision.
- 24. Any wayfinding signage shall be reviewed and approved by the Town Planner prior to implementation.

25. Parking on Old Driftway is controlled by the Town and shall be limited to two (2) hour parking enforceable by the Police Department and/or as otherwise determined by the Traffic Rules and Regulations Committee. No overnight parking shall be allowed on Old Driftway.
26. The site will include five (5) electric vehicle charging stations in the residential parking areas with necessary infrastructure (conduit, etc.). Final locations to be approved by the Town Planner.
27. The Applicant shall ensure that signs, landscaping and other features located within the sight triangle areas of the Project site driveway intersections with Old Driftway and New Driftway, and at all intersections within the Project site, are designed, installed and maintained so as not to impede lines of sight. (2.5 feet in height)
28. All signs and pavement markings to be installed shall conform to the applicable specifications of the Manual on Uniform Traffic Control Devices (MUTCD). All pavement markings in the public way shall be thermoplastic. A final sign and pavement marking plan shall be provided to the Town for review and approval by the Town Planner prior to the issuance of the first building permit.
29. The Applicant shall ensure that the property manager promptly removes snow windrows located within the sight triangle areas of the Project site driveway intersections with Old Driftway and New Driftway, and at all intersections within the Project site, that exceed 3.5 feet in height or that would otherwise inhibit sight lines. Sight line plans must be included in the plan set submitted for endorsement by the Planning Board.
30. Snow storage areas have been designated on-site. The Applicant shall ensure all maintenance personnel are informed of their locations. When on-site capacity is exceeded, an off-site location shall be used in compliance with all federal, state and local laws.
31. No drive-thru service or windows shall be permitted now or in the future for Building F without further written approval of the Planning Board.
32. South Lane shall be designated as one way into the site. There shall be no left turn from Old Driftway into South Lane. Appropriate markings shall be provided by the Applicant.
33. The Applicant shall design and construct two (2) pedestrian actuated Rectangular Rapid Flashing Beacons ("RRFB") for crossing Old Driftway at the center crossing location that serves the walkway situated between Building B and Building C and at North Road. Pedestrian crossing warning signs shall be installed at all crosswalks across Old Driftway. These RRFB's shall be completed prior to the issuance of the first Certificate of Occupancy for the Project.
34. The Applicant shall install radar speed feedback signs at one (1) location to be confirmed with the Town Engineer, Town Planner and Police Department on New Driftway. These signs shall be installed prior to the issuance of the first Certificate of Occupancy for the Project.
35. The Applicant and/or its property manager shall become a MassRIDES employer partner to facilitate implementation of the Transportation Demand Management ("TDM") program.

36. The Applicant shall implement and maintain a TDM program for the Project that shall include specific measures to encourage the use of alternative modes of transportation to single-occupant vehicles by residents and employees of the Project.
37. The Applicant shall conduct a Road Safety Audit ("RSA") for the Scituate Rotary (Chief Justice Cushing Highway (3A), Country Way, New Driftway and Cornet Stetson Road (Route 123)) following the Massachusetts Department of Transportation (MassDOT) standards for conducting an RSA prior to the issuance of the final Certificate of Occupancy for the Project. Results of the RSA should be provided to the Town Planner for review prior to the issuance of the final Certificate of Occupancy.
38. The Applicant shall review the traffic signal timing at the New Driftway/Old Driftway intersection on or before achieving sixty (60) percent occupancy of the residential component of the Project and shall undertake the necessary review and analyses to determine if adjustments to the traffic signal timing are necessary to accommodate the resulting change in traffic volumes and/or distribution of traffic on the intersection approaches. To the extent that it is determined that adjustments are required to the traffic signal timing, the Applicant shall design and implement the timing changes subject to the review and approval of the Town.
39. The Applicant shall prepare design plans for the reconstruction of Old Driftway between New Driftway and Stockbridge Road to include the rehabilitation of the pavement surface by means of the removal and replacement of the wearing course in a manner that is acceptable to the Scituate Department of Public Works and conforms to their standards as well as MassDOT construction standards. The improvement shall include the installation of new signs and pavement markings within the limits of work. These improvements shall be constructed by the Applicant and shall be substantially complete prior to the issuance of the final Certificate of Occupancy for the Project, with completion and subsequent acceptance of the improvements by the Town within six months (6) thereafter.
40. Controlled Density Fill will be required for excavations within the Driftway.
41. Proposed curbing along Old Driftway shall be granite curb, either reuse or install new granite curb. Any damages to the existing sidewalk shall be repaired in-kind (full width) with like materials.
42. The Applicant shall be responsible for the ongoing maintenance of the newly constructed sidewalk between from North Road to South Lane on Old Driftway on the east side, including all snow removal. The Applicant shall be responsible for maintaining all parking pavement markings in Old Driftway.
43. The Applicant has agreed contribute the sum of \$60,000.00 to fund a municipal study of the offsite traffic and pedestrian improvements and to fund in part traffic and pedestrian improvements in the greater Greenbush area. The Applicant shall provide such funds to the Town prior to commencement of construction. The funds shall be placed in an interest bearing account with expenditure of funds for this said purpose approved by the Town Administrator after consultation with the Town Planner, Director of Planning and Development, DPW Director and Planning Board, all of whom must concur.

44. Trash management shall be in the dumpster enclosures located and shown on the Site Plan Sheets C-7 and C-8 as follows: i) north of Building A, between Buildings B and C; ii) south of Building D; iii) north of Buildings F; and iv) north of Building E. All dumpster enclosure locations shall allow for easy movement of trucks with minimal pedestrian conflicts.
45. Loading and delivery activities shall be coordinated by the Applicant and/or Applicant's property manager and shall be limited to off-peak traffic periods. In no instance shall the staging of delivery vehicles block the traveled-way or impede pedestrian or bicycle travel without prior approval of the Scituate Police Department. The implementation or use of parking spaces along Old Driftway for loading activities shall require prior approval of the Traffic Rules and Regulations Committee, the initial requirements shall include:
- a. Three (3) parallel spaces located on the Old Driftway shall be a restricted loading zone between the hours of 9:00am – 11:00 am. There will be NO loading between the peak traffic hours of 6:00 am to 9:00 am and 4:00 pm to 7:00 pm, Monday thru Friday.
 - b. Loading area use for Building A on site shall be restricted to non-peak traffic hours and limited to step vans or box trucks only. The Applicant shall manage the use of the loading area for Building A to ensure safe access.
 - c. All tenant moves shall be scheduled on dates and times that minimize conflicts with peak traffic periods on Old Driftway.
46. All electrical, telephone, cable and similar utilities shall be located underground.
47. Except for the Town-owned segments of the sewer and water line, all utilities including the stormwater drainage system shall be maintained by the Applicant according to the Operation and Maintenance Manual for Stormwater Drainage Systems, dated 4/18/19 by Horsley Witten, Inc.

Affordability

48. All affordable units shall meet the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiatives Program ("LIP").
49. According to Section 560.7 D of the Zoning Bylaws, the number of one and two bedroom affordable units shall be in the same proportion as the market rate units. Four (4) affordable units shall have one bedroom and eight (8) shall have two bedrooms.
50. The affordable units shall be constructed simultaneously with all the market rate units. A final Certificate of Occupancy will not be issued for any residential dwelling building without the affordable units being ready for occupancy.
51. The Applicant shall be responsible for preparation of a LIP Local Action Units application for the affordable units to be submitted to DHCD by the municipality (chief elected official). Forms and assistance will be available from the Planning Department.

Phasing and Public Benefits

52. An Erosion Control & Site Preparation Plan with preliminary sequence of construction has been

provided. The plan shall be updated and provided to the Board prior to scheduling the pre-construction meeting and prior to commencement of construction. The plan shall be in compliance with the NPDES Permit Plan and its Stormwater Pollution Prevention Plan.

53. The Applicant has indicated that the Project will not be phased and construction of its six (6) buildings will be done simultaneously, provided, however, that completion of the buildings may occur at different times and the Applicant may seek a certificate of occupancy for each building upon its completion. The project shall be constructed according to the Applicant's proposed construction sequencing which shall be provided to the Town Planner prior to construction and scheduling of the pre-construction conference.

Environmental Conditions: Noise and Dust

54. 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.
55. 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.

Landscaping and Site Amenities:

56. The Applicant shall obtain the approval of the Planning Board through the Town Planner if minor changes from the plan and/or details are needed for lighting, signage, paving materials, fencing or landscaping. Material selection shall be provided to the Town Planner for review for conformance to approved plans prior to installation.
57. A separate sign permit shall be required from the Building Department for any free standing signs. Signs shall be fully located on the Applicant's property and shall not block sight lines for traffic entry/egress from the site.
58. A final full planting/landscape plan including full details of the bioretention planting and ivy screening shall be provided to the Town Planner for review 10 days prior to the start of construction.
59. The Applicant shall use reasonable efforts to preserve the six (6) existing trees on the east side of Old Driftway as shown on the plan to remain. If the trees cannot be preserved, then they are to be replaced with minimum 4" caliper trees to match the west side of the street.
60. A photometric lighting plan and all lighting details shall be provided prior to endorsement. All lighting features shall be shielded to not shed light onto abutting properties. Uplighting is not recommended.

Architecture/Design:

61. The buildings shall be constructed in accordance with the architectural elevations 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.
62. All proposed uses and functions of Building A, B and Building F shall be as proposed and shall be approved and inspected by the necessary Town departments and boards including but not limited to Board of Health, Fire Department and Building Department.
63. The final building plans, stamped by a registered architect, shall be provided to the Planning Department prior to scheduling the pre-construction conference for review for consistency with the elevations and renderings described in Condition 1 and the Zoning Compliance Plan. If the plans appear inconsistent, approval by the Planning Board will be required.
64. A certification shall be provided by the architect prior to a Certificate of Occupancy that the building as constructed is in substantial compliance with the approved plans.
65. The Applicant shall make reasonable efforts to obtain LEED Silver Certification.

Required Prior to Scheduling the Pre-Construction Conference

66. The Applicant shall provide a draft document to include:
 - a. A statement that the driveway, drainage system, sewer, walkways through the site, landscaping and other common areas shall be owned by the Applicant and shall be maintained by the Applicant and/or MBTA and shall not be maintained by the Town. The driveway, drainage system, walkways at the site, landscaping, lighting, stormwater leaching system and other common areas shall be inspected, maintained and repaired by the Applicant and /or MBTA. This shall also be stated in a note on the plan.
 - b. A requirement that: i) maintenance of the drainage system, pedestrian walks, parking, driveways, and landscaping shall be in accordance with the Operation and Maintenance Plan approved by the Planning Board's consulting engineer; ii) provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways has been provided; and iii) a description of the required annual maintenance of the driveway, parking areas, walkways, landscaping, lighting and other common amenities.
 - c. A table of the number and general location of parking spaces assigned to each unit.
 - d. The Operation and Maintenance Plan shall be provided to the Planning Board as a stand-alone document.
67. The Applicant shall obtain all necessary approvals for the use of Town sewer prior to scheduling a pre-construction conference. Any required upgrades, modifications or connections shall be at the Applicant's expense. Installation of all sewer mains and appurtenances shall be performed according to the specifications of the DPW Sewer Division. Copies of all necessary approvals shall be furnished to the Planning Board.
68. A determination of the adequacy of the existing water service for the proposed use shall be provided by the Applicant to the DPW and the Town Planner for their approval prior to

scheduling a pre-construction conference. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Any required upgrades, modifications or connections shall be at the Applicant's expense.

69. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
- a. Copies of the recorded special permit and plans;
 - b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum, inspections of Subdivision Rules and Regulations Section 9.0, for the driveways/roads, parking areas and stormwater management systems, water system, sanitary sewerage system, new curbing, retaining walls and erosion and dust control measures, as well as any specific requirements contained herein which may require review and/or inspections by the Town. The specific amount shall be provided by the Planning Dept. based on the consulting engineer's estimate, shall be subject to amendment from time to time and shall be supplemented by the Applicant as requested by the Planning Dept.;
 - c. Copies of the NPDES Permit including its Stormwater Pollution Prevention Plan ("SWPPP"). The SWPPP must be submitted to the Planning Board at least fourteen (14) days prior to any land disturbance;
 - d. 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
 - e. A type and amount of security reasonably satisfactory to the Planning Board to cover the satisfactory completion of off-site infrastructure improvements on any Town property including the layout of New Driftway and Old Driftway including roads/driveways, parking, drainage, water and sewer utilities, landscaping, cross walkways, radar signage, lighting, signs, fences and trash enclosures shall be provided by the Applicant. The amount shall be based on the Applicant's contractors' estimates of the costs of these items, reviewed by the Town's consulting engineer and shall be approved by the Planning Board prior to the pre-construction conference. The type and amount of security may be reduced based on completion progress with the approval of the Board.

Required Prior to the Start of Construction

70. Within three 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.

71. The property lines of the subject Property shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of three business days prior to the start of construction.
72. A stabilized construction entrance and silt sock as shown on the Plan (Sheet C-4 of 21) of the Greenbush Development Permitting Plans) 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

73. 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. Interior work may be allowed up until 10:00 P.M. on permitted days. No construction shall take place on Sundays or legal/federal holidays.
74. Inspections and observations made according to the SWPPP shall be submitted to the Board within 48 hours after the inspections or weekly. The Board reserves the right to require the consulting engineer to visit the site weekly or as often as necessary during construction.
75. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures are in place and approved by the Town Planner or Town's Consulting Engineer. Such control measures shall remain in place until the Board's consulting engineer determines after consultation with the Town Planner, that the danger of erosion or sedimentation no longer exists. It is the Applicant's affirmative responsibility to ensure the maintenance and management of all stormwater control measures at all times during construction to ensure there are no increases in stormwater flow velocity or volume to abutting properties at any time.
76. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
77. No parking or unloading on Old Driftway/New Driftway shall be permitted during construction unless approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access.
78. The Applicant shall notify the Town 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.
79. The Applicant shall not allow any large construction equipment or trucks to stage or idle on public roads and shall not allow such equipment or trucks to idle onsite prior to 7:00 AM. Police details may be required for construction access or work within the layout of New and Old Driftway.
80. The Applicant shall provide the Town with the routes construction traffic will use so that if a safety hazard or material disruption of the public way impedes safe passage, a police detail would be obtained by the Applicant at its expense.
81. 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.

82. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant is available at the water treatment plant for construction use.
83. 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.
84. Construction of the proposed driveways/roads, parking, site drainage system and water and sewer systems shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board at the completion of the project that the driveway/roads, parking, site drainage system and water and sewer systems were constructed in accordance with the approved plan. This certification shall be accompanied by as-built plans, showing all site utilities and grading, signed and stamped by a professional land surveyor and the supervising professional engineer. The as-builts shall be reviewed by the Town's consulting engineer for compliance with the design.
85. Blasting, if necessary, shall be conducted according to all necessary permits and meet all of the requirements of the Scituate Fire Department.

Required Prior to Issuance of Occupancy Permits

86. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the driveway/roads, parking areas and installation of necessary utilities is in full compliance with the approved plans and the special permit. Nothing herein shall be construed so as to preclude the Applicant from obtaining Certificates of Occupancy for some of the Buildings prior to other Buildings; however, safe pedestrian, vehicle and public safety access and egress shall be required prior to the issuance of such certificates.

Administration

87. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
88. This Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 120 days of expiration of the appeal period or such extension of that time period granted by the Planning Board following approval of this Special Permit. The Applicant shall provide proof that the Special Permit was recorded to the Planning Board.
89. The Planning Board may in its discretion waive or modify conditions of this Special Permit at a duly called meeting of the Board if the Board determines that such waiver or modification is insignificant and does not materially adversely affect the purpose of this special permit decision.
90. This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with M.G.L. Chapter 40A, Section 9.
91. The following plan sheets of the Mixed Use Development Special Permit Plan shall be recorded at the Registry of Deeds including sheets 1-6, 8-11 and a conditions sheet.
92. All construction work shall be done in accordance with the plans.

Vote:

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Mixed Use Special Permit in the Village Business Overlay District at 247 Driftway with the conditions noted above.

August 8, 2019

Date

SCITUATE PLANNING BOARD

Anna Burman
Eric P. Pritchard
William Subachew
Patricia A. Jones
[Signature]

This decision was filed with the Town Clerk on August 13, 2019
date

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

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

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