

TOWN OF SCITUATE



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Planning Board

August 16, 2016

Ms. Kathleen Curran, Town Clerk
600 Chief Justice Cushing Highway
Scituate, MA 02066

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TOWN OF SCITUATE
CLERK'S OFFICE

RE: Approval of Site Plan Administrative Review – Untold Brewery, 6 Old Country Way

Dear Ms. Curran,

An application for a Site Plan Administrative Review for a new microbrewery was submitted on June 21, 2016. The site plan was entitled Proposed Site Plan 6 Old Country Way, Scituate, MA dated June 13, 2016 with revisions through 7/28/16 consisting of six plan sheets by Morse Engineering Co., Inc. The plans were reviewed for stormwater by the Planning Board's consulting engineer, Peter Palmeri, P.E. of Merrill Associates, Inc.

Two public hearings were held on July 28, 2016 and August 11, 2016. The Health Department, Design Review Committee, Fire Chief and the Water Resource Committee all provided comments. The DPW had previously agreed with the tenants plans for pretreatment of wastewater prior to discharging to the sewer and this was not discussed at the hearing on August 11, 2016. The Water Resource Committee was concerned about water usage and wants to have a cap on the capacity. The Design Review Committee had several suggestions which the applicant has agreed to make.

The Planning Board's consulting engineer, Merrill Associates, found that all stormwater issues were adequately addressed.

At the public hearing on August 11, 2016, Stephen Pritchard, Chairman, William Limbacher, Ann Burbine, Robert Vogel, and Gerard Wynne being present and voting, the Planning Board voted unanimously to make the following Findings of Fact:

1. The applicant submitted a site plan entitled Proposed Site Plan 6 Old Country Way Scituate, MA, Sheets 1-6 dated 6/13/16 with revisions through 7/28/16 by Jeffrey M. Hassett, P.E. of Morse Engineering Co., Inc. for Whitecrest Realty, LLC. The applicant shall mean the current applicant and all its successors in interest (the "Applicant").
2. A zoning change to allow a microbrewery by special permit in this zoning district was voted by Special Town Meeting in November 2015. The Zoning Board of Appeals approved a special permit to authorize the use by a vote taken on July 21, 2016.
3. The property is a 20,005 sq. ft. lot with an existing dwelling and is located in the Scituate Business District and Water Resource Protection District.
4. There is a self-storage facility to the rear of the property, a contractors' barn/shop with two apartments above to one side and a single family home to the opposite side. The single family home has trees along the property line. The adjoining premises that could be most affected will be protected against detrimental or offensive uses of the site. The site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 Paragraph A.
5. The Scituate Zoning Bylaw Section 760.6, Table of Minimum Parking Requirements, has no specific requirements for a microbrewery use and adequate parking to meet the normal parking demand as determined by the Planning Board determines the parking count. 17 parking spaces are provided including one handicap parking space. The tenant has indicated that there will be a maximum of four employees on the site during the hours the microbrewery is open to the public. The narrow width of Old Country Way will not allow on-street parking. The parking appears to be sufficient for the proposed use.

The parking lot has a 22 foot aisle. A sidewalk runs along the parking area to the building and to Old Country Way. Loading will be to the rear of the building, away from pedestrians.

The site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 B. and C. for traffic safety, ease of access, pedestrian safety, minimizing glare and access for service and emergency vehicles.

6. The site will be connected to the public sewer with pretreatment provided by the applicant. The plans have been reviewed by the DPW. The proposed methods described in the wastewater treatment plan include side streaming or reduction of biological oxygen demand and reduction of total suspended solids through separation of spent grain and yeast byproducts, settling and potential treatment with pH reducing chemicals which are acceptable to the DPW.

The Fire Chief has suggested that the building be sprinklered as it will be a facility where the public is invited in for drink; however, the Applicant would rather not install this at this time as the building size is under the code requirement for sprinkler installation. There is a fire hydrant across the street and the twenty foot access if maintained is sufficient for the fire department. The site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 D. for adequacy of methods of waste disposal, adequacy of water supply and fire- fighting facilities on the site.

7. The site plan and stormwater report were reviewed by the Planning Board's consulting engineer, Peter Palmieri P.E. of Merrill Associates. The plans were modified in response to his comments. The site is in the Water Resource Protection District. The stormwater system has been designed to improve water quality by reducing total suspended solids by at least 90%, as required by the Zoning Bylaw. The stormwater management system will treat water through two Filterra Tree boxes and underground Cultec C-100 chambers surrounded by stone.

The Applicant will to provide MSDS sheets to the Fire Department for any potential contaminants and to accept conditions to protect groundwater quality related to the storage and use of organic, chemical and cleaning compounds used in the microbrewing process. He will also accept a prohibition on vehicle washing on the site. The site plan meets the standard of Scituate Zoning Bylaw Section 770.6 E. and F. for adequacy of stormwater management and control of toxic and hazardous materials in the Water Resource Protection District.

8. Minimal site grading is proposed as the site is relatively flat. Landscaping that will use relatively little water is proposed for the site. An erosion and sedimentation control plan will be used. The site plan meets the standards of Scituate Zoning Bylaw Section 770.6 G., H. and I.
9. The proposed parking area is adequately buffered and shaded and there is a minimum of one shade tree per ten spaces of a caliper of at least 2 ½ inches dbh. The dumpster is fenced and covered and therefore not visible from public ways or from residential areas. Outdoor lighting is no higher than 15 feet tall and is specified to contain cut off fixtures to minimize glare and light spillover. The site plan meets the standards of Scituate Zoning Bylaw Section 770.6 I and J.
10. The site plan entitled Proposed Site Plan 6 Old Country Way Scituate, MA, Sheets 1-6 dated 6/13/16 with revisions through 7/28/16 by Jeffrey M. Hassett, P.E. of Morse Engineering Co., Inc. for Whitecrest Realty, LLC meets the requirements of the Town of Scituate Zoning Bylaw Section 770.6, Site Plan Review Standards of Review to a degree consistent with reasonable use of the site for the purpose permitted by the regulations of the district in which the land is located.

At the public hearing on August 11, 2016, Stephen Pritchard, Chairman, William Limbacher, Ann Burbine, Robert Vogel and Gerard Wynne being present and voting, the Planning Board voted unanimously to approve the site plan for 6 Old Country Way consisting of Proposed Site Plan 6 Old Country Way Scituate, MA, Sheets 1-6 dated 6/13/16 with revisions through 7/28/16 by Jeffrey M. Hassett, P.E. of Morse Engineering Co., Inc. for Whitecrest Realty Inc. subject to the following conditions:

General Requirements

1. All construction work shall be in accordance with the site plan entitled Proposed Site Plan 6 Old Country Way Scituate, MA, Sheets 1-6 dated 6/13/16 with revisions through 7/28/16 by Jeffrey M. Hassett, P.E. of Morse Engineering Co., Inc. for Whitecrest Realty, LLC, with any additional revisions needed to conform to the conditions contained herein.
2. Where construction or use requires approval, permitting or licensing from any local, state or federal agency, such required approvals, permitting or licensing including but not limited to Zoning Board of Appeals conditions of approval, federal and state approval of appropriate licenses required for brewing and serving alcoholic beverages, approval of sewer and water connections, relocation of sewer and water lines and the Board of Selectmen's approval of work in the public right-of-way of Old Country Way are deemed a condition of the Town of Scituate Planning Board's approval of this site plan. All necessary permits and approvals must be received prior to construction and use of the site.
3. The Applicant must obtain all required approvals including that of the Board of Health prior to serving any food on the site.
4. Construction shall meet all requirements of the Scituate Zoning Bylaw and State Building Code.
5. All conditions of approval shall be inscribed on the Site Plan.

Utilities, Parking and Traffic

6. The number of barrels brewed per year shall not exceed 7500 without further review by the Planning Board in consideration of the impact on the Town's water supply and sewer capacity.
7. Maintenance and repair of the driveway, parking areas and curbing, stormwater management system, lighting and landscaping shall be the responsibility of the owner/Applicant.
8. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy made effective by the Board of Selectmen on October 8, 2014. All irrigation systems installed in accordance with the policy must be supplied by on-site sources at the expense of the property owner.
9. All parking will be constructed as shown on the Site Plan.
10. The microbrewery building, parking, and required signage shall meet all requirements of the ADA and the Scituate Commission on Disabilities.
11. The Applicant shall obtain the approval of the Planning Board through the Town Planner if minor changes from the plan and/or details are needed for lighting, signage or landscaping.

Facade, Landscaping and Streetscape

12. The antique school house on Union St. shall be moved to the property, restored and utilized as the tap room as shown on the attached rendering. The existing garage door will be replaced by a multi-pane window The Applicant shall modify the plans as needed to incorporate the recommendations of the Design Review Committee dated 8/8/2016.
13. As recommended by the Water Resources Committee, the Applicant shall consult with a nursery to identify trees with low requirements for water. The Applicant should consider adding planters, shrubs or perennials at the foundation in the front of the building and bordering the patio.
14. All new sidewalk and driveway crossing materials shall be matched with existing. The ornamental light on Country Way purchased as part of a Streetscape Program intended to unify Greenbush through consistent design elements should be shown on the plan with a note that it shall be protected during construction and preserved.
15. Prior to application for a sign permit, the sign design shall be provided to the Town Planner for approval which shall not be unreasonably withheld or delayed.
16. The Applicant shall provide a \$5,000 deposit to guarantee installation of landscaping, continuity of existing sidewalks and driveway crossing, and replacement of ornamental lighting if needed.
17. The Applicant shall monitor odors produced by spent grain, yeast and other materials used in brewing or their waste products, and shall provide means to reduce odors if necessary.

Required Prior to Release of Site Plan Administrative Review Permit to Applicant for Recording

18. The plans shall be updated as required by conditions of this site plan as follows:
 - a. The driveway may be shifted up to five feet to the south to provide sufficient space for the utility pole and ornamental light.

- b. A note shall be added that a Knox Box key box shall be required on the front of the building by the front door for Fire Department access.
- c. A note shall be added that all plumbing fixtures shall be designed to conserve the maximum amount of water possible.
- d. The lighting in the public parking lot shall be programmable as to on-off and intensity.
- e. No vehicles shall be washed on the site.
- f. All plantings, vegetation, landscaping and signage along the site frontage shall be kept low to the ground (no more than 3' above street level) or set back sufficiently from Old Country Way so as not to interfere with available sight lines.
- g. MSDS sheets shall be provided to the Fire Department and kept updated for any materials considered hazardous.
- h. Organic, chemical and cleaning compounds used in the microbrewing process shall be stored inside in a manner so that any leaks or spills can be contained and the area cannot drain and impact surface or groundwater.

Required Prior to Scheduling the Pre-Construction Conference

- 19. The Applicant has indicated that others intend to relocate the single family home on this site to a site on Union St. The Applicant shall make every effort to facilitate this relocation. If this cannot be done, the Applicant will be responsible for obtaining the approval of the Scituate Historic Commission prior to demolition of the house.
- 20. Copies of all necessary approvals for the use of Town sewer shall be provided to the Planning Board prior to scheduling a pre-construction conference.
- 21. A determination of the adequacy of the existing water service for the proposed use shall be approved by the DPW prior to scheduling a pre-construction conference. Installation and relocation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Any required upgrades, modifications or connections shall be at the Applicant's expense.
- 22. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
 - a. Copies of the recorded site plan and plans.
 - b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum, inspections of Subdivision Rules and Regulations Section 9.2, for the driveway, parking area and stormwater management system. 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, relocation of the house and all applicable items in Subdivision Rules and Regulations 9.1.3.
- 23. The Applicant shall provide a draft Property Owner's Agreement for the driveway, stormwater system and other private infrastructure to the Planning Board. This document shall include:

- a. A description of maintenance of the stormwater system, pedestrian walks, parking, driveway and landscaping. Maintenance of the stormwater system shall be in accordance with the Operation and Maintenance Plan approved by the Planning Board's consulting engineer (see Stormwater Operation & Maintenance Plan attached to this approval). This shall include provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways, and a description of annual maintenance of the driveway, parking areas, and landscaping.
- b. A requirement that the Applicant file an affidavit that they have completed the maintenance in accordance with the Operation and Maintenance Plan in the past year and it be provided to the Planning Board annually in the first month of the year.

Required Prior to the Start of Construction

24. A pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, the Planning Board's consulting engineer and other representatives of the Town as the Board feels are necessary. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board and the DPW. At least one telephone contact shall be available 24 hours per day in the event of an emergency.
25. A stabilized construction entrance must be installed prior to any earth disturbing activities including but not limited to demolition, clearing and grubbing. Construction access must be clearly identified on the site with signage approved by the Town Planner.

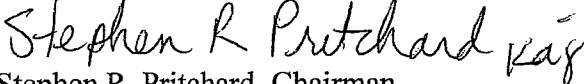
Required During Construction

26. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturdays and shall cease no later than 7:00 PM or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays.
27. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures approved by the Town Planner are in place. Such control measures shall remain in place until the Board's consulting engineer determines after consultation with the Town Planner, that the danger of erosion or sedimentation no longer exists.
28. No parking or unloading on Old Country Way shall be permitted during construction.
29. Construction of the proposed parking and site drainage system shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board at the completion of the project that the parking and drainage system were constructed in accordance with the approved plan. This certification shall be accompanied by as-built plans, showing all site utilities and grading, signed and stamped by a professional land surveyor and the supervising professional engineer.

Administration

30. This site plan approval shall be void if it is not recorded at the Registry of Deeds within 90 days of approval or such extension of that time period granted by the Planning Board following approval of this site plan.
31. All plan sheets shall be recorded at the Registry of Deeds.
32. This site plan approval 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 MGL Chapter 40A, Section 9.

Very Truly Yours,


Stephen R. Pritchard, Chairman

SRP/LH

cc: Charles Fagan, Whitecrest Realty Trust
Attorney Frank Colpoys
Jeffrey Hassett & Greg Morse, Morse Engineering
Kevin Cafferty, DPW Director
Planning Board