

**TOWN OF SCITUATE**



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

April 26, 2022

Ms. Kathleen Gardner  
Town Clerk  
Town of Scituate

**Re: CERTIFICATE OF ACTION**

**Site Plan Administrative Review Common Driveway – 46 Hollett Street**

**Applicant/Owner: Christopher and Barbara M. Horne**

**Decision: Approved with conditions**

RECEIVED  
2022 APR 26 AM 9:24  
TOWN OF SCITUATE  
TOWN CLERK

Dear Ms. Gardner:

At their regularly scheduled meetings of February 24, 2022, March 24, 2022 and April 14, 2022, the Planning Board discussed the Site Plan Administrative Review under Scituate Zoning Bylaw Section 720 and 770.6 for a Common Driveway of less than 500' in length serving two lots with adjoining frontage for a driveway of approximately 185 feet proposed to serve one existing home at 46 Hollett Street (Lot 2) and a future home at 48 Hollett Street (Lot 1) for applicants Christopher and Barbara M. Horne. The members present and voting were Ann Burbine, Patricia Lambert, Rebecca Lewis, Benjamin Bornstein and Robert MacLean. The following motion was voted favorably with a unanimous vote of the members present:

The Board moved to make the following Findings of Fact:

1. Christopher and Barbara M. Horne (the "Applicant") filed an application for a Site Plan Administrative Review for a Common Driveway to serve two lots at 46 Hollett Street known as Assessor's Map/Block/Lot 13-1-4 (the "Property") with the Town Clerk on January 20,

2022. The applicant's deed is recorded with the Plymouth County Registry of Deeds at Book 22438, p.164.

2. According to the application and plan, one common driveway is proposed. According to the plan which measures the drive from the centerline of Hollett Street to the property line of Lot 1, the length of the common driveway is 213 feet. The Common Driveway Plan for #46 Hollett Street (Lots 1 &2) by Morse Engineering Co., Inc. dated January 18, 2022 revised March 23, 2022 shows the common driveway as 213 feet. It is approximately 82 feet from the property line at 16 feet wide and 103 feet long at 12 feet wide to the Lot 1 property line from the 16-foot-wide width for a total of 185 feet long from the property line. The application indicates it will serve two lots.
3. The property at 46 Hollett Street contains 61,396 sq. ft. in two proposed lots, Lot 1 and Lot 2, according to the plan and is in the Residence R-2 Zoning District. The Planning Board endorsed a Form A Plan dividing the property into two lots on November 4, 2021 with the stipulation that the ANR cannot be recorded unless and until a Common Driveway Permit is granted by the Planning Board.
4. The standards of the common driveway indicate that the location and construction of the Common Driveway should minimize soil disturbance, vegetation removal, and drainage impacts, and preserve existing trees over 12" caliper and other natural features of special significance. The plan shows the common driveway to be located in the driveway of Lot 2 which is previously disturbed and extends up to the property line of Lot 1. For this work, three trees of 12" must be removed. The existing tree line has not been changed adjacent to the 12' wide common driveway area. Trees to remain on the adjacent property are not shown. The standards of Section 720.7A have been met.
5. The common driveway is 16 feet in width with two-foot grass shoulders on each side from Sta 0+00 to Sta 1+ 10. The common driveway is 12' wide from Sta 1+10 to Sta 2+ 13. The Fire Department initially indicated that 16' with a 20' x 30' turnaround will be sufficient for Fire Department access and the driveway will need to be re-evaluated when it is extended to service Lot 1. The Deputy Fire Chief has now determined that with the proposed common driveway extending to the rear lot at 12 feet wide, that is sufficient for Fire Department access. The requirements of Section 720.7B have been met.
6. The common driveway is accessed from Hollett Street, a public road in Scituate. The common driveway is not connected to any other common driveway. The common driveway meets the requirements of Section 720.7 C.
7. The Common driveway shall be located in an easement which allows space for installation of water lines and utilities. The water line and electric line are not shown to be in the common driveway easement. No other utilities are shown. Utilities are shown as underground utilities. The common driveway meets the requirements of Section 720.7 D.
8. The common driveway cross section shows a top course of 1 ½" of bituminous concrete top course Type I-1 over a 1 ½ bituminous base Type I-1 over a 12" processed gravel base Type C gravel borrow per Mass DOT Spec M1.03.1. The common driveway meets the requirements of Section 720.7 E.

9. The common driveway is approximately 213' long measured from end of Lot 2 to the centerline of Hollett Street. This is less than 1000 feet and meets the requirements of Section 720.7 F.
10. No drainage calculations have been provided. No drainage structures are proposed. There is no way to verify that runoff draining onto abutting properties shall not exceed that which existed prior to construction of the common driveway. It is likely that water from the driveway is draining to Hollett Street. The plan indicates that there is a 19.8% increase in impervious area for the common driveway. The standards of review for Section 720.G and 770. 6 E. have been met.
11. No impervious areas are proposed to be located above the major components of the proposed septic system. The common driveway meets the requirements of Section 720.7 H as no impervious areas are above the proposed septic system. The proposed septic system will be required to meet all of the Board of Health requirements. A hydrant is located within 230 feet of the driveway entrance. The standards of review for Section 770.6 D. will be met.
12. The Common Driveway is buffered from the adjacent single-family house at 52 Hollett Street by a fence extending to the front of the garage. No existing trees to remain are shown nor is any fencing proposed to be extended beyond the garage despite the common driveway being at the property line. The common driveway meets the requirement of Section 720.7 I for screening and Section 770.6 A. for protection of adjoining premises against detrimental and offensive methods of utilizing the site.
13. Turnarounds for emergency vehicles shall be provided with a minimum length of 30' and width of 20' in locations approved by the Fire Chief. The Fire Department initially indicated that 16' with a 20' x 30' turnaround will be sufficient for Fire Department access and the driveway will need to be re-evaluated when it is extended to service Lot 1. The Deputy Fire Chief has now determined that with the proposed common driveway extending to the rear lot at 12 feet wide, that is sufficient for Fire Department access. The common driveway meets the requirements of Section 720.7 J.
14. The Common Driveway Plan 46 Hollett Street Lots 1 & 2 revised dated March 10, 2022 shows the sight distance requirements at the Common Driveway entrance has been met and meets American Association of State Highway and Transportation Officials (AASHTO) standards. The plans indicate that the sight distance path goes through some existing trees to remain adjacent to Hollett Street. The common driveway meets the requirements of Section 720.7 K and Section 770.6 B and C.
15. Lot width for lots served by a Common Driveway may be measured parallel to the Common Driveway, except in the case of fifty-foot frontage lots. The lot width of Lot 2 is specified as 161' and is measured parallel to the common driveway. Lot 2 is not a 50-foot frontage lot. Lot 1 is a 50-foot frontage lot with a lot width of 170.7'. The common driveway meets the requirements of Section 720.7 L.
16. Fill is proposed only where needed on site. Erosion control is not shown. Outdoor lighting will minimize glare to adjacent properties. The requirements of Section 770.6 F, G, H and I are met to the extend practical for a residential common driveway.

17. Based on these findings and information submitted by the applicant and reviewed by the Board, the common driveway meets the requirements of Section 720 and Section 770.6 of the Scituate Zoning Bylaw.

Based upon the testimony presented at the Public Meeting, plans, documents and comments submitted and the Findings of Fact, the Board approved the Site Plan Administrative Review for a common driveway at 46 Hollett Street subject to the following conditions:

1. The Common Driveway shall be constructed according to plans entitled Common Driveway Plan for #46 Hollett Street (Lots 1 & 2) in Scituate, Massachusetts prepared for applicant Christopher S. and Barbara M. Horne by Morse Engineering Co., Inc. dated January 18, 2022 revised March 23, 2022 and as further revised to meet these conditions.
2. Lots 1 and 2 shall access over the Common Driveway as depicted on the plan. No further extensions or attachments to any other roadways or Common Driveways, or other access to any other lots besides those created by the plan shall be permitted. The Common Driveway shall remain private in perpetuity and shall never be considered for acceptance as a Town road and that all maintenance and repair of the Common Driveway and drainage facilities shall be the responsibility of the owners of the property. A note shall be placed on the plan and deed for each lot serviced by the Common Driveway stating the above with proof provided to the Planning Board prior to return of the common driveway surety.
3. The Applicant shall mean the current applicant and all its successors in interest (the Applicant). This site plan review shall lapse within two years from the date of its issuance, which shall not include such time required to pursue or await the determination of appeal under Mass General Laws Chapter 40A, from the grant thereof unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9. The Planning Board may extend such period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which shall provide a detailed description of good cause necessitating an extension. The Planning Board office must receive written notification within 48 hours of any change of ownership of the property occurring during construction.
4. There shall be no further division or subdivision of any lot shown on the plan for purposes of constructing additional units or buildings. No additional dwelling units shall be added. No additional expansion of the limit of work is allowed without further approval of the Scituate Planning Board.
5. The Applicant shall consent to allow members and Town official from the Planning Board and other persons acting under the Planning Board or its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their effort to verify that the layout, design and construction work for the Site Plan Administrative Review are satisfactory and conform to Town specifications and requirements of the Board.

6. Prior to the pre-construction conference, the applicant must obtain all necessary approvals and meet all requirements from the Board of Health (BOH), Conservation Commission, Fire Department, Building Department and Department of Public Works (DPW), and these shall be deemed conditions of the Planning Board approval. Any state and federal permits must be obtained if required and supplied to the Planning Board Office prior to scheduling the preconstruction conference and are also deemed to be conditions of the Planning Board approval.
7. Construction shall meet all requirements of the Scituate Zoning Bylaw. All contractors are responsible for all conditions shown on the plan and in the written decision.
8. No new in ground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water. In accordance with this policy rule, all irrigation systems installed in Scituate must be supplied by on-site sources at the expense of the property owner. Fines for violating this rule may be levied on the homeowner as well as the system installer.
9. No work is allowed beyond the limit of work/tree line without approval of the Planning Board. The entire limit of work is to be staked with erosion control during construction. Fines shall be imposed for disturbance beyond the limit of work in accordance with Town of Scituate General Bylaws. Any disturbance beyond the limit of work will be subject to full restoration with a restoration plan to be submitted to and approved by the Planning Board.
10. Any new utilities shall be placed underground.

### **Common Driveway Agreement**

11. A Common Driveway Agreement shall assign to the owners of Lots 1 and 2 the responsibilities and costs of maintenance and repair of the Common Driveway (including snowplowing), as well as any necessary drainage devices, grading and all other improvements for stormwater management in the Common Driveway Easement.

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

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

The standard format from the Planning office shall be used. A final draft of the Agreement shall be provided to the Planning Board within two weeks of the approval of this Site Plan Review. The Agreement shall be recorded at the Registry of Deeds with the Site Plan Review Permit. No

preconstruction conference or building permits will issue without a recorded Common Driveway Agreement.

12. No parking is allowed in the common driveway easement. No blocking of the common driveway easement is allowed.
13. Sufficient snow storage must be provided in the common driveway easement.
14. Prior to the start of construction, the limit of work shall be staked in the field. The location of the stakes shall be reviewed in the field by the Town Planner.

### **Construction**

15. A pre-construction conference will be required prior to the start of construction including a representative of DPW, the site design engineer, the owner, the site contractor and the Town Planner.
16. A Stormwater Permit shall be required for the common driveway beyond STA 1 + 10 and the new lot 1.
17. The fence along the property line of the common driveway must be installed as early in the process of the common driveway construction as feasible.
18. Prior to scheduling the pre-construction conference, the applicant shall provide to the Town Planner:
  - a. Record the plan, decision and Common Driveway Agreement at the Plymouth County Registry of Deeds and provide proof of recording;
  - b. The Applicant shall provide surety for \$5,000 in a form acceptable to the Planning Board prior to beginning construction of the Common Driveway to guarantee completion of the common driveway(s), the drainage, site work, landscaping and clean-up of the site. After the Town Planner has inspected the site and found grading, loaming and seeding, clean-up of earth materials and construction debris to be complete, these funds shall be returned to the applicant; and
  - c. A schedule of construction activities including approximate dates for installation of erosion control and other site stabilization features for all phases of the project and all applicable items in the Subdivision Rules and Regulations 9.1.3 shall be given to the Town Planner.
19. The Town Planner is to be notified when construction begins and when construction is completed.
20. Prior to scheduling the preconstruction conference, the Applicant shall provide the Town Planner with permits from the Scituate DPW for street openings and a curb cut if necessary. Installation of all water mains and appurtenances shall be performed according to the specifications of the

DPW Water Division. Any upgrades, modifications, or connections shall be at the Applicant's expense.

21. The property line in the area of work and boundary of the limit of clearing shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner a minimum of five days prior to the start of construction. The property line shall remain staked in the field throughout construction.
22. A stabilized construction entrance must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing.
23. All clearing and earth moving operations shall only occur while erosion and sedimentation control measures, approved by the Town Planner and shown on the plan are in place. Such control measures shall remain in place until the Town Planner determines that the danger of erosion or sedimentation no longer exists.
24. Any proposed changes in grading from the approved plan must be reviewed by the Town Planner to determine if they are materially significant. The Applicant or his professional engineer shall certify that such changes shall result in no impact on drainage and shall not increase runoff onto Hollett Street, abutting lots, or the rate and volume of the post condition from the predevelopment condition.
25. The common driveway shall have a cross pitch of a minimum of 1%. Failure to provide 1% cross pitch shall result in the driveway being removed and reconstructed to have the 1% cross pitch.
26. All lawns shall have a minimum of 6" of screened loam.
27. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use.
28. Construction of the Common Driveway shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board at completion that the driveway, grading, drainage and utilities were constructed in accordance with the approved plans. This certification shall be accompanied by as-built plans, signed and stamped by a registered professional land surveyor and the supervising professional engineer. No return of surety shall be issued until the Planning Board is satisfied that access, construction of the driveway, grading, drainage, installation of utilities and site stabilization are in full compliance with the approved plans,
29. Prior to return of the common driveway surety, the Town Planner shall inspect the driveway and notify the Board and Building Commissioner that the common driveway, grading, drainage, site utilities and stabilization conforms to that shown on the Common Driveway plan.
30. Construction work shall not begin prior to 7 am on weekdays and 8 am on weekends and shall cease no later than 7 pm or sunset whichever is earlier. No construction is permitted on Sundays and federal/legal state holidays. Construction work includes any operation of machinery and idling of vehicles. The name and phone number of a 24-hour contact shall be provided to the

Town Planner, Building Department, Police Department and Department of Public Works to be used in the event of an emergency.

31. There shall be no parking, staging or idling of vehicles on Hollett Street or Sedgewick Drive or adjacent public roads during construction.
32. 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.
33. Construction activities shall be conducted in a workman like manner at all times. Noise mitigation and proper dust controls shall be taken so that levels conform to Mass DEP policies. All equipment that emanates sound shall be kept in proper working order through regular maintenance. Street sweeping shall be used to control dust from leaving the site. A wheel wash station may be required to prevent sediment from leaving the site. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down or other proper storage and disposal methods.
34. Construction activities on site shall conform to Town of Scituate General Bylaws.
35. Sight lines on Hollett Street shall be maintained per the plans. Proof in the form of a stamped certification shall be required that the AASHTO sight distance has been provide at the distance 15' back from the road edge. Any trees that need to be remove shall be at the owner's expense. Any trees removed shall be replaced with trees of 3-3.5" caliper to be planted by the owner in a location directed by the Tree Warden and Town Planner.

#### **Administration**

36. This site plan review shall run with the land and be void if it is not recorded at the Registry of Deeds within 90 days of the expiration of the appeal period. The Applicant shall provide proof of this recording to the Planning Board.
37. Failure to comply with any condition of this Site Plan Administrative Review shall cause it to be deemed invalid.

Very truly yours,



Ann Burbine, Chair

Cc: Planning Board  
DPW and Tree Warden  
Building Commissioner  
Christopher and Barbara Horne  
Gregory Morse  
Stephen Bjorklund





**STOPPING SIGHT DISTANCE CALCULATIONS:**  
 LEFT TURN FROM APPROXIMATE COMMON DRIVEWAY (4500' CURV. R)  
 RECOMMENDED STOP ASYMETRIC STOP  
 RIGHT TURN FROM APPROXIMATE COMMON DRIVEWAY (4500' CURV. R)  
 RECOMMENDED STOP ASYMETRIC STOP  
 REVISION: 03/20/02

**FOR REGISTRY USE ONLY**

**COMMON DRIVEWAY PROFILE**  
 SCALE: 1" = 20' HORIZONTAL  
 SCALE: 1" = 2' VERTICAL

**COMMON DRIVEWAY CROSS SECTION**

**COMMON DRIVEWAY EASEMENT DETAIL**

**COMMON DRIVEWAY PLAN**

**COMMON DRIVEWAY PLAN**

**COMMON DRIVEWAY PLAN**

**COMMON DRIVEWAY PLAN**

**COMMON DRIVEWAY PLAN**

**TOWN OF SCITUATE ZONING BYLAWS**  
**SECTION 720.2 DESIGN STANDARDS**

A. REQUIRED: THE LOCATION AND CONSTRUCTION OF COMMON DRIVEWAYS SHALL BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:  
 1. COMMON DRIVEWAYS SHALL BE CONSTRUCTED TO PERMIT THE USE OF THE DRIVEWAY FOR THE PURPOSES OF THE ZONING BYLAWS.  
 2. COMMON DRIVEWAYS SHALL BE CONSTRUCTED TO PERMIT THE USE OF THE DRIVEWAY FOR THE PURPOSES OF THE ZONING BYLAWS.  
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 10. COMMON DRIVEWAYS SHALL BE CONSTRUCTED TO PERMIT THE USE OF THE DRIVEWAY FOR THE PURPOSES OF THE ZONING BYLAWS.

**GENERAL NOTES:**  
 1. THE SHEET PRESENTS THE TOWN OF SCITUATE ZONING BYLAWS.  
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 10. THE SHEET PRESENTS THE TOWN OF SCITUATE ZONING BYLAWS.

**COMMON DRIVEWAY PLAN**  
 #46 HOLLETT STREET (LOTS 1 & 2)  
 IN  
 SCITUATE, MASSACHUSETTS

**COMMON DRIVEWAY PLAN**  
 #46 HOLLETT STREET (LOTS 1 & 2)  
 IN  
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