

TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066
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**Site Plan Administrative Review, Special Permit for a Mixed-Use Building and Multi-Family Building and Stormwater Permit
Multi-Family Buildings in the Village Center and Neighborhood District-Greenbush Driftway Gateway District-Gateway Business Subdistrict (VCN-GDG-GWB and GVC)
7 MacDonald Terrace/33 New Driftway
Decision: APPROVED with Conditions**

Applicant: Saiorse, LLC
Address: 7 MacDonald Terrace, Scituate, MA 02066
Owner: Saiorse, LLC
Address: 7 MacDonald Terrace, Scituate, MA 02066
Request: Approval of Site Plan Administrative Review, Stormwater Permit and Special Permit for a Mixed-Use Building and a Multi-Family building in the Village Center and Neighborhood District- Greenbush Driftway Gateway District-Gateway Business Subdistrict and Greenbush Village Center Subdistrict (VCN-GDG-GWB and GVC) under Scituate Zoning Bylaw Section 580, 750, and 770
Date: September 21, 2023
Location: 7 MacDonald Terrace and 33 New Driftway, Scituate, MA 02066 and 17 New Driftway for a portion of the shared driveway and seven new parking spaces for Use of 17 New Driftway
Assessor's Map: 53-5-20A and 53-5-19
Zoning District: Village Center and Neighborhood District- Greenbush Driftway Gateway District-Gateway Business Subdistrict and Greenbush Village Center Subdistrict (VCN-GDG- GWB and GVC) and Floodplain and Watershed Protection District partially
Hearing Dates: September 22, 2022 (no testimony taken immediate continuance), December 15, 2022, March 9, 2023, May 11, 2023, July 27, 2023 and August 10, 2023.
Members Hearing Special Permit Application: Patricia Lambert, Stephen Pritchard, Rebecca Lewis, Ann Burbine and Robert MacLean.

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Decision: **Approved with conditions by a vote of 4-1.**

Background:

Saiorce, LLC (the “Applicant”) is proposing a project consisting of one multi-family building in the Village Center and Neighborhood District-Greenbush Driftway Gateway District-Greenbush Village Center Subdistrict and one mixed-use building in the Village Center and Neighborhood District-Greenbush Driftway Gateway District-Gateway Business Subdistrict at 7 MacDonald Terrace and 33 New Driftway, Scituate, Massachusetts. The existing law office with paved driveway and landscape yard will be removed and site will be reconfigured and reconstructed to accommodate the site improvements and new uses. All of the proposed work, including the site work, new buildings, site infrastructure, site improvements and shared driveway and new parking on 17 New Driftway are collectively referred to herein as the “Project”.

The property is composed of two parcels: Parcel 1 is lot 53-5-19 and it is 19,245 sq. ft. all of which is upland; Parcel 2 is 53-5-20A and it is 27,802 sq. ft. all of which is upland. Parcel 1 has frontage and access of on MacDonald Terrace, a private way. The combined lot area is 47,047 sq. ft. or 1.08 acres.

The site is located in the Village Center and Neighborhood District – Greenbush Driftway Gateway District-Gateway Business Sub District and Greenbush Village Center Subdistrict. (VCN-GDG-GWB and GVC). The resultant zoning in effect is the Village Center and Neighborhood District – Greenbush Driftway Gateway District-Gateway Business Subdistrict (VCN-GDG-GWB) (Section 580, 750 and 770 and Floodplain and Watershed Protection District zoning.

In the VCN-GDG-GWB and GVC Districts, multi-family buildings and mixed-use buildings are permitted building types and use by special permit. Twenty (20) residential rental units are proposed – the multi-family building (MFB) Building B will have six (6) units and the mixed-use building (MUB) Building A will have fourteen (14). The density of 12 units per acre by right and 24 units per acre by special permit is being met as 12.96 units (rounded to 13) are allowed by right for the 47,047 sq. ft. site and 25.9 units are allowed by special permit. A density bonus of seven (7) units is requested as there will be twenty (20) residential units on -site. 3,600 sq. ft, of office/retail space is proposed in the MUB.

The proposed project will have one access point off of New Driftway. There will be one 12-foot-wide lane for access and one 12-foot wide lane for egress for a 24-Foot-wide driveway. The driveway is shared with 17 New Driftway for approximately 70-feet. The shared driveway will be constructed in Phase 1 and is the access for construction as well as the site and 17 New Driftway after the project is completed.

The MFB has six (6) residential units. There will be two (2) 1-bedroom units and four (4) 2-bedroom units on the first and second floor for a total of 10 bedrooms. The MUB will have three (3) one-bedroom units and eleven (11) two-bedroom units on floors one through three for a total of 25 bedrooms. There is a total of thirty-five (35) bedrooms for the project. There will be four affordable units for the project. Thirty-four (34) exterior parking spaces are provided including two (2)

handicap accessible spaces to the rear of Building A (MUB). There are four (4) garage parking spaces. Two (2) electric vehicle parking spaces are proposed to the rear of Building A. The project requires thirty-five (35) parking spaces and 38 have been provided. Parking is per the bylaw at 1 space per one (1) bedroom unit and 1.5 spaces per two (2) bedroom unit and 1 space/500 sq. ft. of retail/office.

The Project will be serviced by Town water and sewer. The water and sewer divisions have indicated their requirements with respect to lines and utility betterment fees. The proposed stormwater management system consists of a piped drainage system leading to underground leaching chambers for the parking lot and the roof of each building. The rate and volume of post development conditions meets or does not exceed pre-development conditions for the 1, 2, 10, and 100 year 24-hour rain events. A water quality Best Management Practice (BMP) treats the first 1" of runoff to the maximum extent practicable as required and 80% Total Suspended Solids (TSS) are required to be removed. Massachusetts Department of Environmental Protection (MA DEP) Stormwater Management Regulations and the requirements of the Town of Scituate Stormwater Bylaw and its regulations have been met to the extent practicable for this redevelopment site.

The Applicant submitted a Stormwater Permit Application, Town of Scituate Stormwater Bylaw (Section 32050) & Stormwater Regulations for the Proposed Mixed-Use Development at 33 New Driftway and 7 MacDonald Terrace by Morse Engineering Co., Inc. stamped by Gregory J. Morse, P.E. This report and the accompanying Site Plan, Proposed Mixed-Use Development & Multi-Family Dwelling for 33 New Driftway, Scituate, MA were reviewed by the Town's consulting engineer, John Chessia, P.E. of Chessia Consulting Services LLC, who submitted detailed comments to the Planning Board. In response to these comments, the Applicant provided revised reports and plans which, after further review by the consulting engineer, were found to address the comments and recommendations or could be conditioned.

A Density Bonus is required for the project as the density per acre exceeds the by right allowed. The Applicant proposes to construct a paved cul-de-sac at the end of MacDonald Terrace with paving and construction to Town standards, the driveway access into the site is being located across from the existing driveway across the street with a flashing light and the existing 17 New Driftway access will be eliminated in favor of a new shared access for 33 New Driftway and 17 New Driftway providing a safer condition and of the four affordable units provided, two will be at 60% AMI and two at 80% AMI. The two at 60% AMI increase the affordability of two units, thus is a public benefit. The Applicant has also agreed to contribute \$10,000.00 to fund traffic and pedestrian improvements/studies in the Greenbush/Driftway area.

Procedural Summary:

An application for a Site Plan Administrative Review and a Special Permit in the VCN-GDG-GWB and GCC Subdistricts and Stormwater Permit was filed with the Town Clerk on July 21, 2022. 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 September 22, 2022 with an immediate continuance and no testimony taken. This was an in-person meeting with a hybrid ZOOM option under the open meeting law. The public hearing was continued to December 15, 2022, March 9, 2023, May 11, 2023, July 27, 2023 and August 10, 2023 when the public was closed

and the Site Plan Review and Special Permit and Stormwater Permit were approved with conditions. All members were at all sessions where testimony and evidence were presented or filed a Mullin Rule Certification for missing only one meeting. The public hearings in 2023 were all in person and with remote participation by ZOOM available due to COVID – 19 procedures under the open meeting law. The December 15, 2022 meeting was in-person only as the ZOOM option was not available in the room.

Hearing Summary:

When the public hearing was opened on September 22, 2022 there was an immediate continuance with no testimony taken. On December 15, 2022, Attorney William Ohrenberger was present along with the Applicant, John Sullivan, Gregory Morse, the applicant's engineer and Jamie Kelliher the applicant's architect. The Planning Board's consulting engineer, John Chessia of Chessia Consulting Services LLC, Kristen Braun of Chappell Engineering as the Town's traffic consultant, Karen Joseph, Town Planner and Shari Young, Planning Board Assistant were present. Ms. Lambert indicated several departments had sent comments that would be discussed.

Mr. Morse gave a brief summary of the project indicating there are no wetlands on-site, the property is not located in a civic or pedestrian frontage zone, the site is not in the Water Resource Protection District or Zone A or Zone II, and there is a small portion of the FEMA floodplain on the site. He said the site is generally well drained gravelly soil with the water table 8 feet down or deeper. The site is across the street from Herring Brook Mall and Dunkin and the MBTA pathway runs adjacent to the site. The zoning districts were provided. He indicated the proposal to construct 20 residential units with a density bonus and there would be adequate parking. He indicated the proposal also includes closing off the existing driveway to 17 New Driftway to realign the driveway with the mall driveway across the street with a flashing light and provide a turning lane from the gas station to the site. Mr. Morse indicated the amenity spaces and said public water and sewer would be used and drainage would be handled in subsurface chambers.

Mr. Kelliher provided an overview of the architecture. The front building is 2.5 stories with brick siding at the commercial level and traditional clapboard and dormers for the residential levels. There would be awnings and landscaping between the building and sidewalk. There would be two commercial areas and 14 residential units in the mixed-use building with 2 residential units and 4 garage spaces on the ground floor. Each level is about 7,800 sq. ft. for a total of about 23,400 sq. ft. There are one- and two-bedroom units. The building height is 38' to the peak. The second building is 2.5 stories with an empty attic and sits off MacDonald Terrace. There would be 3 units at each level – (2) 2-bedroom units and (1)-1bedroom per level for 6 units. The building is New England Style with gables and dormers.

Ms. Braun indicated the traffic study focused on the site driveway and its intersection with New Driftway. She suggested the intersection of Driftway and New Driftway be studied with new traffic counts and the background traffic should include all proposed and newly completed developments in the area. She suggested the sight lines be shown and recommended 15' travel lanes at the entrance. Recommendations were made for striping and radii and truck turning radii need to be shown. It was recommended that the center turn lane be 13' wide instead of 10' and the driveway be re-aligned to

the east to make sure left turns are not in conflict with traffic across the street. The Board wanted to revisit traffic when the applicant's traffic engineer could be present as everything was very tight. The bridge at the Herring Brook is the pinch point. The Board was concerned about the traffic flow with 17 New Driftway and the addition of new spaces on the 17 New Driftway property. There was discussion of why a combined driveway was needed versus two separate driveways and all access from the property should be off New Driftway.

Mr. Chessia outlined site issues including density bonus, screening, loading spaces, parking, walkways, wall in front along the road, low impact development standards, access drive is only allowed to be 24', amenity space, the affordable component, and stormwater. There was a discussion about residential units on the first floor. The Board referred the project to the Design Review Committee. (DRC)

Mr. Burwick, owner of the 17 New Driftway project commented in favor of a common entrance for the improved traffic flow and safety factor.

At the March 9, 2023 hearing session, water and sewer studies were not completed. The four affordable units will have Metro West Collaborative as the monitoring agent. Three units will be in the MUB and one in the MFB. The Board suggested two units at 60% AMI and two at 80% AMI. The Applicant indicated they would take that under advisement. Construction sequencing discussed. The MUB will be done first and after it is occupied the MFB will be done. Parking would all be built up front with staging in some of the parking for the MFB. The Board wants assurances that the second building would be built despite earthwork and stubbing out of utilities for the MFB being done in first phase. The setback/stepback of the building was discussed. The DRC recommendation not provided yet so Board cannot opine on a waiver. They don't want the aesthetics compromised. Density bonus discussed. The connection to the MBTA easement is nice, but there is no permission. Realigning the site driveway and eliminating existing 17 New Driftway Driveway creates a safer entry and is further from the brook. Board opined it is a bonus, but more is needed. The Board discussed the seven spaces for 17 New Driftway. It was indicated that it helps correct a bad situation where people park illegally and no additional restaurant seats should come of this. The new spaces will be similar material to those existing – shells. There will be two electric vehicle charging stations and two ADA accessible spaces. It was confirmed the units are rental with no Homeowner's Association.

Traffic was discussed. Town's traffic engineer Ms. Braun, indicated most of the comments have been addressed and she has a few concerns: landscaping within the sight triangles should be less than 2.5 feet in height and snow should also be removed. She asked if the fire Department is okay with access to all sides of the building. Ms. Joseph indicated she spoke with the Deputy Chief who indicated there were no issues and the buildings will be fully sprinklered and there will be a new fire hydrant at the entrance. Mr. Adams, representing the Applicant, said they are comfortable with the issues addressed and there will be significant improvements to the sight lines with the new driveway configuration of 90 degrees.

Mr. Chessia opined the EV charging stations may need to be handicap accessible not exclusive if a state grant is obtained; he indicated soils are good so not a lot of issues with the drainage design and

recommended the Board discuss the amenity space and phasing. It was indicated the amenity space complies. Management of stormwater while construction was going was discussed and indicated it needs more thought. 1

At the May 11, 2023 hearing session, the Board discussed the density bonus. It was indicated that more than the driveway relocation is needed for the density bonus which the Board is not obligated to give. The Fire Department requested a full turnaround at the cul-de-sac on MacDonald Terrace. The Applicant opined they read the comment differently and want it to be confirmed with the Fire Department. It was indicated that a full paved cul-de-sac and two units at 60% AMI could be the density bonus. The Board did not see that the turning lane extension and connection to the MBTA path were density bonus items. Mr. Chessia reviewed items for the Board to consider including waivers, the density bonus, the floodplain and watershed protection district, the landscape plan, the special permit for tandem parking, low impact design systems, amenity space, affordable housing, water and sewer studies still outstanding, DRC comments and Stormwater. The Board discussed the issues along with phasing and access for construction. Other clarifications made were that the units would all be rental and Metro West Collaborative would be the monitoring agent for the affordable units (4) and only the affordable units at 20% of the total number will count toward the Subsidized Housing Inventory. It was also indicated that \$10,000 would be conditioned for a traffic study by the Planning Board for the area. Phasing conditions were also discussed.

At the July 27, 2023 hearing session, Mr. Chessia was still reviewing some of the submittals. Mr. Morse indicated the Conservation Commission approved the project and some minor changes were done to address comments including the paved cul-de-sac which they had not anticipated. The Board discussed phasing and circulation. It was indicated there would be conditions for the top coat being placed all at once with the new entry drive. Ms. Burbine opined she did not like the phasing nor the tandem parking. Mr. Morse indicated parking spaces would be assigned. The Applicant was questioned on occupancy of Building A- the MUB since some of the tandem spaces were for that and it is also proposed as Building B - MFB parking during construction. The Applicant indicated Building A would not be able to have full occupancy until all of the parking was available. The Board took this under advisement. A cut and fill analysis was requested along with an analysis for trucks turning out of the 17 New Driftway parking as there is only a 15 foot radius. Snow storage was again questioned as a fire hydrant is in the snow storage area. The Board continued the hearing.

At the August 10, 2023 hearing session, Attorney for the Applicant, Jeff DeLisi, indicated Mr. Chessia's comments had been addressed and they had a few comments on the draft decision. Mr. Morse provided a revised set of plans to provide for a paved cul-de-sac and a new landscape architect. He indicated all of the comments have been addressed. Ms. Joseph agreed that all of the comments have been addressed or could be conditioned. Ms. Lambert indicated a 4/5 voted was needed. The Board reviewed and approved the draft Findings of Fact and Conditions with minor changes and a vote of 4-1 approved the project.

Additional Public and Town Department Input:

William Branton, of the Scituate Sewer Division, commented that the plans should be updated to show the cross country section of sewer main located between MacDonald Terrace and New

Driftway; Sewer laterals exist for the lots; review elevations for building 1 and see if sewer can come from the lateral on MacDonald Terrace; No sewer lateral on New Driftway; costs for installing or modifying sewer is the onus of the applicant; Sewer and Water studies are required for proposed developments which increase density of a lot; connection fees are \$16,000 per unit for 17.5 units as 2 betterments have been assessed to these lots for a total of \$280,000; recommended building 1 use 6" service with cleanouts instead of 8" with manhole pending review of sewer study to confirm capacity; condominiums assess a score of 1 for a 1 bedroom units - additional fees would be owed if the project were condominium versus rental; sewer cleanouts need metal covers; sewer pipe is SDR 35; minimum slope is 2% for sewer services; permit costs are in addition to connection fees.

Kevin Cafferty, DPW Director indicated the DPW will not waive crosswalk configurations, widths or lengths. All crosswalks need to comply with Town Standards and the MUTCD.

Mark Cloud, Assistant Water Superintendent, indicated the hydrant connection should come off the end of the water main on MacDonald Terrace so it will be possible to flush past the proposed water service connections; all units are to be individually metered (no master meters); old service line to be abandoned; building on New Driftway will require \$14,000.00 connection fee and \$500.00 for each additional 5/8" meter.

DPW Engineering Division commented that flowable fill will be required for any excavation in New Driftway; the existing water service at 7 MacDonald Terrace should be cut and capped at the existing main; an additional catch basin should be located on the sight side of the entrance to ensure runoff remains onsite; consideration should be given to improve the cul-de-sac at the end of MacDonald Terrace instead of the gravel parking area; flow test and building type calculations should be performed to ensure fire protection requirements; ADA compliant ramps shall be constructed along New Driftway at the proposed entrance location; granite curbing and sidewalk construction along New Driftway at the existing opening shall conform to Town of Scituate DPW and Mass DOT construction specifications; the plans should show the new line striping on New Driftway at the entrance and 48-52 New Driftway; if existing sewer service is used for 7 MacDonald it shall be CCTV inspected for its current condition; how is power supplied to the transformer .

The Traffic Rules and Regulation Committee does not recommend tandem parking as it is a safety hazard and it is difficult for the Fire Department to move around the vehicles. They indicated there should be parking for a delivery truck for the mixed-use building; they asked for no gate at the entrance due to safety and emergency access concerns; they asked for proper snow storage not on New Driftway; they do not recommend using MacDonald Terrace for construction access due to it is a narrow private road; they inquired about trash disposal pick up with the one-way circulation and they asked that Country Way and Stockbridge Road be included in a comprehensive traffic study. Deputy Fire Chief Mark Donovan asked for the existing hydrant to be replaced. He indicated the last plans show the access for the ladder truck which is okay.

The Board of Health indicated a dust control plan is required consisting of a water truck to control dust from leaving the site and a property must be baited by a licensed exterminator two weeks prior to demolition and a report given to the BOH.

Mark Donovan, Deputy Fire Chief, asked for turning radius based on ladder truck be added to the plan; the hydrant at the entrance shall be replaced due to its age; they would like a paved radius style turn around at the end of MacDonald Terrace as it would be more effective for Fire Department access instead of backing out of MacDonald Terrace.

Weston and Sampson provided the water and sewer studies for the Applicant. Mark Cloud of the Water Division, indicated the Water Division agrees with Weston & Sampson water study for 33 New Driftway. William Branton of the sewer division indicated that he agreed with the recommendations in the sewer study and cleaning and CCTV inspections of the mains may occur after a building permit is issued but should be completed with footage provided to the Sewer Division at least 45 days prior to an occupancy permit.

The Design Review Committee recommended the Planning Board move ahead with the Special Permit process contingent upon review of the detailing of the exterior materials with emphasis on the brick and trim and review of the locations of the utilities and mechanical equipment prior to a building permit being issued. They would also like to review any signage. They felt that although the primary façade of the building is currently non-conforming with the height in the 12.5 to 37.5-foot stepback zone approximately 32 feet where 30 feet is required, the effort of addressing all the other zoning concerns and the small encroachment helps with the articulation of the façade.

Findings of Fact:

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

1. On July 22, 2022, the Applicant, Saiorse, LLC, filed an application for a Special Permit, Major Site Plan Review and Stormwater Permit for a Mixed-Use Building and Multi-Family Building project in the Village Center and Neighborhood District under Scituate Zoning Bylaws Section 580, 750 and 770. The Application included, but is not limited to, the following:
 - a. Cover letter dated July 21, 2022, Application Forms including attachment A-F and Stormwater Permit form and locus deed;
 - b. Authorization from Robert J. Burwick as Trustee of Greenbush Realty Trust, owner of 17 New Driftway, Scituate, MA to John L. Sullivan and attorney, William H. Ohrenberger III, Esq. and Morse Engineering Company, Inc. to pursue permits and approvals from the Town of Scituate and Commonwealth of MA for construction of a residential and commercial real estate project on the Saiorse, LLC property including but not limited to infrastructure, a common driveway, landscaping and parking on the Greenbush Realty Trust property.
 - c. Filing Fees and Abutters' List;
 - d. Site Plan, Proposed Mixed-Use & Multi-Family Development, 33 New Driftway, (Assessor's Parcels: 53-5-19 & 53-5-20A) Scituate, MA dated July 5, 2022 by Morse Engineering Group, Inc. consisting of 8 sheets;

- e. Preliminary Design, Mixed Use Project, 7 MacDonald Terrace, Scituate, MA by A.J. Tomasi Nurseries, Inc. consisting of 1 sheet.
 - f. Architectural rendering and Architectural Plans for Greenbush Gateway Development Project, New Driftway/MacDonald Terrace, Building 1 Mixed-Use Building First Floor Plan, Second Floor Plan, Third Floor Plan and Elevations; Building 2 Apartment Building First and Second Floor plans and Elevations by Axiom Architects dated 7-7-22;
 - g. Stormwater Permit Application – Town of Scituate Stormwater Bylaw (Sec.32050) & Stormwater Regulations for Proposed Mixed-Use Development 33 New Driftway & 7 MacDonald Terrace, Scituate, MA, Assessor’s Parcels: 53-5-19 & 53-5-20A dated July 6, 2022 by Morse Engineering Co., Inc.
2. The Property that is the subject of the Application is composed of two parcels: Parcel 1 is lot 53-5-19 and it is 19,245 sq. ft. all of which is upland; Parcel 2 is lot 53-5-20A and it is 27,802 sq. ft. all of which is upland. Parcel 1 has frontage and access off of MacDonald Terrace, a private way. The combined area is 47,047 sq. ft. or 1.08 acres. Parcel 2 has frontage on MacDonald Terrace and New Driftway. The Property is currently improved with a law office and driveway and a storage area for landscape supplies.
 3. The Project is located in the Village Center and Neighborhood (VCN) Zoning District, Greenbush-Driftway Gateway District (GDG) and the Gateway Business Subdistrict (GWB) – VCN-GDG-GWB and the Greenbush Village Center Subdistrict (GVC) – VCN-GDG-GVC. The site is also partially located in the Floodplain and Watershed Protection District.
 4. The Zoning Bylaw in effect for this project is the bylaw approved by the Scituate Annual Town Meeting on 9/19/2022 and the Attorney General on 12/16/2022 and posted to the website in December 2022.
 5. The Project proposed by the Applicant consists of twenty (20) residential units and 3,600 sq. ft. of general office/retail space in two buildings. A Multi-family Building (MFB) will have six (6) residential units. A Mixed-use Building will have 3,600 sq. ft. of retail/office space on the first floor as well as fourteen (14) residential units. The MFB will have four (4) two-bedroom units and two (2) one-bedroom units on the first and second floors. The MUB will have 3,600 sq. ft. of office/retail space on the first floor and a total of (3) one-bedroom units and eleven (11) two-bedroom units on floors one through three. There is a total of 35 bedrooms. There will be four (4) affordable units.
 6. The MUB building is a 3-story building. The building has a maximum building height of 38’-0” to the roof peak from the average grade plane which is less than the maximum height of 40’ as set forth in the Scituate Zoning Bylaw. The MFB is a 2-story building. The building has a maximum height of 34’-0” to the roof peak from the average grade plane which is less than the maximum height of 40’ as set forth in the Scituate Zoning Bylaw.
 7. There are thirty-eight (38) total exterior parking spaces provided. This includes two handicap parking spaces in between Building A and Building B. The project requires thirty-five (35) parking spaces. Parking is governed by Section 760.8 of the Scituate Zoning Bylaw for parking in Mixed-Use Districts (Table 2) and requires 1 space for a 1-bedroom unit and 1.5 spaces for a

2-bedroom unit in a multi-family or mixed-use building as the site is in the VCN District.
General office/retail in a mixed-use building requires 1space/500 gross square feet.

8. Section 760.7 does apply as the proposed use is mixed-use and residential in the VCN.
9. The property at 33 New Driftway does not require a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw.
10. In the VCN-GDG-GVC, a multi-family building is an allowed use by right per Section 420 of the Zoning Bylaws and an allowed building type per Section 580.3 with the Design Standards of Section 750 of the Zoning Bylaw. In the VCN-GDG-GWB, a mixed-use building is an allowed use by right per Section 420 and an allowed building type per Section 580.3 with the Design Standards of Section 750 of the Zoning Bylaw.
11. The base residential density in the VCN-GDG-GWB and GVC subdistricts per Section 580.4 of the zoning bylaw for a multi-family building and a mixed-use building is twelve (12) units per acre by right and twenty-four (24) units per acre by special permit. 12.96 units (rounded to 13) are allowed by right and 25.9 are allowed by special permit. Twenty (20) units are proposed on-site requiring a density bonus of seven (7) units. A special permit is required for twenty (20) units if certain Public Realm Improvements are made by the Applicant that will provide benefits to residents and businesses in the project, the VCN district and surrounding area. The eligible public benefit improvements can include on-site or off-site infrastructure improvements, streetscape improvements, open space improvements, amenities not otherwise required under Section 752, public parking spaces or additional affordable units beyond the number required for the development. The Applicant proposes pedestrian connections from the site to the existing walkway to the Greenbush train in the MBTA easement; handicap accessible sidewalk improvements along New Driftway; roadway improvements that include the extension of a turn lane in New Driftway; the relocation of the 17 New Driftway driveway so it is combined with the driveway for the project creating a shared entrance off of New Driftway; building a paved cul-de-sac on MacDonald Terrace to Town standards; and providing two (2) of the four affordable units at 60% Area Median Income (AMI) and two (2) at 80% AMI. The two (2) units at 60% AMI increase the affordability of two units and is thus a public benefit. The Board opined the sidewalk and turn lane are not density bonus benefits as well as the connection to the MBTA path as there is no proof the connection could be done at this time.
12. Section 580.4 also has minimum bulk standards for dwelling sizes. A two-bedroom unit is required to have 900 sq. ft. of usable floor area. A one-bedroom unit is required to have 600 sq. ft. of useable area. The one-bedroom units will have a usable area of 900 sq. ft. minimum and the two-bedroom units will have a usable area of 1000 sq. ft. minimum. This includes the multi-family mixed- use building. This requirement is met.
13. No Public Realm Standards are required for this development as no new streets are being created. The project proposes to eliminate one existing curb cut at 17 New Driftway and replace it with sidewalks and curbing in the public right of way. A new driveway entrance to the site will include access for 17 New Driftway. A pedestrian crosswalk is required by zoning and is provided.

14. Four (4) affordable housing units are required for the development among the 20 residential units. The units are distributed throughout the proposed housing units. There are three (3) units proposed in the Mixed-Use building - Two are two-bedroom units and one is a one-bedroom unit. There is one (1) unit proposed in the Multi-family building and it is a one-bedroom unit. The affordable units are designed so that the exterior is compatible with the market rate units. The applicant has indicated they will be using MetroWest Collaborative Development as the monitoring agent. No other information has been submitted for the affordable units at this time. The Applicant requests a waiver for the information to be submitted if the project is approved until after the approval. The affordable units must be able to count toward the Town of Scituate's Subsidized Housing Inventory and comply with the Local Initiative Program (LIP) 760.CMR 56.00.
15. The Applicant met with the Design Review Committee ("DRC") on several occasions to discuss this project. The DRC recommended "the Planning Board move ahead with the Special Permit process" in a memorandum dated March 20, 2023. They indicated "their recommendation is contingent on the review of the following prior to a building permit being issued: Detailing of exterior materials, with an emphasis on the brick and trim details and review of the locations of the utilities and mechanical equipment." They indicated the primary façade of 33 New Driftway is currently non-conforming for the mixed-use building. The height in the 12.5 to 37.5-foot stepback zone is approximately 32' versus the required 30' for 6% of the overall façade. The DRC felt that the small encroachment may help with the articulation of the façade in the effort to address all zoning requirements. The design meets most of the criteria set forth in Section 750 of the Zoning Bylaws, with the exception of the Building Setback/Height." Per the Bylaws, a building within 0 -12.5' of the street shall be no more than twenty-five feet in height and between 12.5' and 37.5' shall be no more than 30' in height. The overall height of the proposed MUB building is 30'-11" to the midpoint of the roof and 38' to the roof peak.
16. A Multi-family Building (MFB) includes Lot Standards and Design Standards found in Section 750.6 including:
 - A minimum lot size is not required;
 - Street frontage of 80' is required. There is 104.62' of frontage on MacDonald Terrace.
 - Lot depth is not required.
 - The front yard build-to-zone (setback) is 10' minimum and 30' maximum. 10.7 feet for the minimum is provided and 22 feet for the maximum is provided.
 - Minimum side yard is 15'. 15.8' is provided.
 - Minimum rear yard is 20'. 80.3' is provided.
 - Outdoor Amenity Space Coverage required is 20% of the lot. This is 9,409 sq. ft. 9,722 sq. ft. has been provided. This is 20.67% of the lot.
 - The building height will conform to the height regulation set forth for an MFB at 34' from the average grade plane to the roof peak. This is below the 40' limit.

- The minimum street facing wall width is 60' and the maximum is 100'. Under Section 750.5 B. 2 d. Vertical Modulation and Articulation no street facing building elevation can be wider than 100' without a Special Permit. As 60' is provided, no special permit is required.
- A street facing entrance is required and provided.
- A maximum building footprint is not applicable.

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

- More than one principal building is allowed on a lot if the building lot dimensional standards are met for each principal building individually. There are two buildings on the lot.
- All principal buildings and accessory structures are located outside of any required front, side or rear setbacks except as otherwise permitted.
- The Build to Zone Occupancy is measured as a percentage of the width of the street frontage. Primary Build to Zone occupancy shall be 50% of the frontage width. The MFB has 57.3 %.
- The lot is not a corner lot.
- Multi-family buildings taller than 25' shall be required to be setback or stepped back from the street right-of way. The building is setback 10.7' from the front property line. For setbacks 0 – 12.5', a maximum height of 25' is required. For buildings 12.5' – 37.5', a maximum height of 30' is allowed. According to the Applicant, the eave height at attic level is 19'-4" and complies.
- The scale of the building is visually compatible with the site and with its neighborhood,
- Building articulation standards have been met with buildings greater than 50' in width designed to read as a series of smaller buildings with varied articulation.
- No street facing building elevation is more than 100'.
- Horizontal modulation and articulation are not required as the MFB is two stories.
- Street facing building facades shall provide surface relief through dormers and door canopies. A door canopy is provided in the form of the terrace above.
- Façade transparency is required for multi-family buildings. Windows shall be evenly spaced along the façade, windows shall be low reflectivity glass, the façade glazing shall fall between the height of 2' and 12'. Façade glazing requirements are only applicable to front facades facing a street right-of-way. The project meets the requirements with window spacing, façade glazing occurring between the first floor and 10'-2". Low reflectivity glass is provided.

- The roof pitches (12:12 and 10:12) meet the criteria of 6:12 minimum and 12:12 maximum.
- Exterior treatments will be provided. Exterior treatments will be synthetic materials intended to provide the look and character of traditional building materials i.e. cedar shakes and clapboard. There will be corner boards, crown molding at windows and other trim work. The roof will be architectural asphalt shingles in a brown color. Gutters and downspouts will be present. The windows will be operable. Architectural elements are continued from the front to the side of the building. The proposed building has textures and patterns.

18. A Mixed - Use Building (MUB) includes Lot Standards and Design Standards found in Section 750.6 including:

- A minimum lot size is not required;
- Street frontage of 50' is required. There is 180.49' of frontage provided on New Driftway.
- Lot depth is not required.
- The front yard build -to-zone (setback) is 0' minimum and 20' maximum. 10.6' for the minimum is provided.
- Minimum side yard is 10'. 11' is provided.
- Minimum rear yard is 20'. 105.5' is provided.
- Outdoor Amenity Space Coverage required is 20% of the lot. This is 9,409 sq. ft. 9,722 sq. ft. has been provided. This is 20.67% of the lot.
- The building height will conform to the height regulation set forth for an MUB at 38' from the average grade plane to the roof peak and 30'-11' to the roof mid-point. This is below the 40' limit.
- The minimum street facing wall width is 60' and the maximum is 100'. Under Section 750.5 B. 2 d. Vertical Modulation and Articulation no street facing building elevation can be wider than 100' without a Special Permit. As 117' is provided, a special permit is required.
- A street facing entrance is required and provided.
- A maximum building footprint is not applicable.

19. A MUB has general design standards found in Section 750.5 including:

- More than one principal building is allowed on a lot if the building lot dimensional standards are met for each principal building individually. There are two buildings on the lot.

- All principal buildings and accessory structures are located outside of any required front, side or rear setbacks except as otherwise permitted.
- The Build to Zone Occupancy is measured as a percentage of the width of the street frontage. Primary Build to Zone occupancy shall be 50% of the frontage width. The MUB has 65.7 %.
- The lot is not a corner lot.
- Mixed-Use buildings taller than 25' shall be required to be setback or stepped back from the street right-of way. The building is setback 10.6' from the front property line at New Driftway. For setbacks 0 – 12.5', a maximum height of 25' is required. For buildings 12.5' – 37.5', a maximum height of 30' is allowed. The building is non-conforming as the height in the 12.5 to 37.5-foot setback zone is approximately 32'-0" versus the required 30'-0" for 6% of the overall façade. The DRC felt it would help with the articulation. The main building eave is 23'-11" where 25' is the limit.
- The scale of the building is visually compatible with the site and with its neighborhood,
- Building articulation standards have been met with buildings greater than 50' in width designed to read as a series of smaller buildings with varied articulation.
- The street facing building elevation is more than 100' at 117'.
- Horizontal modulation and articulation are required as the MUB is three stories. The bottom story is visually integrated and the base is differentiated from above by a horizontal expression line and change in material and color. The central portions are visually integrated and differentiated from the bottom. The attic has a change in façade with a cornice and gable roof.
- Street facing building facades shall provide surface relief through dormers and door canopies. A door canopy is provided.
- Façade transparency is required for mixed-use buildings. Windows shall be evenly spaced along the façade, windows shall be low reflectivity glass, the façade glazing shall fall between the height of 2' and 12'. Façade glazing requirements are only applicable to front facades facing a street right-of-way. The project meets the requirements with window spacing, façade glazing occurring between the first floor and 10'-2". Low reflectivity glass is provided.
- The roof pitches (12:12, 11:12 and 9.5:12) meet the criteria of 6:12 minimum and 12:12 maximum.
- Exterior treatments will be provided. Exterior treatments will be full depth red brick for the lower level wall material and fiber cement clapboard in a light color intended to provide the look and character of traditional building materials i.e. clapboard. There will be corner boards, crown molding at windows and other trim work. The roof will be architectural asphalt shingles in a weathered tan/gray color for the sloped roof and

EPDM or T.P.O roofing in a gray or black color for the flat roof area. Trim materials will be white PVC. Balcony railings will be white PVC and decking will be composite materials to look like a brown wood. Gutters and downspouts will be present. The windows will be operable. Architectural elements are continued from the front to the side of the building. The proposed building has textures and patterns.

20. Development site standards include (Section 750.8):

- The development site consists of two buildings;
- The development site does not include any existing or proposed right-of-way;
- A multi-family building and mixed-use building are permitted building types in this district;
- A minimum of 80 feet of frontage on a public or publicly accessible street providing access to the development is provided;
- Development block standards are not applicable;
- Site Landscaping is provided. Plantings are arranged to not obscure the vision of traffic.
- Parking must be located a minimum of 5 feet behind the front façade. The project meets this requirement. Two handicap accessible parking spaces are located between the two buildings. A street screen shall be required where parking is visible from a public street or sidewalk. A landscape screen is provided to screen parking from the walk along the west side of the property. A stockade fence is provided to screen parking at the north property line. Landscape screening is proposed along the walk by MacDonald Terrace to screen site parking. Landscape screening will be provided in front of the new parking spaces at 17 New Driftway to hide them from New Driftway.
- A driveway servicing the site is shown off New Driftway. It will be provided as 24 feet wide.
- New public utilities are provided as underground.
- An outside trash storage area is provided in a dumpster with a fenced enclosure. The garage for the MUB is located on the north side of the building. It does not face the street.
- Bicycle racks have been provided at a rate of greater than 10% of auto spaces. 5 bicycles can be accommodated at the rear of the MUB.

21. Sustainable Site Design is required in the VCN District per Section 751 of the Zoning Bylaw. Stormwater management shall conform to best management practices as described in the Commonwealth of Massachusetts Stormwater Management Handbook. Predevelopment hydrology is maintained by infiltrating stormwater in underground chambers and having some pervious pavement for walkways. The post construction peak rate and volume of runoff does not exceed the predevelopment rates for the 1, 2, 10 and 100-year 24-hour rain events.

Stormwater Best Management Practices are required. Treatment streams of deep sump hooded catch basins and subsurface infiltration are provided. Minimization of impervious surfaces is not provided as there is a significant increase in impervious area on the site.

22. The total impervious area on the site is 32,654 sq. ft. and the area of disturbance is 45,550 sq. ft.
23. A Landscape Plan shall be required for all submissions, except where waived by the Planning Board. To the greatest extent possible, native plants shall be maintained and no plants listed as Invasive or Prohibited by Massachusetts shall be used. Existing invasive plants shall be removed. A Landscape Plan has been provided. Native landscaping is minimally proposed. Landscaping is reasonable except there is no diversity in the screening. Lawn area in the front yard is minimized and fertilizer use is discouraged. This requirement has been met.
24. Multi-family residential developments shall provide access from parking lots to a public sidewalk and the primary building as indicated in Section 760.8. F. 2. public ways. This is provided by a walkway connection from the MFB to the MUB and then from the MUB to the existing sidewalk in the right of way of New Driftway.
25. Section 760 Parking – A special permit is requested to allow the use of tandem parking for fourteen (14) spaces by the MFB and MUB. Up to 75% of tandem parking is allowed. 37% is provided. 9' x 18' parking spaces have been provided with 162 sq. ft. as required. 35 parking spaces are required and 38 parking spaces are provided. The parking includes: 5 spaces for the 5 one-bedroom units, 23 spaces for the 15 2-bedroom units and 7 spaces for the retail office space at 1 space/500 sq. ft. with 3,600 sq. ft. provided. Two (2) handicap spaces are provided along with two (2) Electric Vehicle (EV) spaces which are Handicap accessible, but not handicap exclusive.
26. A traffic study was prepared by McMahon Transportation Engineers and Planners for the site. Chappell Engineering Associates reviewed the study and provided comments which the Applicant addressed through submission of additional material. Chappell has found their comments have been addressed with the conditions provided.
27. Scituate Zoning Bylaw, Section 770.6 sets forth the standard of review for approval of proposed site plans which are required for proposed developments which are of a size that may have significant impacts on neighborhoods. Multi-family buildings and mixed-use buildings require a site plan reviewed by the Planning Board.
28. Section 770.6.A Site Plan Approval Standard A: Protection of adjoining premises against detrimental and offensive methods of utilizing the site.

Finding: The Property is currently improved with a law office and driveway and a storage area for landscape supplies. The proposed development will clean the site up with allowed uses that as conditioned will meet the bylaw. Fencing and landscaping is proposed to buffer the site. This standard is met.
29. Section 770.6.B Site Plan Approval Standard B: Traffic safety and ease of access at street and highway entrances and exits of driveways, taking account of traffic volume, grades, sight

distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections and times of peak traffic flow.

Finding: The site is located on New Driftway. The project will consist of a Multi-Family Building with six (6) units and a mixed-use building with fourteen (14) units. The proposed development will have its own separate off-street parking meeting the requirements of Sections 750.8. and 760. Access for the parking will be off New Driftway. The Applicant has demonstrated there is capacity on New Driftway to handle the traffic that will be generated by changing the development from a law office and landscape storage to a multi-family building and mixed-use building. The Applicant has demonstrated there is adequate sight distance. Any traffic back up leaving the site will be contained onsite with minimal, grades (less than 2%). The driveway is being configured to change the current location of the 17 New Driftway Driveway into a shared driveway for the two sites to provide for traffic safety and the curb cut for the existing 17 New Driftway driveway will be permanently eliminated. The proposed driveway is also being located across the street from a driveway to the 28 New Driftway businesses to allow for safer access. The turning lane in New Driftway will also being extended from 48-52 New Driftway westerly past the site driveway. This standard is met.

30. 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 proposed development will have its own separate off-street parking meeting the requirements of Sections 750.8 and 760. Access to the site will be from a new curb cut in New Driftway. The access off New Driftway is 24' wide. There is a walkway across the new access to reach the sidewalk on New Driftway. The Applicant has demonstrated that the site will have sufficient access for service and emergency vehicles. The Applicant will also re-pave the full cul-de-sac at MacDonald Terrace to provide greater access for emergency vehicles. Landscaping and fencing minimize headlight glare and cut off light fixtures will be used to minimize light intrusion. This standard is met.

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

Finding: The project proposes to connect to the existing sewer service in MacDonald Terrace and connect to the water main located in New Driftway for Building A and MacDonald Terrace for Building B. The Department of Public Works has stated that both sewer capacity and water capacity is available in the public sewer and water system, and that the sewer and water connections will meet DPW requirements. All units will be individually metered for water. The buildings will have fire sprinklers for fire protection. The existing fire hydrant west of the new driveway entrance will be replaced and the existing hydrant on MacDonald Terrace will provide adequate fire water supply for the Scituate Fire Department. There is a dumpster for trash, which will be emptied on a weekly basis or more frequently if necessary. This standard is met.

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

Finding: The proposed stormwater management system for the project consists of a subsurface recharge system. Snow storage areas are provided to the west of the walkway as per drawing 5 of 13. The Board engaged Chessia Consulting Services to evaluate the adequacy and accuracy of Morse Engineering Co., Inc.'s stormwater report and data as well as the efficacy and adequacy of the design. Chessia Consulting Services submitted detailed written comments to the Planning Board and to the Applicant. In response to these comments, the Applicant and Morse provided responses, revised reports were requested and provided along with updated site plans. After further review by Chessia Consulting Services, the Applicant has been determined to have adequately addressed the comments and recommendations if the stormwater management system is built as designed. The Applicant has submitted a stormwater management plan and Operation and Maintenance Plan that ensures that the project will be managed appropriately for the entire construction period and thereafter during on-going operation.

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

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

This standard is met.

33. Section 770.6.F Site Plan Approval Standard F: Adequacy of provisions made to protect against toxic or hazardous materials or oil discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as spill control provisions in the vicinity of fuel delivery points, secured storage areas for toxic or hazardous materials or oil, and indoor storage provisions for corrodible or dissolvable materials.

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

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

Finding: The proposed site is disturbing 45,550 sq. ft. out of 47,047 sq. ft. Nearly all of the site will be disturbed with an overall cut of 1,616 CY will result; however, topsoil stripping and various structural fills will be needed to be brought in to accomplish the grading resulting

in not a significant grade change on the site. The majority of site trees are proposed to be removed. This standard is met.

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

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

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

Finding: The project consists of one driveway to service the MFB, MUB and 17 New Driftway. 38 parking spaces are provided with four (4) internal to the MUB. Shade trees meeting minimum size requirements are proposed adjacent to the parking area. Fencing proposed is wooden stockade fencing providing screening. Exterior lighting will be arranged to minimize glare and light spillover to adjacent properties thereby meeting the requirements of the Bylaw. This standard is met.

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

Finding: The surrounding area has existing safe, functional and convenient pedestrian access including a sidewalk located on New Driftway providing access to Greenbush and the train station. The Applicant has proposed to provide three (3) new connections to the path in the MBTA easement, but no proof that the MBTA has approved such modifications has been provided. A 5-space bicycle rack is proposed. There is a walk connection in the site to the sidewalk on New Driftway. This standard is met.

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

Decision:

Based on the Findings of Fact and testimony provided at the public hearing, the Planning Board approves the Stormwater Permit, Site Plan Review and Special Permit in the Village Center and Neighborhood District for 7 MacDonald Terrace/ 33 New Driftway ("Site") with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Morse Engineering Company, Inc. entitled "Site Plan Proposed Mixed-Use Development & Multi-Family Dwelling, 33 New Driftway (Assessor's Parcels: 53-5-19 & 53-5-20A) Scituate, MA ", consisting of 13 sheets dated July 5, 2022 with revisions through 7/12/2023 including a Landscape Plan dated 1/9/23 with revisions through 7/12/2023 stamped by Sean Papich, Registered Landscape Architect; ii) Architectural Plans by Axiom Architects consisting of a colored rendering, Building 1 Mixed-Use Building A1 First Floor Plan, A2 Second Floor Plan, A3 Third Floor Plan, A4 & A5 Elevations all dated 7/7/2022 with revisions through 2-8-23 with A4 revised 7-3-23 and A6 Stepback Section Diagram dated 3-8-23 ; iii) Building 2 Apartment Building A6 First Floor Plan, A7 Second Floor Plan, A8 Elevations dated 5/6/2022 all with revisions through 4-13-2023 with further revisions to A8 dated 7-3-23 and A9 dated 5-6-22; iv) Stormwater Permit Application, Town of Scituate Stormwater Bylaw (Sec.32050) & Stormwater Regulations for Proposed Mixed-Use Development, 33 New Driftway & 7 MacDonald Terrace in Scituate, MA dated July 6, 2022 with revisions through July 3, 2023; v) Sewer System Review for 33 New Driftway Redevelopment, Scituate, MA by Weston & Sampson dated May 9, 2023; vi) Water Service Evaluation for 33 New Driftway Redevelopment, Scituate, MA by Weston & Sampson dated May 9, 2023; vii) Lighting Plan dated 2/7/2023 for 33 New Driftway by Visual; viii) Traffic Impact Study for Proposed Mixed-Use Development for 33 New Driftway, Scituate MA by McMahan Associates, Inc. dated July 2022 and updated February 2023 and ix) Cut and Fill Plan for 33 New Driftway by Morse Engineering Co., Inc dated 7/31/2023. Final Building elevations must be approved by the Town Planner prior to issuance of a building permit for conformance to submitted material. A copy of the approved plan and conditions must be kept on-site at all times during construction.
2. Where this Site Plan Review and Special Permit requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's (the "Planning Board" or the "Board") approval of this Site Plan Review and VCN Special Permit, including, but not limited to approval of work by the Select Board and Department of Public Works ("DPW") in all public rights of way including New Driftway. Construction shall meet all applicable federal, state and local laws and regulations including, but not limited to, those of the Scituate DPW, Fire Dept., Building Dept., Board of Health, Planning Board as well as the Massachusetts DEP and State Building Code. All necessary permits and approvals must be received prior to start of construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw.
4. The Applicant shall mean the current Applicant and all its successors in interest. This site plan review and 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 twenty (20). There will be five (5) one-bedroom units and fifteen (15) two-bedroom units. There will be four (4) affordable units constructed between the two buildings. The total number of bedrooms on the Site shall not exceed thirty-five (35). A bedroom shall be defined in accordance with Title V of the State Sanitary Code. Massachusetts Architectural Access Board ("MAAB") requirements must be met. All units constructed at the Site shall be under rental conditions or Applicant occupied.
6. The Applicant shall obtain the plan endorsement from the Planning Board for the Site Plan Review and VCN Special Permit within 90 days of the expiration of the appeal period and this decision becoming final. All conditions shall be inscribed on the plans prior to endorsement.
7. Storage of fertilizers and pesticides is not allowed unless they are covered or contained.
8. No vehicle washing is to occur on the Site.
9. The units in the new building shall be numbered on the outside and on a map in the building lobby for identification, fire protection and emergency response purposes.
10. The Planning Board is not the Special Permit granting authority for the Flood Plain and Watershed Protection District and this decision does not incorporate any approval or conditions related to this district as the Zoning Board of Appeals is the permit granting authority for that district.
11. The only work allowed on the 17 New Driftway site shall be for the relocation of the driveway, the closing of the curb cut, the elimination of three (3) parking spaces and the construction of seven (7) new parking spaces with appropriate screening. No storage of materials or other activities are allowed except in relation to the approved construction noted above. This includes construction parking is not allowed. No construction parking on 17 New Driftway is allowed.
12. The two parcels must be combined into one lot prior to endorsement.
13. Gates are not allowed at the entrance now or in the future.
14. The crosswalk across the new entrance shall be 10 feet wide and must comply with Town Standards and the MUTDC. This must be reflected on the final plans prior to endorsement.

Waivers and Special Permits

15. A waiver is requested from 750.5 A. 3. b. Building Setback and Stepback Standards to allow a 32' high building within 12.5' to 37.5' of the front property line where 30' is allowed as the small increase in height for 6% of the overall façade helps with the articulation of the façade. The Board grants this waiver.

16. A waiver is requested from 754.4 and 754.5 of the Zoning Bylaw to allow for the monitoring agent and other affordability requirements for the affordable units to be submitted after approval and prior to application for the first occupancy permit. The Board grants this waiver.
17. All parking is limited to designated spaces as shown on the plan. A Special Permit is requested to allow fourteen (14) tandem parking spaces to be located on-site for use by the MFB and MUB. The Board grants this Special Permit by a vote of 4-1.
18. The building is 117 feet long along New Driftway. A Special Permit is needed under Section 750.5 B.2 d. to allow a building wider than 100 feet facing the street. The Board grants this Special Permit by a vote of 4-1.

Access, Utilities, Parking, Traffic and Street Improvements

19. Maintenance and repair of the driveway and parking areas, stormwater management system, site utilities, snow removal, lighting and landscaping shall be the responsibility of the Applicant.
20. All parking is limited to designated spaces as shown on the plan. Thirty-four (34) surfaces parking spaces including two handicap accessible spaces and four (4) garage parking spaces are provided. This includes fourteen (14) tandem parking spaces that are approved by Special Permit.
21. No vehicular access to MacDonald Terrace is allowed during construction or in the future **except for the one trip** at the start of construction with an excavator so that the construction entry can be made to New Driftway. The excavator carrier must be moved on-site as soon as possible and shall not obstruct MacDonald Terrace.
22. A fully re-paved cul-de-sac, with pavement and materials to town construction standards, is required on MacDonald Terrace prior to any occupancy permit on site. Radii are needed to connect to the existing pavement. Saw cut of existing pavement is required to remove existing pavement in cul-de-sac prior to new cul-de-sac pavement. Minimum width of pavement is 55 feet as shown on the plan. Curbing is not required, but Applicant shall stabilize the transition between the pavement and ground to prevent erosion and undermining of the pavement edges. Construction vehicles for the cul-de-sac work only, except as otherwise limited, can access from MacDonald Terrace.
23. The Applicant shall extend the center turn lane in New Driftway from where it left off for the Petrol Realty project to beyond the site driveway as indicated on Sheet 5 of 13 to enhance turning functions onto New Driftway. Thermoplastic paint shall be used. This work shall be reviewed, approved and coordinated with the Town Planner and DPW Engineering prior to implementation and must be completed prior to any occupancy permit.
24. No new underground irrigation systems are allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy made effective by the Select Board on October 8, 2014 and reaffirmed by the Scituate Water Commissioners on May 26, 2015. No on-site sources of water are proposed. 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.

25. The Applicant shall allow members and town officials of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in the Special Permit Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
26. An independent inspector contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities. The inspector shall be approved by the Town Planner and DPW and shall work under the direction of the Town Planner. The costs for these inspections shall be paid by the Applicant. Written reports shall be submitted to the Applicant and the Planning Board in a timely manner stating results of any and all required inspections during construction unless more frequent reports are needed. 2 business days minimum advance notice is required for all inspections. All stormwater recharge structures require inspection of the bottom of the excavation by the consulting engineer. Noise, dust and air quality control shall be in accordance with DEP regulations.
27. Construction of the proposed driveways, parking areas, proposed drainage system, proposed water system and proposed sewer system shall be supervised by a registered professional engineer as the Supervising Engineer. Said Supervising Engineer shall certify in writing to the Planning Board and DPW at completion that the proposed driveways, parking areas, drainage system, water system and sewer system were constructed in accordance with the approved plans and that said systems are functioning in full accordance with the approved design.

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

28. All materials for utility construction shall meet DPW construction standards.
29. A street opening permit shall be obtained for each individual utility connection.

30. A Curb Cut permit shall be obtained from DPW prior to the preconstruction conference.
31. ADA compliant ramps shall be constructed along New Driftway at the proposed entrance location to Town standards and in conformance to the Site Plans.
32. The Applicant shall eliminate the existing driveway opening to 17 New Driftway onto New Driftway and add sidewalk and vertical granite curb to match existing walk and curb to Town of Scituate DPW standards and Mass DOT Construction specifications. Cast iron tactile pads shall be used for the detectable warning strips in the Town right of way. Saw cutting of the pavement is required. This shall be completed prior to any occupancy permit for the site.
33. The Applicant shall verify prior to endorsement and show on the plans that a delivery truck can exit the 17 New Driftway driveway with the 15' turning radius provided. If this cannot be accomplished, then a larger turning radius shall be provided.
34. Signage and pavement striping including a double yellow centerline will be implemented to reiterate the one-way counterclockwise circulation around the parking lot. One-way circulation cannot be changed without Planning Board approval.
35. The shared driveway must be constructed as shown on the plans all at one time for the top coat of bituminous. There shall be no segmenting construction of the shared driveway. No changes are allowed without Planning Board approval.
36. A shared driveway agreement/easement shall be provided to the Town Planner at least one month prior to occupancy. The agreement shall provide for maintenance and access agreements for the two properties.
37. The Applicant shall obtain all necessary approvals for the use of Town water prior to scheduling the pre-construction conference and any construction commencing. Any required upgrades, modifications or connections shall be at the Applicant's expense. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Copies of all necessary approvals shall be furnished to the Town Planner by the Applicant.
38. A determination of adequacy of the existing water service/fire flow for the proposed use shall be provided by the Applicant to the DPW and Town Planner for their approval prior to scheduling the pre-construction conference. Prior to endorsement the plans must be revised as noted below:
 - Separate connections for fire and domestic service to the existing 8" or 12" water main are required.
 - The water service(s) that serve the existing building should be identified on the plans. Notes should be added to abandon the existing water service (s) by excavating, closing, and capping the corporation stop. If existing tees are found, they should be removed and replaced with 8" ductile iron water main and solid sleeve couplings.

- The existing hydrant near the entrance on New Driftway shall be replaced in accordance with DPW requirements.
- The Applicant shall meet Town of Scituate Water Division Specifications.
- The size of the proposed domestic and fire water services shall be confirmed. Sizes for domestic and fire lines to be provided on a revised plan to Planning prior to application for a building permit.
- Fire flow conditions shall be calculated per the Weston & Sampson report. Flow tests and building type calculations shall be performed to ensure proper fire protection requirements.
- All units shall be individually metered. No master meters are allowed.
- Building on New Driftway will require \$14,000.00 water connection fee and \$500 for each additional 5/8" water meter.
- All proposed 2" water services shall be either Type K copper or poly (CTS) tubing. All services 2" and smaller in diameter shall be installed with a curb stop. The Applicant shall include callouts to indicate the locations of the proposed curb stops and how the proposed potable water will be connected to the existing water mains (with corporation stop, saddle, etc.)
- The Applicant shall include callouts to indicate how the fire services will be connected to the existing water mains (with a tee or tapping sleeve), and to identify the locations of the proposed gate valves.
- The Applicant shall include callouts for the proposed linework for the existing hydrant to be replaced in New Driftway to include the replacement of the existing hydrant only. If an inspection at the time of construction reveals problems with the existing tee, gate valve or 6" hydrant lateral pipe then they will need to be replaced as well. The plans shall reflect this prior to endorsement.
- The Applicant shall ensure that the hydrant located within the snow storage area will always be accessible and not be buried/surrounded by snow.
- The typical trench detail shall show the minimum required cover for the proposed water main and services to be 5'.
- The typical hydrant detail shall show the minimum required cover for the proposed hydrant lateral pipe to be 5'. Additionally, the dimension from the finished grade to the bottom of the hydrant flange shall be 3".
- The Applicant shall provide a detail for the proposed 2" potable water service.

39. The Applicant shall obtain all necessary approvals for the use of Town sewer prior to scheduling the pre-construction conference and any construction commencing. Any required upgrades, modifications or connections shall be at the Applicant's expense. Installation of all sewer mains and appurtenances shall be performed according to the specifications of the DPW Sewer Division. Copies of all necessary approvals shall be furnished to the Town Planner by the Applicant.

40. All replacement of, or connection to, Town sewer, drainage and the installation of water mains and appurtenances shall be performed according to the specifications of the Scituate DPW with an independent inspector contracted or employed by the Town to review the construction activity

and assure compliance with the Town's rules and regulations. DPW personnel must be in attendance for any sewer, drainage and water infrastructure and appurtenance work in the Town rights of way and on the Project Site. In addition, the following must be addressed to the satisfaction of the Town Sewer Division prior to the commencement of construction with notes added to the plan prior to endorsement:

- a. The Applicant shall perform light cleaning and closed-circuit television (CCTV) inspection of the existing sewer lines between SMH STA 2 + 04 and SMH STA 0+00 +SMH STA 1+20E (Record drawing C-19, File No. 143-47) to further assess the current condition of the existing sewers.
- b. As per Sewer Rules and Regulations in Scituate, MA, all joints in sewer mains, sewer services, and sewer infrastructure shall be double wrapped with a self-adhesive external PVC (10 mil minimum) or EDPM rubber wrap (30 mil minimum) tape, with a minimum wrap width of 6-inches. This will be required for all 6-inch pipe (existing or proposed) from the Town right of way (approximately at the existing clean out) to the proposed building.
- c. New proposed sewer cleanouts are required within ten (10) feet of the proposed MFB and MUB buildings. A cleanout shall be provided at all bends, if any, along the proposed service connection pipe.
- d. Confirmation that newly constructed manhole structures, if any, shall be vacuum tested and such testing paid for by the Applicant. The test must also be witnessed by the Sewer Division and/or by the Town's approved independent inspector.
- e. Sewer permit costs are in addition to connection fees at a rate of \$50 per residential and \$125 per commercial.
- f. Betterments for 2 units have already been assessed to these lots. To connect to town sewer the applicant will owe connection fees for the remaining 17.5 units at \$16,000 per unit for a total of \$280,000 in connection fees. Such fees will be due at the time of start of construction.
- g. External cleanout on building B sewer service will be required.
- h. All external cleanouts to be furnished with metal protective covers.
- i. Minimum slope of 2% is required for sewer services. Slopes shall be shown on the plan prior to endorsement.
- j. PVC sewer pipe to be SDR 35.
- k. The privately constructed sewer infrastructure will be owned and shall be maintained at all times by the Applicant. The sewer line, from the property line in, is owned by the property owner.
- l. The Applicant shall provide as-built plans to the Sewer Division once the sewer is constructed.

41. The building, parking, walkways and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities if applicable.
42. The Applicant shall ensure that signs, landscaping and other features located within the sight triangle areas of the Project site driveways and the intersection of New Driftway, are designed, installed and maintained so as not to impede lines of sight. (not to exceed 2.5 feet in height)
43. 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.
44. The Applicant shall ensure that the property manager promptly removes snow windrows located within the sight triangle areas of the Project Site driveway intersection with New Driftway that exceed 2.5 feet in height or that would otherwise inhibit sight lines.
45. The Applicant shall provide snow storage areas on the site plan **prior** to endorsement that address the problem with the hydrant location. The Applicant shall ensure all maintenance personnel are informed of snow storage locations. When on-site capacity is exceeded, an off-site location shall be used in compliance with all federal, state and local laws. Deicing and sanding agents can only be stored on site if they are covered or contained.
46. Trash management shall be internal to the building. A dumpster is proposed with a concrete dumpster pad. Trash removal shall occur as often as needed so debris is not placed outside the covered fenced dumpster, but at least on a weekly basis.
47. All electrical, telephone, cable and similar utilities shall be located underground.
48. Except for the Town-owned segments of the sewer and water line from the property line outward, all utilities including but not limited to the stormwater drainage shall be maintained by the Applicant according to the Post-Construction Phase Operation and Maintenance Plan Best Management Practices revised dated February 8, 2023 by Morse Engineering Co., Inc. and which are attached to this decision. The Post- Construction Phase Operation and Maintenance Plan Best Management Practices shall be provided to the Applicant and property management people. The Post Construction Operation and Maintenance Plan shall be revised as a stand-alone document prior to endorsement and include snow removal conditions.
49. If the drainage system is not performing as designed and conditioned or stormwater is observed going to abutting properties or to the street, the Stormwater Authority can request necessary mitigation to remedy the situation. This condition applies to all construction activities and survives the issuance of a Certificate of Completion to apply during all on-going operations.
50. No separate Stormwater Permit is required as long as the Site is built according to the approved plans and stormwater calculations. This approval and conditions constitute the Stormwater Permit.
51. Inspection of all infiltration systems must be performed by the Planning Board's consulting engineer and the design engineer prior to any backfill or system component installation to confirm suitability of the soils.

52. Electric vehicle charging stations shall be provided for two (2) vehicles for use by residents of the development.
53. No gated entry is allowed now or in the future.
54. Flowable fill will be required for any excavation in the New Driftway roadway, including to but not limited to natural gas, water and sewer.
55. Soil conditions at the bottom of the proposed infiltration area shall be inspected by the Town's Engineer prior to infiltration devices being installed and backfill.

Affordability

56. All affordable units shall meet the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiative Program ("LIP") or other similar state-approved program in effect at the time of application.
57. According to Section 754 of the Zoning Bylaw, for projects receiving a density bonus, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. Four affordable units are required for the project. The units are distributed throughout the proposed housing units. There are three (3) units proposed in the Mixed-Use building. Two are two-bedroom units and one is a one-bedroom unit. There is one (1) unit proposed in the Multi-family building and it is a one-bedroom unit. Two of the units shall be at 60% AMI and two at 80% AMI.
58. The affordable units shall be constructed simultaneously with the market rate units. No Certificate of Occupancy will be issued for any residential dwelling building without the affordable units ready for occupancy.
59. The Applicant shall be responsible for preparation of a LIP Local Action Units application to be submitted to the Executive Office of Housing and Livable Communities (EOHLC) formerly DHCD by the municipality (chief elected official). Assistance will be available from the Planning Department.

Erosion Control and Phasing

60. An Erosion Control Plan with preliminary sequence of construction has been provided. The plan shall be updated and provided to the Board prior to scheduling the pre-construction meeting and prior to commencement of construction so that the Phase 1 and 2 and the new shared driveway Erosion Control Plans will be operational. The plan shall comply with the Wetlands Protection Act and Order of Conditions for the project. See Condition 93 on SWPPP Plan.
61. Stockpiles shall be located as shown on the plans and must be protected with erosion controls including but not limited to silt socks and temporary seeding.
62. There shall be full unimpeded access during all phases of construction for the fire truck and ambulance without backing out.
63. Phasing shall be per the phasing schedule indicated on the plans or as otherwise conditioned here.

64. Phase 2 shall start not more than 6 months after the completion of Phase 1 pending extraordinary circumstances (e.g. such as extraordinary weather) and the Board must concur with the circumstances. If Phase 2 is abandoned, then a meeting with the Board is required to adjust Phase 1 and a modification public hearing shall be required as Phase 2 is fully anticipated to be built. During the full duration of all phases of the project's construction, legally configured parking adequate to serve the inhabited units must be provided in the following ratio: 1 space for a 1-bedroom unit, 1.5 spaces for a 2-bedroom unit and 1 space per 500 feet for the mixed-use component/non-residential occupancy. Phase 2 construction parking should be revised on the phasing plans prior to endorsement to address this requirement. The connection to 17 New Driftway must be completed in binder form and the old driveway closed off prior to occupancy of Phase 1.
65. The Board of Health (BOH) requires the property to be baited by a licensed exterminator two weeks prior to the demolition of the buildings and a report sent to the BOH.
66. The Construction Phase Operation & Maintenance Plan Best Management Practices shall be adhered to and added to the plans prior to endorsement.

Environmental Conditions: Noise and Dust

67. 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.
68. 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.
69. The Applicant shall not operate any concrete crushing machinery on the Project Site.
70. A dust control plan must be provided to the Planning Board and Board of Health office for review and approval prior to the preconstruction conference.

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

71. All changes to the proposed plans must be presented to the Town Planner for approval. The Town Planner or the Planning Board's inspector shall have the right to approve minor changes or deviations from the approved plans and/or any details needed for lighting, signage, paving materials, fencing, landscaping or stormwater management. All other changes shall be approved by the Planning Board. Material selection shall be provided to the Town Planner for review for compliance with approved plans prior to installation.
72. A separate sign permit shall be required from the Building Department for any free-standing signs, unless otherwise exempted under the Zoning Bylaws. Signs shall be fully located on the Applicant's property and shall not block sight lines for traffic entry/egress from the Site. Any signs must be reviewed by the Design Review Committee prior to permitting.

73. All walkway connection approvals to the MBTA easement must be provided to the Town Planner prior to the preconstruction conference.
74. A density bonus of seven (7) units has been requested not including the affordable units for the project and has been approved by the Planning Board provided the density bonus benefits are delivered as recorded herein. The Planning Board may approve this additional density by special permit if the Applicant provides benefits to the residents of the project and VCN District and surrounding area. Finding #11 indicates the Applicant has agreed to provide the relocation of the 17 New Driftway driveway so it is combined with the driveway for the project creating a shared entrance off of New Driftway; building a paved cul-de-sac on MacDonald Terrace to Town standards; and providing two (2) of the four affordable units at 60% AMI and two (2) at 80% AMI. The two (2) units at 60% AMI increase the affordability of two units and thus is a public benefit. These are approved as the density bonus for the project. The sidewalk connection to the MBTA easement, turn lane and handicap accessible sidewalk improvements along New Driftway are not density bonus benefits. These density bonus improvements are made under Section 580.4 C of the zoning bylaw.
75. The Applicant has agreed to contribute the sum of ten thousand dollars (\$10,000.00) to fund traffic and pedestrian improvements/studies in the Greenbush-Driftway area as approved by the Planning Board. The Applicant has agreed to stipulate in express written terms or conditions of the contribution that the funds may be expended as part thereof by the Planning Board without further appropriation. Use of the funds for specific improvements shall be approved by the Town Planner, Planning Board and Town Administrator. The Applicant shall provide such funds to the Town prior to the commencement of construction.
76. All proposed lawns and swale areas shall have a minimum of 6" of clean screened loam. A bill of laden shall be provided to the Town Planner during construction to show that the loam is clean.
77. Outdoor amenity areas must be shown by type, size in square feet and percentage of lot area and labelled on plan prior to endorsement. Landscape plan shall not be used for this purpose.
78. There shall be no lighting spillover to any abutting properties. Lighting fixtures shall be cut off/down lighting style. All fixtures shall be LED and no higher than 18 feet.
79. Street trees shall be a minimum of 3" caliper and 10 feet high.
80. The existing loam shall not be spread on the site if it contains invasive species i.e. knotweed.

Architecture/Design:

81. The building shall be constructed in accordance with the architectural elevations and plans submitted for the Project. The quality of materials, construction and colors shall not substantially deviate from those as shown on the elevations and discussed during the public hearing without the review and approval of the Planning Board.
82. The final building plans, stamped by a registered architect, shall be provided to the Planning Department prior to a building permit being issued for review for consistency with the elevations

and renderings described in Condition 1. If the plans appear inconsistent, approval by the Planning Board will be required.

83. Detailing of exterior materials with emphasis on the brick and trim details and review of the locations of the utilities and mechanical equipment must be reviewed by the Design Review Committee with concurrence by the Planning Board prior to a building permit
84. Low reflectivity glass is required.
85. The stockade fence or equal approved by the Planning Office at the north property line shall be 6' tall.
86. There shall be a minimum of six (6) benches located throughout the site which are to be field located during construction with the approval of these locations by the Town Planner.
87. Calculations for gutter capacity, downspout sizing and pipe sizing shall be submitted and approved by the consulting engineer prior to issuance of a building permit.
88. A certification shall be provided to the Town Planner by the architect prior to a Certificate of Occupancy that the buildings as constructed are in substantial compliance with the approved plans.

Required Prior to Scheduling the Pre-Construction Conference

89. As the units are rental units, the Applicant shall provide a draft document and a master deed review to include:
 - a. A statement that the driveway, parking areas, drainage system, sewer, landscaping, amenity spaces and other common areas shall be owned and maintained by the Applicant and shall not be the responsibility of the Town to maintain. The driveway, drainage system, landscaping, lighting, stormwater leaching system and other common areas shall be inspected, maintained and repaired by the Applicant. This shall also be stated in a note added to the plans prior to endorsement.
 - b. A requirement that: i) maintenance of the drainage system, parking, driveways, and landscaping shall be in accordance with the Post-Construction Phase Operation & Maintenance Plan Best Management Practices approved by the Planning Board's consulting engineer; ii) provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways has been provided; and iii) a description of the required annual maintenance of the driveway, parking areas, landscaping, lighting and other common amenities.
 - c. A table of the number and general location of parking spaces assigned to each unit.
 - d. The revised Post-Construction Phase Operation & Maintenance Plan Best Management Practices shall be provided to the Planning Board as a stand-alone document with snow storage areas and best management practices indicated.
90. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:

- a. Copies of the recorded site plan review and special permit and plans;
- b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum and not limited to, inspections of Subdivision Rules and Regulations Section 9.0, for the driveway, parking areas, walks, patios and stormwater management systems, water system, municipal sewage connection and sanitary sewerage line, new curbing and erosion and dust control measures, MacDonald cul-de-sac as well as any specific requirements contained herein which may require review and/or inspections by the Town. The specific amount shall be provided by the Planning Dept. based on the consulting engineer's estimate, shall be subject to amendment from time to time and shall be supplemented by the Applicant as requested by the Planning Dept.;
- c. A construction schedule including approximate dates for installation of erosion control and other site protection/stabilization, construction of the building, and all applicable items in Subdivision Rules and Regulations Section 9.0; and
- d. A type and amount of security, cash or bond acceptable to the Town Treasurer, provided by the Applicant that is reasonably satisfactory to the Planning Board to cover the satisfactory completion of site and infrastructure features shown on the site plan including the MacDonald cul-de-sac, shared driveway, walkways, landscaping, parking, utilities, drainage, signs, lighting, the MFB (Building B) and related conditions imposed by the Board. The amount shall be based on the Applicant's contractor's estimate of costs of these items, reviewed by the Town's consulting engineer, and shall be approved by the Planning Board prior to the preconstruction conference.
- e. Provide contact data for the Site Contractor, General Contractor and 24-hour number for responsible party in the event of an emergency.

Required Prior to the Start of Construction

91. Within two calendar weeks prior to the Applicant's notification to the Town Planner that it intends to commence any work on the project site, a pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, the Town Engineer and other DPW representatives as necessary, the Police Department, the Planning Board's consulting engineer and other representatives of the Town as the Board feels are necessary. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board, DPW and Police Department. At least one telephone contact shall be available 24 hours per day in the event of an emergency.
92. The property lines of the subject Property shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of three business days prior to the start of construction. The property line shall be staked or pinned at all times during construction.

93. The SWPPP Plan shall be provided to the Planning Office for review and approval one (1) month prior to construction and **prior** to submission to the EPA. The SWPPP must include the temporary basin sizing and swales.
94. A stabilized construction entrance and silt fence/sock must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing. Construction fencing shall be required as necessary to comply with federal, state and local laws.

Required During Construction

95. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturday and shall cease no later than 7:00 PM or dusk whichever is earlier. No construction shall take place on Sundays or legal state or federal holidays.
96. The Board reserves the right to require the consulting engineer to visit the site weekly or as often as necessary during construction to observe and report on matters within the scope of the Planning Board's authority.
97. 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.
98. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
99. No sediment (including silty water) shall be allowed to leave the site during construction.
100. MacDonald Terrace may not be used for construction parking or access of any kind, except as previously conditioned for one trip for delivery of the excavator to construct the site entrance, and no curb cuts are allowed on MacDonald Terrace and will require a modification of the proposed plans if ever proposed.
101. No parking or unloading on Ford Place, MacDonald Terrace or New Driftway Way shall be permitted during construction unless approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access on-site.
102. All construction parking shall be on site unless otherwise approved by the Planning Board. The Burwick property, 53-5-27, 17 New Driftway, shall not be used for construction parking.
103. The Applicant shall notify the Scituate Police Department 48 hours in advance of any significant equipment and construction material arrival to the site which may cause a safety hazard or material disruption of the public way such that a police detail is necessary to ensure safe passage. Any Police detail required is at the expense of the Applicant and is required when the Police Department determines it is necessary.
104. The Applicant shall not allow any large construction equipment or trucks to stage or idle on public roads and shall not allow such equipment or trucks to idle onsite prior to 7:00 AM. Police

details may be required for construction access or work within the layout of New Driftway and for construction of the cul-de-sac at MacDonald Terrace.

105. The Applicant shall provide the Town with the route(s) construction traffic will use so that if a safety hazard or material disruption of the public way impedes safe passage, a police detail would be obtained by the Applicant at its expense.
106. 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.
107. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant may be available at the water treatment plant for construction use during non-water ban times.
108. 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.
109. 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

110. No Certificate of Occupancy shall be issued until both the Town Planner and Building Commissioner are satisfied that the building (s), driveway, parking areas, and installation of necessary utilities is in full compliance with the approved plans and the site plan review and special permit.
111. Prior to application for a Certificate of Occupancy, a copy of the contract for inspections and maintenance of the Stormwater System per the Operation and Maintenance Plan shall be provided to the Planning Office.
112. Prior to an occupancy permit for any building on the site, the cul-de-sac on MacDonald Terrace must be constructed to town standards.
113. Prior to applying for an Occupancy Permit, the Applicant shall provide:
 - a. A copy of an executed regulatory agreement between the developer, municipality and EOHLC (DHCD) to insure long-term affordability.
 - b. The proposed rental price of the affordable units;
 - c. A draft deed restriction to restrict the subsequent price of the rental units for two at 60% and two at 80% of the area mean income (AMI) according to the Executive Office of Housing and Livable Communities- EOHLC (DHCD) in perpetuity. The draft deed restriction shall be approved by Town Counsel and proof of recording provided to the Planning Board prior to the issuance of the Occupancy Permit for an affordable unit;
 - d. A plan showing the location of the affordable units for the Building and Planning Departments;

- e. The name and contact information for agencies, companies or individuals who will conduct marketing, hold the lottery and perform the monitoring;
- f. A draft affirmative marketing plan meeting the guidelines for approval of EOHLCD/DHCD. The marketing Plan must affirmatively provide outreach to area minority communities to notify them of the availability of the units and must demonstrate the need for local preference as well as insure there will be no discriminatory impacts as a result of using local preference criteria. If the plan does not meet EOHLCD/DHCD requirements for inclusion of the units on the Subsidized Housing Inventory, revisions will be required prior to an Occupancy permit.
- g. Any changes to the affordability documents must be approved by the Town Planner.

Administration

- 114. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
- 115. This Site Plan Review and Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 120 days of expiration of the appeal period or such extension of that time period following final adjudication of any appeals 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.
- 116. The Planning Board may at 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 or is otherwise warranted.
- 117. 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.
- 118. All plan sheets of the Site Plan Review and VCN Special Permit shall be recorded at the Registry of Deeds.
- 119. All construction work shall be done in accordance with the plans. Failure to comply with any condition of this permit shall cause it to be deemed invalid.
- 120. Any condition contained herein that varies from the plan supersedes the plan where different.

Vote:

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Site Plan Administrative Review and Special Permit for a Multi-family Building and Mixed-Use Building in the Village Center and Neighborhood District-Greenbush Gateway District – Greenbush Village Center and Greenbush Gateway Business Subdistricts (VCN-GDG-GVC and GWB) and Stormwater Permit for 33 New Driftway/7 MacDonald Terrace with the conditions noted above.

August 10, 2023

Date

SCITUATE PLANNING BOARD

Patricia A. Lambert
Ann Burdick
Steph R. Steller
Rose C. J.
Ru

This decision was filed with the Town Clerk on September 21, 2023
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

Construction Phase
Operation & Maintenance Plan
Best Management Practices

MA DEP Stormwater Management Policy

Project

**33 New Driftway & 7 MacDonald Terrace
Scituate, MA 02066
Assessor's Parcels: 53-5-19 & 53-5-20A
Proposed Multi-Family & Mixed-Use Structures**

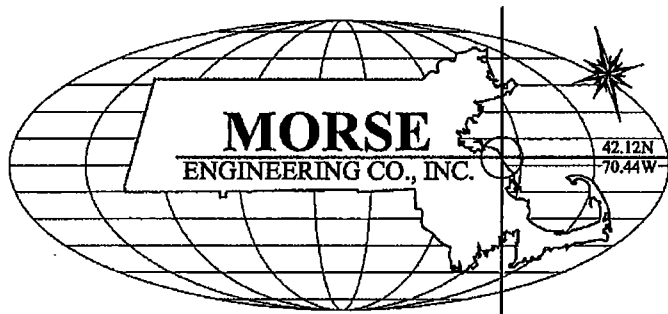
Applicant/Owner

**Saoirse, LLC
7 MacDonald Terrace
Scituate, MA 02066**

Date: July 6, 2022

Revised: February 8, 2023

Revised: April 12, 2023



*Registered Professional Engineers,
Project Managers & Environmental Consultants*

10 New Driftway Street, P.O. Box 92
Scituate, MA 02066
Tel. 781.545.0895
GMorse@Morsecoinc.com

www.MorseCoInc.com

Construction Phase Operation & Maintenance Plan
Best Management Practices
7 MacDonald Terrace
Scituate, MA

Responsible Parties & Contact Information:

Applicant/Owner:

Saoirse, LLC
7 MacDonald Terrace
Scituate, MA 02066
ils@johnlsullivanlaw.com

Contractor / Stormwater Manager:

Name:

Address:

Address:

Contact:

Inspection & Record Keeping:

The responsible party shall maintain an operation and maintenance log during construction to control construction-related impacts, including erosion, sedimentation and other pollutant sources and land disturbance activities.

The responsible party shall inspect the construction site at least once every 14 calendar days and within 24 hours of a storm event of ½ inch or greater. Inspections shall be performed until the site is fully stabilized and the temporary sedimentation controls have been removed. The inspector shall inspect each measure to determine if it was installed/performed correctly. The inspector shall also determine if the measures have been damaged and if so the corrective action.

The log shall be kept on-site at all times and shall be made available to MassDEP and Town officials upon request. Member and agents of MassDEP and the Town officials shall be allowed to enter and inspect the premises to evaluate and ensure that the responsible party complies with the Operation and Maintenance Plan requirements for each BMP.

Operation & Maintenance:

During land disturbance and construction activities, project proponents must implement controls that prevent erosion, control sediment movement, and stabilize exposed soils to prevent pollutants from moving offsite or entering wetlands or waters. Land disturbance activities include demolition, construction, clearing, excavation, grading, filling and reconstruction.

Construction activities increase the potential for erosion and sedimentation at a site which may adversely impact wetland resource areas. To prevent this impact, the following conditions shall be imposed to control erosion and sedimentation:

Erosion Control Barrier: An erosion control barrier shall be placed along the down-gradient limit of work/clearing prior to commencement of any construction activity. The integrity of the erosion control barrier shall be maintained by periodic inspection and replacement as necessary. Accumulated sediment should be removed from the barrier when deposits reach approximately one half the barrier. The erosion control barrier shall remain in place until all disturbed surfaces have been loamed and seeded and vegetation has been established.

Stabilized Construction Entrance: A crushed stone construction entrance shall be installed at the entrance to the proposed construction area to prevent the migration of mud and sediments off-site. The entrance shall be inspected weekly and maintained in good condition. Additional stone shall be applied as necessary. Mud and sediment tracked onto the way shall be removed immediately. Contractors are to only enter and exit the site via the construction entrance, and are to park as delineated on the site plan.

Stabilization Practices: Disturbed areas shall be stabilized and protected as soon as practicable. Disturbed areas shall be stabilized when construction activity in the area has ceased for more than 14 days unless not feasible due to snow cover or if construction activities will resume within 21 days after construction temporarily ceased. Stabilization measures include the following:

- Temporary Seeding
- Geotextiles
- Mulching and Netting
- Permanent Seeding

If seeding is not used to stabilize disturbed areas 6 weeks before first frost, jute mesh or mulching and netting should be used to stabilize the site until the next recommended seeding period. Seeding should take place in late spring or early fall. During the recommended seeding season, seed should receive watering twice a day, for a total of 3-4 inches per week. If municipal water restrictions are in effect that limit the availability of water, jute mesh or mulching and netting should be implemented until such a time that sufficient water is available to maintain any seeding.

Air Quality/Dust: Dust can be generated by dumping, excavating and moving the raw materials and exposed soil storage during periods of mechanical disturbance, transfer operations or high winds. Measures to mitigate dust emissions shall be utilized to reduce emissions and to minimize related impacts. These measures include: watering areas of exposed soils on a regular basis with a water truck, vegetative cover, calcium chloride, stone and the use of tarpaulin covered trucks when transporting material. Water trucks should not be over utilized in order to prevent runoff problems or rill erosion.

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

environment. Concrete in particular should be disposed off site or in the designated concrete washout area.

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

The following equipment and materials shall be stored on-site at all times; sorbent pads, sand bags, speedi-dri absorbent and square end shovels.

Stockpiling: Temporary construction phase soil storage piles shall be stabilized or protected with sediment trapping measures to keep soil in place and prevent sediment runoff. Temporary perimeter protection such as berms, dikes and silt fences shall be applied to all soil piles. Stockpiles to be stored for an extended period of time shall be stabilized with vegetative cover. Stockpiles of equipment should be limited to the areas delineated on the plan.

Infiltration Areas: All proposed infiltration areas will be staked in the field during construction so as to limit compaction wherever possible. During the excavation for the installation of drywell systems, the floor and sidewalls of the pits should be roughened as necessary limit of effects of smearing or compaction.

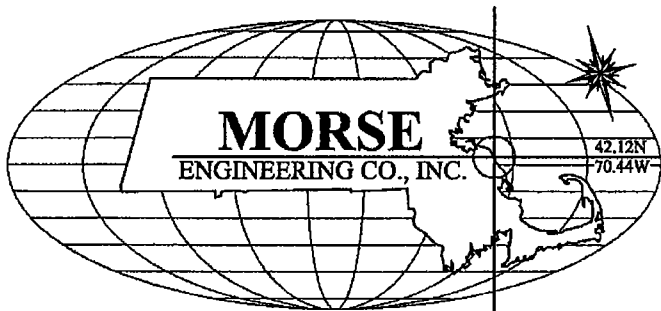
Temporary Sediment Basin: The temporary sediment basin shall be inspected on a monthly basis and after all storm events. Trash, leaves, branches, etc. shall be removed from the basin. Silt, sand, and sediment, if significant accumulation occurs, shall be removed by hand as necessary. Material shall be removed and disposed of in accordance with all applicable local, state, or federal regulations. Care shall be taken to maintain vegetation growth within the basin. Grass shall be cut and weeds and brush removed or trimmed at regular intervals during the growing season. Reseeding and weed control may need to be performed periodically to maintain efficiency of the basin. Important items to check during inspection include: signs of differential settlement, cracking, erosion, leakage in the embankments, tree growth on the embankments, and sediment accumulation.

Post-Construction Phase
Operation & Maintenance Plan
Best Management Practices
MA DEP Stormwater Management Policy

Project
33 New Driftway & 7 MacDonald Terrace
Scituate, MA 02066
Assessor's Parcels: 53-5-19 & 53-5-20A
Proposed Multi-Family & Mixed-Use Structures

Applicant/Owner
Saoirse, LLC
7 MacDonald Terrace
Scituate, MA 02066

Date: July 6, 2022
Revised: February 8, 2023



*Registered Professional Engineers,
Project Managers & Environmental Consultants*

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Scituate, MA 02066
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Construction Phase: Erosion Control Maintenance Schedule & Checklist

Construction Practices

Best Management Practice	Inspection Frequency (1)	Date Inspected	Inspector	Minimum Maintenance and Key Items to Check (1)	Cleaning/Repair Needed: <input type="checkbox"/> yes <input type="checkbox"/> no (List items)	Date of Cleaning/Repair	Performed by
Construction Site Stabilization/Dust Control	Weekly			Construction Site Stabilization Inspection/ Maintenance, temporary seeding, mulching, watering areas of exposed soil, tarpaulin covered trucks, etc.			
Land Grading & Temp. Sediment Basin	Weekly			Check for washouts, gullies, or rill erosion. Check for accumulated silt. Remove debris as necessary, preferably by hand to prevent compaction. Vegetation trimmed periodically.			
Permanent Seeding	Bi-Weekly			Permanent Seeding Inspection/ Maintenance. See O&M for information on best time periods for permanent seeding. Check mulch sock around piles, replace as necessary.			
Soil Stockpiling	Daily						
Erosion Control Barrier/Silt Fence	Weekly			Integrity of barriers and silt fences should be inspected weekly and replaced as necessary. Accumulated sediment should be removed from the barrier and fence when deposits reach half their height.			
Stabilized Construction Entrance	Weekly			Tracking pad should be maintained in good condition by applying additional stone as necessary. Mud and sediment tracked on public ways should be removed immediately.			
Catch Basin Silt Sacks	Weekly			Silt sacks should be periodically inspected to ensure proper placement, and to remove accumulated debris/sediment as necessary to ensure continued function.			

Stormwater Control Manager _____

Post Construction Phase Operation & Maintenance Plan
Best Management Practices
7 MacDonald Terrace
Scituate, MA

Responsible Parties & Contact Information:

Applicant/Owner:

Saoirse, LLC
7 MacDonald Terrace
Scituate, MA 02066
jls@johnsullivanlaw.com

Record Keeping:

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

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

Operation & Maintenance:

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

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

Subsurface Infiltration System & Gutter Downspout Systems shall be inspected at a minimum of monthly during their first year of operation and twice annually thereafter. Inspection shall be carried out through the provided inspection ports and the manhole that connects to the infiltration system's manifold. The inspection ports shall be used to determine if sediment accumulation is greater than 3 inches, in which case the inlet should be cleaned with high pressure water to flush the sediment to the manhole, where it may be removed by vacuum truck.

Maintenance should also include inspecting water levels, removing debris, cleaning out gutter and downspouts systems, and replacing drywell systems if standing water is observed for greater than 72 hours after a storm event. Further maintenance details from the manufacturer can be found in the O&M guidelines provided with this report.

HydroInternational First Defense Stormwater Separator shall be inspected routinely during the first year of installation and thereafter every six months. Maintenance includes inspecting water levels and sediment accumulation. At least once per year, a vacuor hose should be used to remove sediment from the separator. Further maintenance details from the manufacturer can be found in the O&M guidelines provided with this report.

Deep Sump Catch Basins shall be inspected quarterly, as well as at the end of foliage and snow removal seasons. Sediments should be removed during these inspections, or whenever the depth of the deposits is greater than or equal to one half the depth of the bottom of the invert of the lowest pipe.

Illicit Discharges:

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

Storage and Disposal of Hazardous Materials:

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

The exterior storage of hazardous materials shall be prohibited.

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

Pesticides, Herbicides and Fertilizers

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

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

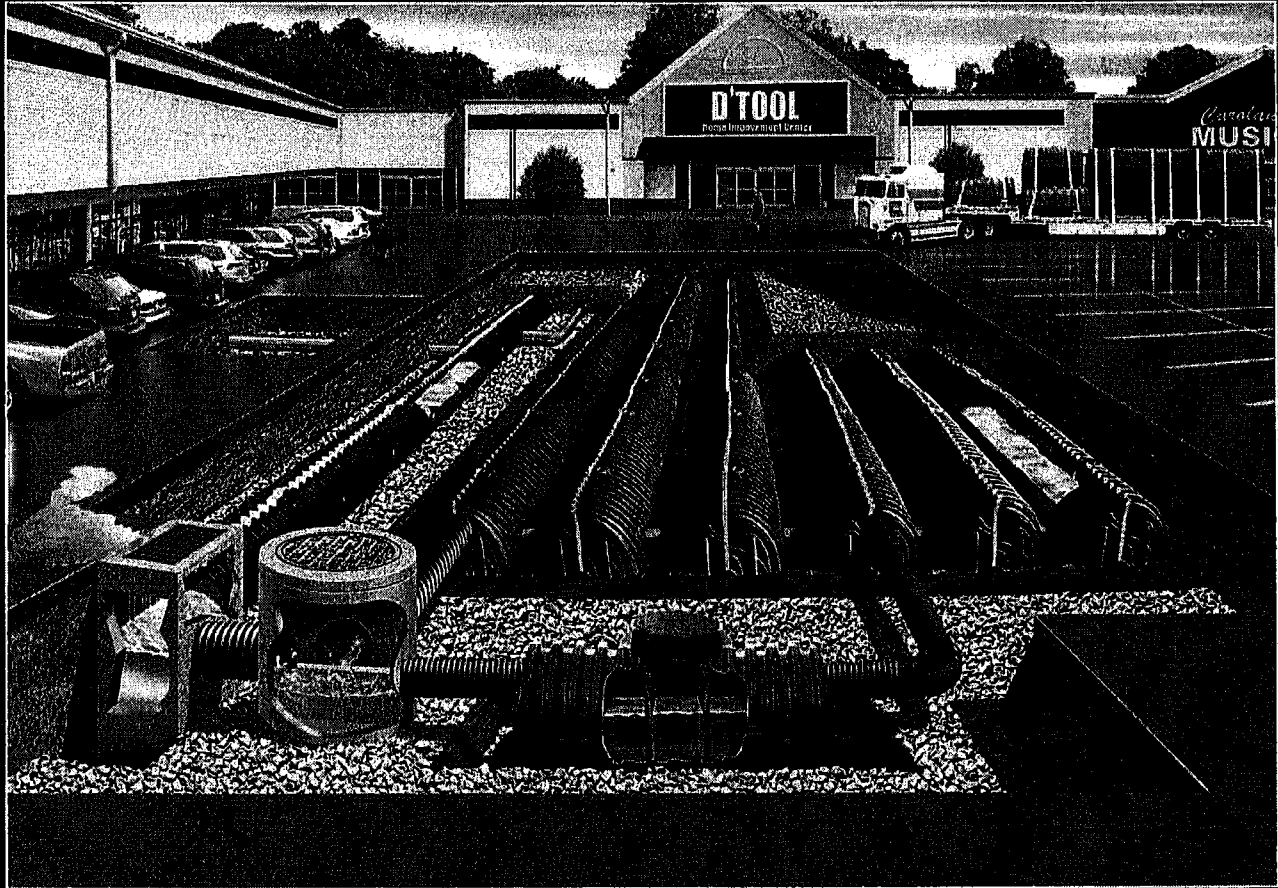
Project Location: 33 New Driftway & 7 Macdonald Terrace, Scituate, MA
Stormwater Management – Post Construction Phase
Best Management Practices – Inspection Schedule and Evaluation Checklist

Long Term Practices

Best Management Practice	Inspection Frequency (1)	Date Inspected	Inspector	Minimum Maintenance and Key Items to Check (1)	Cleaning/Repair Needed: <input type="checkbox"/> yes <input type="checkbox"/> no (List Items)	Date of Cleaning/Repair	Performed by
Subsurface Infiltration System	Semi-Annually			Refer to Cullec O&M Guidelines in Appendix A.			
Gutter and Downspout System	Quarterly			Remove material in gutters and downspouts. Install gutter guards. Inspect for signs of overflow to surcharge.			
Turf Management	Semi-Annually			Repair eroded site areas. Plant grass or mulch exposed soil surfaces.			
Driveway Surface	Semi-Annually			Sweep clean of accumulated sediments.			
Deep Sump Catch Basin	Quarterly			To be inspected quarterly, as well as at the end of foliage seasons. Sediments should be removed during these inspections, or whenever the depth of deposits is greater than or equal to one half the depth of the bottom of the invert of the lowest pipe.			
Hydro-International First Defense	Semi-Annually			Regularly inspect separator during first year of use and every 6 months thereafter. Once per year, or as needed, sediment should be removed with a vacator hose. See attached O&M.			



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Stormwater Chambers



Operation and Maintenance Guidelines
for **CULTEC** Stormwater Management Systems

The Founder of Plastic Chamber Technology

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May 2017

These instructions are for single-layer traffic applications only. For multi-layer applications, contact CULTEC. All illustrations and photos shown herein are examples of typical situations. Be sure to follow the engineer's drawings. Actual designs may vary.

This manual contains guidelines recommended by CULTEC, Inc. and may be used in conjunction with, but not to supersede, local regulations or regulatory authorities. OSHA Guidelines must be followed when inspecting or cleaning any structure.

Introduction

The CULTEC Subsurface Stormwater Management System is a high-density polyethylene (HDPE) chamber system arranged in parallel rows surrounded by washed stone. The CULTEC chambers create arch-shaped voids within the washed stone to provide stormwater detention, retention, infiltration, and reclamation. Filter fabric is placed between the native soil and stone interface to prevent the intrusion of fines into the system. In order to minimize the amount of sediment which may enter the CULTEC system, a sediment collection device (stormwater pretreatment device) is recommended upstream from the CULTEC chamber system. Examples of pretreatment devices include, but are not limited to, an appropriately sized catch basin with sump, pretreatment catchment device, oil grit separator, or baffled distribution box. Manufactured pretreatment devices may also be used in accordance with CULTEC chambers. Installation, operation, and maintenance of these devices shall be in accordance with manufacturer's recommendations. Almost all of the sediment entering the stormwater management system will be collected within the pretreatment device.

Best Management Practices allow for the maintenance of the preliminary collection systems prior to feeding the CULTEC chambers. The pretreatment structures shall be inspected for any debris that will restrict inlet flow rates. Outfall structures, if any, such as outlet control must also be inspected for any obstructions that would restrict outlet flow rates. OSHA Guidelines must be followed when inspecting or cleaning any structure.

Operation and Maintenance Requirements

I. Operation

CULTEC stormwater management systems shall be operated to receive only stormwater run-off in accordance with applicable local regulations. CULTEC subsurface stormwater management chambers operate at peak performance when installed in series with pretreatment. Pretreatment of suspended solids is superior to treatment of solids once they have been introduced into the system. The use of pretreatment is adequate as long as the structure is maintained and the site remains stable with finished impervious surfaces such as parking lots, walkways, and pervious areas are properly maintained. If there is to be an unstable condition, such as improvements to buildings or parking areas, all proper silt control measures shall be implemented according to local regulations.

II. Inspection and Maintenance Options

- A. The CULTEC system may be equipped with an inspection port located on the inlet row. The inspection port is a circular cast box placed in a rectangular concrete collar. When the lid is removed, a 6-inch (150 mm) pipe with a screw-in plug will be exposed. Remove the plug. This will provide access to the CULTEC Chamber row below. From the surface, through this access, the sediment may be measured at this location. A stadia rod may be used to measure the depth of sediment if any in this row. If the depth of sediment is in excess of 3 inches (76 mm), then this row should be cleaned with high pressure water through a culvert cleaning nozzle. This would be carried out through an upstream manhole or through the CULTEC StormFilter Unit (or other pretreatment device). CCTV inspection of this row can be deployed through this access port to determine if any sediment has accumulated in the inlet row.
- B. If the CULTEC bed is not equipped with an inspection port, then access to the inlet row will be through an upstream manhole or the CULTEC StormFilter.
 1. **Manhole Access**
This inspection should only be carried out by persons trained in confined space entry and sewer inspection services. After the manhole cover has been removed a gas detector must be lowered into the manhole to ensure that there are not high concentrations of toxic gases present. The inspector should be lowered into the manhole with the proper safety equipment as per OSHA requirements. The inspector may be able to observe sediment from this location. If this is not possible, the inspector will need to deploy a CCTV robot to permit viewing of the sediment.

Operations and Maintenance Guidelines

2. StormFilter Access

Remove the manhole cover to allow access to the unit. Typically a 30-inch (750 mm) pipe is used as a riser from the StormFilter to the surface. As in the case with manhole access, this access point requires a technician trained in confined space entry with proper gas detection equipment. This individual must be equipped with the proper safety equipment for entry into the StormFilter. The technician will be lowered onto the StormFilter unit. The hatch on the unit must be removed. Inside the unit are two filters which may be removed according to StormFilter maintenance guidelines. Once these filters are removed the inspector can enter the StormFilter unit to launch the CCTV camera robot.

- C. The inlet row of the CULTEC system is placed on a polyethylene liner to prevent scouring of the washed stone beneath this row. This also facilitates the flushing of this row with high pressure water through a culvert cleaning nozzle. The nozzle is deployed through a manhole or the StormFilter and extended to the end of the row. The water is turned on and the inlet row is back-flushed into the manhole or StormFilter. This water is to be removed from the manhole or StormFilter using a vacuum truck.

III. Maintenance Guidelines

The following guidelines shall be adhered to for the operation and maintenance of the CULTEC stormwater management system:

- A. The owner shall keep a maintenance log which shall include details of any events which would have an effect on the system's operational capacity.
- B. The operation and maintenance procedure shall be reviewed periodically and changed to meet site conditions.
- C. Maintenance of the stormwater management system shall be performed by qualified workers and shall follow applicable occupational health and safety requirements.
- D. Debris removed from the stormwater management system shall be disposed of in accordance with applicable laws and regulations.

IV. Suggested Maintenance Schedules

A. Minor Maintenance

The following suggested schedule shall be followed for routine maintenance during the regular operation of the stormwater system:

Frequency	Action
Monthly in first year	Check inlets and outlets for clogging and remove any debris, as required.
Spring and Fall	Check inlets and outlets for clogging and remove any debris, as required.
One year after commissioning and every third year following	Check inlets and outlets for clogging and remove any debris, as required.

B. Major Maintenance

The following suggested maintenance schedule shall be followed to maintain the performance of the CULTEC stormwater management chambers. Additional work may be necessary due to insufficient performance and other issues that might be found during the inspection of the stormwater management chambers. (See table on next page)

	Frequency	Action
Inlets and Outlets	Every 3 years	<ul style="list-style-type: none"> Obtain documentation that the inlets, outlets and vents have been cleaned and will function as intended.
	Spring and Fall	<ul style="list-style-type: none"> Check inlet and outlets for clogging and remove any debris as required.
CULTEC Stormwater Chambers	2 years after commissioning	<ul style="list-style-type: none"> Inspect the interior of the stormwater management chambers through inspection port for deficiencies using CCTV or comparable technique. Obtain documentation that the stormwater management chambers and feed connectors will function as anticipated.
	9 years after commissioning every 9 years following	<ul style="list-style-type: none"> Clean stormwater management chambers and feed connectors of any debris. Inspect the interior of the stormwater management structures for deficiencies using CCTV or comparable technique. Obtain documentation that the stormwater management chambers and feed connectors have been cleaned and will function as intended.
	45 years after commissioning	<ul style="list-style-type: none"> Clean stormwater management chambers and feed connectors of any debris. Determine the remaining life expectancy of the stormwater management chambers and recommended schedule and actions to rehabilitate the stormwater management chambers as required. Inspect the interior of the stormwater management chambers for deficiencies using CCTV or comparable technique. Replace or restore the stormwater management chambers in accordance with the schedule determined at the 45-year inspection. Attain the appropriate approvals as required. Establish a new operation and maintenance schedule.
Surrounding Site	Monthly in 1 st year	<ul style="list-style-type: none"> Check for depressions in areas over and surrounding the stormwater management system.
	Spring and Fall	<ul style="list-style-type: none"> Check for depressions in areas over and surrounding the stormwater management system.
	Yearly	<ul style="list-style-type: none"> Confirm that no unauthorized modifications have been performed to the site.

For additional information concerning the maintenance of CULTEC Subsurface Stormwater Management Chambers, please contact CULTEC, Inc. at 1-800-428-5832.