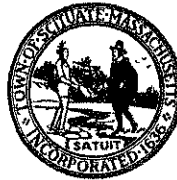


TOWN OF SCITUATE



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

December 15, 2014

Ms. Kathleen Curran
Town Clerk
Town of Scituate

RECEIVED

DEC 15 PM 3:13

TOWN OF SCITUATE
TOWN CLERK

Certificate of Action

**RE: Approval of Definitive Subdivision Plan “Greenbush Park” at 50 Country Way
50 Country Way Trust, C. Christopher Ford, Trustee; Waivers of Subdivision Rules and
Regulations and Stormwater Regulations**

Dear Ms. Curran,

This is to certify that pursuant to MGL Ch. 41 S 81-U the Planning Board, at its meeting held on December 11, 2014, upon a motion duly made and seconded, voted (5-0) with members Limbacher, Pritchard, Taylor, Vogel and Greene voting as they were present at all public hearing sessions or filed a Mullin Rule Certification with the Town Clerk for only one session missed, to APPROVE WITH CONDITIONS the above referenced Definitive Subdivision Plan to create one single family house lot and one office building lot to be located on property currently addressed as 50 Country Way, within the following zoning districts of the Town of Scituate, Business District, the Village Business Overlay District, the Water Resource Protection District and the site is partially in the Zone A for tributary to the water supply. The approved plan is entitled Definitive Subdivision Plan “Greenbush Park”, 50 Country Way (Assessor’s Parcels: 53-5-3 & 53-5-3B) Scituate, Massachusetts by Morse Engineering Company, Inc., dated 2/9/14, with revisions through November 19, 2014 (the Definitive Plan) consisting of 12 sheets, and as further revised to include conditions of the plan. These sheets include:

- Sheet 1 – Cover Sheet
- Sheet 2 – Existing Conditions Plan
- Sheet 3 – Subdivision Plan
- Sheet 4 – Grading & Utility Plan

Sheet 5 – Roadway Plan & Profile
Sheet 6 – Erosion & Sedimentation Control Plan
Sheet 7 – Landscaping Plan
Sheet 8 – Construction Details – Sheet I
Sheet 9 – Construction Details – Sheet II
Sheet 10 – Construction Details – Sheet III
Sheet 11 – Construction Details – Sheet IV
Sheet 12 – Construction Details – Sheet V

BACKGROUND

Greenbush Park consists of a proposed two (2) lot development on an existing 1.41 acre site containing an existing apartment building and barn. One new residential lot and one new office use lot will be created along with a cul-de-sac road and a drainage parcel. The subdivision road is proposed to be a 267 foot long cul-de-sac road on the southeast side of Country Way just south of Stockbridge Road. Proposed municipal water and sewer and underground electric and telephone utilities will be utilized to service the development.

A drainage system consisting of deep sump hooded catch basins, stormceptor particle separators, leaching pits (existing) and an infiltration basin are proposed to reduce the volume and peak rate of runoff from the development. Accordingly, the drainage system will meet or exceed the BMP requirements to satisfy the local regulations with the proposed waiver. The drainage system will meet the Design and Operations Guidelines of Section 520.5 of the Water Resource Protection District for residential and commercial property.

The plan has been reviewed under the Town of Scituate Zoning Bylaw dated September 19, 2013 and Town of Scituate Subdivision Rules and Regulations dated August 13, 2010. The Plan was filed with the Board on February 11, 2014 prior to the first legal ad publication on February 13, 2014 for changes to the Water Resource Protection District which were approved at Town meeting on April 14, 2014 and by the Attorney General on May 1, 2014. The intent of the subdivision plan is to freeze the zoning under the September 19, 2013 Zoning Bylaws.

CORRESPONDENCE:

The following correspondence relating to this application was submitted for the Planning Board's review:

- Application and supporting materials dated February 11, 2014
- 2/19/14 Transmittal to Town departments with initial plans and application
- Staff Report 4/10/14 for Definitive Plan and Mixed Use Special Permit 50 Country Way
- 4/30/14 letter from Brandon Moss of Murphy, Hesse, Toomey & Lehane, LLP on project
- Stormwater Report and Calculations and Revised Plans Sheets 1-10 dated 5/8/14
- 5/15/14 Transmittal to Town departments with revised plans and drainage calculations
- 6/3/14 memorandum from Jennifer Sullivan, Director of Public Health to Town Planner
- Letter dated 6/3/14 from Chessia Consulting Services LLC on Engineering Review for the Definitive Subdivision plan
- Mullin Rule Certification for Stephen R. Pritchard filed with the Town Clerk on 7/18/14
- 7-29-14 Memorandum on Landscape Plan from Karen Joseph to Laura Harbottle
- Revised Waiver Request List dated 8-6-14 from Morse Engineering
- Greenbush Park Definitive Subdivision Plan- Revised Subdivision Plan Sheet 3 of 10 and Revised Grading & Utility Plan received 8/6/14 for discussion only
- Stormwater Report and Calculations and letter from Morse Engineering dated September 29, 2014 along with revised plans Sheets 1-10 dated September 27, 2014.

- 10-17-14 Supplemental Engineering Review by Chessia Consulting Services, LLC
- 10-23-14 comment from DPW
- Proposed Conditions of Use letter from Gregory Morse to Elcio Taborda dated 10/20/14
- Stormwater Report and Calculations, property line closure calculations and letter from Morse Engineering dated November 19, 2014 along with revised plan Sheets 1-12 dated November 19, 2014
- Email dated 12-4-14 from John Clarkeson of the Water Resource Committee
- Email dated 12-5 from Greg Morse

VOTE:

At their regularly scheduled meeting of December 11, 2014, Planning Board members Limbacher, Pritchard, Taylor, Vogel and Greene having been present at all sessions of the public hearing sessions or having missed only one and filed a Mullin Rule Certification with the Town Clerk voted to approve the Definitive Subdivision Plan based on the following criteria:

1. Completeness and technical adequacy of all submissions;
2. Determination that development at this location does not entail unwarranted hazards to safety, health and convenience of future residents of this development or of others;
3. Conformity with the requirements of Section 6.0 and 7.0 of the Town of Scituate Subdivision Rules and Regulations, except as specifically waived by the Planning Board and the Zoning Bylaw;
4. Determination that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

And subject to the following conditions (wherever a condition refers to "the applicant" this shall include his successors or assigns as applicable):

General Requirements

1. All construction work shall be done in accordance with the plans submitted by Morse Engineering Company, Inc. entitled Definitive Subdivision Plan "Greenbush Park" 50 Country Way (Assessor's Parcels: 53-5-3 & 53-5-3B) Scituate, Massachusetts, dated February 9, 2014, as revised through November 19, 2014, together with any additional revisions needed to conform to the conditions contained herein (the "Definitive Subdivision Plan").
2. Where this Definitive Subdivision Plan 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 Definitive Subdivision Plan, including but not limited to the Planning Board's approval of work in the public right-of-way of Country Way.
3. Construction of the Definitive Subdivision shall meet all requirements of the Scituate Subdivision Rules and Regulations dated August 13, 2010 except as otherwise specifically waived and recorded herein by the Planning Board. All such conditions of approval and waivers granted by the Planning Board shall be inscribed on the Definitive Subdivision Plan prior to endorsement by the Board.

4. The applicant shall mean the current applicant and all its successors in interest (the "Applicant"). The Applicant shall complete the construction of all ways and municipal services within three years of the date of endorsement of the Definitive Subdivision Plan. The 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.
5. The total number of residential dwelling units on the site shall not exceed one (1) per lot, except for permitted accessory dwellings. No lot in the Definitive Subdivision may be further divided or subdivided to create additional building lots.
6. The Applicant shall construct streets and complete all other work specified on the Definitive Subdivision Plan or required under the Scituate Subdivision Rules and Regulations except those sections specifically waived by the Planning Board, meet all relevant provisions of the Scituate Zoning Bylaws and other local bylaws, including but not limited to the installation of all required utilities in such subdivision and off-site, and all work incidental thereto, such as grading of lots to provide drainage, construction of walkways, retaining walls and other details, and installation of water main connecting to Country Way as outlined in Section 7.0 of these Rules and Regulations and as specifically required by the Planning Board, within three years of the date of endorsement of the Definitive Subdivision Plan.

The Applicant shall maintain all streets and utilities including the system of stormwater management, with the exception of water service, within the subdivision until such time as maintenance is performed by the Property Owner's Association. Unless and until a street within the Definitive Subdivision is accepted by Town Meeting as a public way, all streets, those portions of drainage systems within the street layout and other improvements within the street layout and/or within the Definitive Subdivision shall be operated and maintained by the Applicant or a duly authorized Property Owner's Association made up of residents of the subdivision or their representatives.

The Applicant shall inform the Planning Board in writing within seven (7) days of the date that his/her maintenance responsibilities are assumed by the Property Owner's Association. Such written notification shall also identify the officers of the Property Owner's Association and the name, phone no. and e-mail of the Property Owner's Association's contact person.

7. The Applicant shall grant to the Town of Scituate, a right and easement to construct, repair, replace, extend, operate, use and forever maintain all streets, water mains and the stormwater management system including all surface and subsurface stormwater drains in, through or under the streets and easements as indicated on the Definitive Subdivision Plan. The above shall not be construed to relieve the Applicant, and his successors in title, to the ownership of a portion of the land or any street within the subdivision or the stormwater management system which is generally not accepted by the Town, nor diminish in any way, the Applicant's responsibility to complete all construction as required by the Applicant's agreements with the Town and to thereafter maintain all streets and utilities in satisfactory condition unless or until they are accepted by the Town.

Easements shall be provided: i) to allow the Property Owner's Association's access to drainage and stormwater management systems in order to allow the Property Owner's Association to privately inspect, maintain and repair; and ii) to allow the Town of Scituate similar access in case of an emergency or to test water quality if this is deemed in the public interest.

8. The Applicant shall consent to allow members and employees 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. As a condition of subdivision approval by the Planning Board, 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 Applicant's subdivision are satisfactory and conform to the Definitive Subdivision Plan, the Town specifications and the requirements of the Planning Board.
9. Any modification of this Definitive Subdivision Plan, other than as authorized by Massachusetts G. L. c. 41, §. 81O, shall require modification by the Planning Board in accordance with G. L. c. 41, s. 81W. Failure to comply with this requirement will result in rescission of the Planning Board's approval.

Required Prior to Board Endorsement of Definitive Subdivision Plan

10. All conditions of approval and waivers granted shall be inscribed upon the Definitive Subdivision Plan prior to endorsement by the Board.
11. Prior to endorsement of the Definitive Plan, the following additions or changes shall be made to the Definitive Plan. All items associated with drainage or stormwater management shall be reviewed by the Planning Board's consulting engineer prior to endorsement:
 - a. The symbol for bounds shall be darkened or additional bounds shall be added as per the recommendation of the Planning Board's consulting engineer.
 - b. Notes indicating stormwater from the roadway could be discharged to the basin shall be changed or removed.
 - c. A method of protecting the detention basin shall be added and reviewed and approved by the Planning Board's consulting engineer.
 - d. A Note indicating No silt should be pumped to the basin shall be added.
 - e. On Sheet 5, Roadway Plan & Profile, suitable screening of the residential lot by such means as wood fences and dense, native evergreen hedges of five feet or more at time of planting shall be added with a Note that Screening shall be installed prior to a Certificate of Occupancy being granted.
 - f. On Sheet 6, Erosion Control Plan:
 1. The proposed dimensions and size of temporary sediment basins.
 2. A plan and details for protection of pipe outlets.
 3. Planting times for plantings to protect disturbed land from erosion.
 - g. On Sheets showing the Stormwater Management System:
 1. An emergency spillway for the detention basin
 2. Access to all sides of the detention basin for maintenance

3. A low level drain for maintenance of the detention basin consistent with DEP standards.
 4. Current watershed maps corresponding with the proposed stormwater management system.
 5. Information on the size of existing leaching pits and adjacent grading, and requirements to upgrade.
 6. Quantification of stormwater flow for a 100 year storm from the front and rear catchbasins and proposed accommodation of said flow accounting for tailwater.
12. The Applicant shall obtain the endorsement of the Planning Board upon the Definitive Subdivision Plan within 180 days of the date of approval by the Board and termination of the appeal period of the such approval. Failure to obtain such endorsement shall result in the automatic rescission of the approval of such plan.
 13. A covenant or other form of surety, as provided in MGL. c. 41, s. 81U, shall be provided to guarantee construction of the road, drainage improvements and any additional on or off site improvements agreed to by the Applicant (the "Covenant"). The Covenant shall be provided to the Planning Board by the owners of record of the land in the subdivision prior to endorsement of the Definitive Subdivision Plan. This Covenant shall run with the land and be binding upon the owner(s) and their successors in interest. Upon approval of the Covenant by the Planning Board, reference thereto shall be inscribed upon the Definitive Subdivision Plan and which shall be recorded along with the Covenant at the expense of the Applicant. The Town Planner shall assist the Applicant in all required filings at the registry of deeds to ensure documents are recorded and the Town is provided recorded copies of decisions, drawings and covenants.
 14. In addition to the Covenant required to secure the construction of ways and installation of municipal services, the Applicant shall, prior to the endorsement of the Definitive Subdivision Plan, submit a supplemental covenant containing those conditions of approval that are intended to survive the release of the Covenant (the "Supplemental Covenant"). The Supplemental Covenant shall be approved as to form by the Planning Board's legal counsel. The Supplemental Covenant shall be executed and duly recorded by the owner(s) of record of the land, and shall run with the land. The Supplemental Covenant shall be referenced on the Definitive Subdivision Plan prior to recording the plan in the Registry of Deeds. The Applicant shall promptly, after recording, send a copy of the Supplemental Covenant, showing book and page number to the Board.
 15. All storm drains on the site shall be Class 52 Ductile iron with a minimum of 1.5 feet of cover over the top of the pipes. The Definitive Subdivision Plan shall be amended and submitted to the Board to reflect this condition prior to endorsement.

Required Prior to Pre-Construction Conference

16. Following the Board's endorsement, the Applicant shall, within six (6) months of such endorsement, file the Definitive Subdivision Plan with the Plymouth County Registry of Deeds, and shall transmit: i) one (1) mylar reproducible of the recorded Definitive Subdivision Plan, for to the Planning Board's files; and ii) five paper copies of the recorded Definitive Subdivision Plan to the Planning Board, for distribution to the DPW Engineering Division, the DPW Water Division, the Building Department, the Planning Board's

consulting engineer and the Planning Board. All plans in the Definitive Subdivision Plan drawing set must be recorded at the Registry of Deeds.

17. Prior to the pre-construction conference, the following information shall be provided to the Planning Board. All items associated with drainage or stormwater management shall be reviewed and approved by the Planning Board's consulting engineer.
 - a. A Memo from the Fire Chief indicating his approval of the proposed fire hydrant location.
 - b. Soils data for the existing leaching pits proposed to be reused and current watershed maps.
 - c. Documentation of the Access and Utility Easement.
18. All additional information and changes to plans required prior to endorsement or the pre-construction conference shall be reviewed by the Town Planner and Planning Board's consulting engineer. If further waivers or approvals are required, the Board shall review and approve same prior to the pre-construction conference.
19. The Applicant shall provide a draft Property Owner's Association Agreement and sufficient funds for review by Town Counsel prior to a pre-construction meeting. Following review and approval by the Board, the Property Owner's Association Agreement shall be recorded at the Registry of Deeds prior to the Town Building Department's issuance of any occupancy permit. The Property Owner's Association Agreement shall include the operation and maintenance plan approved by the Planning Board's consulting engineer and shall be written to include the owner(s) of the proposed single family home and the office building (the "Operation and Maintenance Agreement").
20. Documentation that the owners of 52 Country Way (presently occupied by Morning Glories bakery) agree to: i) the Applicant's installation of approximately 130' of vertical granite curb; and ii) the on-going and perpetual maintenance of a manhole and two leaching catch basins in the access and utility easement on their property, initially by the Applicant and ultimately by the Property Owner's Association of 50 Country Way
21. Prior to the pre-construction conference, the Applicant shall provide the Planning Board with a copy of the recorded Definitive Subdivision Plan on disk in CAD (.dwg format).
22. Prior to the pre-construction conference, the Applicant shall provide to the Planning Board:
 - a. Copies of the NPDES Permit including its Stormwater Pollution Prevention Plan.
 - b. A check to cover cost of inspections by the Town's consulting engineer. The specific amount shall be determined by the Planning Department based on the consulting engineer's estimate, such estimate shall be subject to amendment from time to time and shall be supplemented by the Applicant as requested by the Town Planning Department.
 - c. A construction schedule including approximate dates for items in the Subdivision Rules and Regulations 9.1.3.

Required Prior to the Start of Construction

23. A pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, the Planning Board's consulting engineer and other representatives of the Town as the Board feels are necessary. A pre-construction

conference will not be scheduled until Conditions 18 and 22 are complete. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board and the DPW. At least one telephone contact shall be available 24 hours per day in the event of an emergency.

24. Prior to the start of construction, a street sign shall be erected in accordance with the US DOT Manual on Uniform Traffic Control Devices 2009 Edition, Ch D3-1, Sheet 1 of 3 (copies are available at the Planning Board office.) The name of the street shall be approved by the Police Department and Planning Board.

Required During Construction

25. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturday and shall cease no later than 7:00 PM or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays.
26. The stabilized construction entrance per the Definitive Subdivision Plan must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing. Construction vehicles and equipment shall not use the existing shared access and utility easement with Morning Glories except during construction within the easement. **Access to Morning Glories' driveway, parking area, building and property must be maintained at all times.**
27. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures per the Definitive Subdivision Plan and approved by the Town Planner are in place. 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.
28. Except for clearing, grubbing, road construction and paving, the subdivision road shall be kept clear and passable at all times. No equipment shall be parked or stored so as to render the street impassable. No portion of the subdivision road or cul-de-sac shall be used as a staging area. No parking or unloading on Country Way shall be permitted during construction.
29. The Applicant shall notify the owner of Morning Glories (52 Country Way) a minimum of three business days prior to the installation of the vertical granite curb to be placed at the edge of the Access and Utility Easement. This curb installation work shall not occur before 9:00 a.m. or within 4 days of Easter, Valentine's Day, Thanksgiving or Christmas Day or any four holidays defined by the owner of Morning Glories.
30. Inspections and observations made according to the Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Board within 48 hours after the inspections. The Board reserves the right to require the consulting engineer visit the site weekly during times when required construction inspections are further apart.
31. The property line between #50 and #52 Country Way and boundary of the limit of clearing shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of three business days prior to the start of construction.
32. Construction of the proposed subdivision road and proposed drainage system shall be supervised by a registered professional engineer who shall certify in writing to the Planning

Board and DPW at completion that the proposed subdivision roads and drainage system were constructed in accordance with the approved Definitive Subdivision Plan. This certification shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and the supervising professional engineer.

Prior to Application for Building Permits

33. Before application for building permits for construction of a building other than a single family or two-family home on either lot, the applicant shall submit plans for a Site Plan Review in accordance with Section 770 of the Scituate Zoning Bylaw. The Board reserves the right to require a Stormwater Permit prior to construction on either lot and/or a full traffic analysis for any commercial use proposed.
34. 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. All irrigation systems installed in accordance with the policy must be supplied by on-site sources at the expense of the property owner.
35. Interim As-Built Plans shall be prepared for all drainage or detention basins, rain gardens and infiltration structures and the roadway system, and be provided to the Planning Board for approval before any building permits for new structures or buildings are issued.

Interim As-Built Plans shall confirm that the roadway and drainage basins are properly constructed, stabilized, located in the approved location and properly sized, so that the required storage capacity is available and no upland necessary for adjacent lots has been used. The location of the drainage basin and all drainage easements shall be confirmed by setting a minimum of two bounds and shall be tied to at least two bounds of the subdivision way and to the Mass. State Plane coordinate system. Interim As-Built Plans shall be signed and stamped by a Registered Professional Engineer and Professional Land Surveyor.

Prior to Application for Occupancy Permits

36. Prior to application for occupancy permits, the sewer line connections and grading will be reviewed with the DPW Sewer Division to make sure it conforms to the approved plans and to assure that the sewer will not interfere with drainage either within the development or onto abutting properties.
37. Prior to issuance of any occupancy permit, a registered professional engineer shall inspect the lot and certify with his signature and stamp to the Planning Board and Building Commissioner that any variation in grade from the original plan is insignificant and does not in any way alter the drainage calculations, the function of the stormwater management system or the rate or volume of stormwater flow onto abutting properties.

Acceptance of Street as a Town Way

38. Approval of the Definitive Subdivision Plan does not constitute the laying out or acceptance by the Town of the streets shown on the Plan. For additional clarity, the subdivision street shall remain a private way, the operations and maintenance of which remain the sole responsibility of the Applicant and subsequently the Property Owner's Association, unless or until such streets are accepted by the Town.

Ongoing

39. A certification of compliance with the Operations and Maintenance Plan shall be provided to the Planning Board on or before January 31 of every calendar year.

WAIVERS:

The Board voted to approve the following waivers 1 through 12 from the Town of Scituate Subdivision Rules and Regulations on October 23, 2014:

1. Section 7.2.1.2.d. Alignment

Requirement: Streets entering on the same side of a major street shall be offset a minimum distance determined on the basis of a traffic analysis by a professional engineer registered in Massachusetts, as described in 7.2.1.2.b. In any case, the offset shall not be less than 250 feet.

Waiver Requested: To allow the construction of a subdivision road with a centerline offset of 160 feet from the centerline of the proposed roadway to Stockbridge Road.

Applicant's justification: It is not feasible to comply with the offset requirement anywhere on the property. The proposed roadway is located as far as it can be from the intersection.

Discussion: Mr. Morse indicated the potential uses generate less traffic than the existing 5 apartments and traffic is separated from Morning Glories. Mr. Vogel indicated that there is already a traffic study for the special permit project saying the road works. Mr. Chessia said the level of service at the intersection was not an outstanding issue with the proposed site plan.

Waiver Voted: To allow the construction of a subdivision road with a centerline offset of 160 feet from the centerline of the proposed roadway to Stockbridge Road.

2. Section 7.2.1.2.h. Alignment

Requirement: Street right-of-way lines at intersections shall be rounded to provide a radius of not less than 40 feet. The radius of the edge of pavement at any intersection shall be sufficient to provide for adequate access by fire protection equipment, as determined by the Scituate Fire Department, but in no case shall be less than 30 feet.

Waiver Requested: To waive the requirements for curb radii at the intersection of the proposed road and Country Way.

Applicant's Justification: Curb radii will be provided along the travel way, but cannot be provided at the right-of-way line. The subject property does not have adequate width. The proposed curbing provides sufficient access for vehicles for the development.

Discussion: Mr. Morse said there is no radius at the right of way and property line as there is no room. He said radii at the pavement are proposed at 15 feet each side. Staff indicated there is no comment from the Fire Chief. The Board said they would consider waiving this if the Fire Chief approves.

Waiver Voted: To waive the requirement for curb radii at the intersection of the proposed road and Country Way pending approval of the Fire Chief.

3. Section 8.2.1. 2. Storm Drain Lines

Requirement: Storm drains shall be reinforced concrete pipe and shall be laid with a minimum of 2.5 feet of cover over the top of the pipe.

Waiver Requested: To waive the requirement for a minimum of 2.5 feet of cover over drainage pipes. Ductile iron pipe specified.

Applicant's Justification: To reduce filling for the roadway, existing topography at the site and groundwater conditions, it is requested to allow a minimum of 1 foot of cover over drainage pipes as they will be specified as ductile iron and are capable of supporting vehicular loads.

Discussion: Mr. Morse reaffirmed the justification. Mr. Chessia indicated that at least 16" of cover is necessary as 1' of cover won't fit in a catch basin. Mr. Pritchard said that it should be a minimum of 1.5'. Staff indicated that DPW wants the pipe specified as Class 52 ductile iron.

Waiver Voted: All storm drains on the site shall be Class 52 ductile iron pipe with a minimum of 1.5 feet of cover over the top of the pipe.

4. Section 6.3.3.6 Registered Landscape Architect

Requirement: A Landscape Plan prepared and stamped by a Registered Landscape Architect shall be submitted with all applications.

Waiver Requested: To waive the requirements for a Registered Landscape Architect to prepare the Landscape Plan.

Applicant's Justification: The project proposes 12 street trees and no other landscaping. The trees are proposed as 2 1/2" caliper red maples a native species and minimum size in the regulations.

Waiver voted: To waive the requirements for a Registered Landscape Architect to prepare the Landscape Plan.

5. Section 6.3.3.8. Easement Plan

Requirement: An easement Plan shall be required showing all easements.

Waiver Requested: To waive the requirement for a separate easement plan and to depict all easements on the "Subdivision Plan" Sheet 3.

Applicant's Justification: There are only 2 easements associated with the project and they can be clearly depicted on the subdivision plan which will be referenced in the deeds to the lots.

Discussion: The Board saw no problem with the waiver.

Waiver Voted: To waive the requirement for a separate easement plan and to depict all easements on the "Subdivision Plan" Sheet 3

6. Section 6.3.4.5: Traffic Analysis

Requirement: The applicant shall furnish documentation necessary for compliance with the regulations.

Waiver Requested: To waive the requirements for traffic analysis.

Applicant's Justification: This is a limited access project with minimal increase in traffic proposed. Recent traffic studies, including "Greenbush Station", provide existing traffic data for the area.

Discussion: Mr. Morse reaffirmed his justification. Mr. Pritchard said the traffic study was done for a more intensive use. Ms. Harbottle said that the road was in a different location with different radii than required. The Board thought it would be acceptable to waive the traffic analysis, except if the use proposed is more intense than on the plan.

Waiver voted: To waive the requirements for traffic analysis, except if the use proposed is more intense than on the plan.

7. Section 6.3.4.6 Homeowner's Association

Requirement: The applicant shall submit a draft Homeowner's Agreement establishing a Homeowner's Association with a Definitive Plan.

Waiver Requested: To waive the requirement for a draft Homeowner's Association document with the submittal and require it prior to a pre-construction meeting.

Applicant's Justification: The road will be a private road. It is unclear on the future buildout and ownership of the site and development of a Homeowner's Association is premature.

Discussion: The Board agreed it could be submitted prior to a preconstruction conference as the subdivision is submitted to freeze the zoning and not likely to be built.

Waiver voted: To waive the requirement for a draft Homeowner's Association document with the submittal and require it prior to a pre-construction meeting and recorded prior to the first occupancy permit.

8. Section Appendix B Roadway Cross Section

Requirement: Type IV Street with 60' R.O.W. and 40' roadway width

Waiver Requested: To waive the requirement for Type IV street and allow design for the proposed roadway cross section on Sheet 8 of the plan set revised dated 9/27/14.

Applicant's Justification: The project is a limited access project and it is desired to reduce impervious

surface in and around the water resource protection district.

Discussion: The applicant affirmed his justification. Mr. Morse indicated the 24 foot road width and 42 foot right of way is suitable. The Board concurred.

Waiver voted: To waive the requirement for Type IV street and allow design for the proposed roadway cross section on Sheet 8 of the plan set revised dated 9/27/14.

9. Section 6.3.3.4. Roadway Profile

Requirement: Roadway profile showing horizontal scale at 1" = 40' and vertical scale at 1" = 4'.

Waiver requested: To waive the requirement for a roadway profile at 1" = 40' and allow the use of the horizontal scale at 1" = 20' and vertical scale at 1" = 2'.

Applicant Justification: The larger scale provides more detail.

Discussion: The Board agreed.

Waiver voted: To waive the requirement for a roadway profile at 1" = 40' and allow the use of the horizontal scale at 1" = 20' and vertical scale at 1" = 2'.

10. Section 6.3.3.4 & 6.3.3.5. Datum

Requirement: Existing and proposed ground elevations based on 1929 NGVD base datum.

Waiver Requested: Existing and proposed ground elevations based on 1988 NAVD base datum.

Applicant Justification: The NAVD datum is more current and required for the Scituate Conservation Commission and FEMA.

Waiver voted: To waive the requirement for NGVD 1929 datum and allow the use of NAVD 1988 datum.

11. Section 6.3.4.1. Observation Pits

Requirement: Observation pits along the centerline of the roadway.

Waiver Requested: To waive the requirement for test pits within the roadway.

Applicant Justification: The proposed roadway is located where there is an existing asphalt parking lot and building and it is not feasible to dig without significant site disruption. Test pits have been conducted elsewhere on the site and witnessed by the Town and the soil would be consistent.

Waiver voted: To waive the requirement for test pits within the roadway.

12. Section 7.2.1.5 Stopping Sight Distance

Requirement: In no case shall any vertical curve be less than 100' in length.

Waiver Requested: To waive the requirement for a 100 foot minimum length vertical curve and allow for a 50 foot length.

Applicant Justification: The 100 foot length would direct more water to Country Way. The 50 foot curve allows more runoff to be contained on site and directed outside of the Zone A resource area.

Discussion: Mr. Morse indicated that the road is short and by increasing the vertical curve it would lower the road where pipes already have minimum cover.

Waiver voted: To waive the requirement for a 100 foot minimum length vertical curve and allow for a 50 foot length.

The Board voted to approve the following waivers 13 through 14 from the Town of Scituate Subdivision Rules and Regulations on December 11, 2014:

13. Section 7.3.1.2.d. Design Basis and Method

Requirement: Proposed lots shall be assumed to be fully covered by homes, accessory structures, paved drives and walkways and grassed lawns. For purposes of drainage analysis, area intended to remain in natural conditions shall be grassed lawns.

Waiver Requested: To waive the requirement for stormwater calculations to assume the lots to be fully developed. Stormwater calculations for the individual lots will be provided prior to lot development.

Applicant's justification: It is not feasible.

Discussion: Mr. Morse indicated information on actual buildout was not available at this time.

Waiver Voted: To waive the requirement for stormwater calculations to assume the lots to be fully developed. Stormwater calculations for the individual lots will be provided prior to lot development as part of the Site Plan Review.

14. Section 7.3.1.3 Homeowner's Association

Requirement: The applicant shall submit a draft Homeowner's Agreement establishing a Homeowner's Association with a Definitive Plan.

Waiver Requested: To waive the requirement for a draft Homeowner's Association document with the submittal and require it prior to a pre-construction meeting.

Applicant's Justification: A Property Owners' Association document will be submitted prior to the

pre-construction conference since one or more lots may be developed as a commercial use rather than a single family home.

Discussion: The Board agreed it was the same waiver as waiver 7.

Waiver voted: To waive the requirement for a draft Homeowner's Association document with the submittal and require a Property Owner's Association document prior to a pre-construction meeting and recorded prior to the first occupancy permit.

The Board voted to approve the following waiver 15 from the Town of Scituate Stormwater Bylaw and Regulations on December 11, 2014:

15. Section 9, Stormwater Management Performance Standards, Paragraph 4, that for redevelopment projects within the Water Resource Protection District, a 90% removal rate (of Total Suspended Solids) (by source controls, pollution prevention measures and best management practices) shall be required.

Requirement: The applicant shall show through drainage calculations that 90% of the Total Suspended Solids will be removed from stormwater post-development.

Waiver Requested: To waive the requirement for removal of 90% of Total Suspended Solids.

Applicant's Justification: The proposal includes treatment for stormwater absorbed in the Zone A, so the amount of suspended solids will be lower than at present, although 90% removal will not be achieved. It is unclear whether the proposal meets DEP's definition of redevelopment and is required to meet this standard.

Discussion: The Board agreed it was an improvement to remove a greater amount of suspended solids than is presently removed.

Waiver voted: To waive the requirement of Section 9, Stormwater Management Performance Standards, Paragraph 4, that for redevelopment projects within the Water Resource Protection District, a 90% removal rate (of Total Suspended Solids) (by source controls, pollution prevention measures and best management practices) shall be required.

Sincerely,

William Limbacher kj

William Limbacher
Chairman, Planning Board

cc: 50 Country Way Trust, C. Christopher Ford, Trustee
Gregory Morse, Morse Engineering Company, Inc.
Steven Guard, Esq.
Board of Selectmen
Director, Department of Public Works
Building Commissioner
DPW, Water Division
Conservation Agent
Director of Public Health
Water Resources Committee