

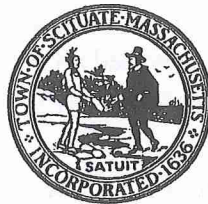
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TOWN OF SCITUATE

Planning Board



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
FAX: 781-545-8704

**Special Permit – Mixed Use in the Village Business Overlay District
6 MacDonald Terrace**

Decision: APPROVED with Conditions

Applicant: RJB Development Corporation
Address: 17 New Driftway, Scituate, MA 02066
Owner: RJB Development Corporation
Address: 17 New Driftway, Scituate, MA 02066
Request: Approval of special permit for Mixed Use in the Village Business Overlay District
Under Scituate Zoning Bylaw Section 560

Date: December 12, 2018

Location: 6 MacDonald Terrace Scituate, MA 02066

Assessor's Map: 53-5-21 and Parcel A

Zoning District: Business, Village Business Overlay District

Hearing Dates: October 25, 2018, November 29, 2018

Members Hearing Special Permit Application: Ann Burbine, William Limbacher, Benjamin
Bornstein and Patricia Lambert.

Decision: Approved with conditions by a unanimous vote

Background:

The property is a 12,512 sq. ft. upland parcel improved with an existing single family home and garage. The property is shown on the Scituate Assessor's Maps as parcels 53-5-21 with 10,400 sq. ft.; however a Form A was recorded on May 7, 2018 adding Parcel A consisting of 2,112 sq. ft. to create the 12,512 sq. ft. parcel. Access is from MacDonald Terrace, a paved private way with utilities. In the Mixed Use Village Business Overlay District Development proposal for the site, one building is proposed with five residential units and one office unit. The five residential units will consist of one (1) bedroom unit and four (2) bedroom units to be under condominium ownership. As

there are fewer than eight housing units no affordable units are required. 16 units per 40,000 square feet are allowed without significant public benefit which equates to 5 units for the property as no density bonus is requested. 11 parking spaces are provided and 8.1 spaces are required with approval of the Planning Board. This is 1 space per 1 bedroom units and 1.5 spaces per the 2 bedroom units and 1 space for the office unit consisting of 314 sq. ft. The stormwater management system consists of a subsurface stormwater recharge system under the parking area and a Filterra tree box filter. The rate and volume of post development conditions does not exceed pre-development conditions for the 2, 10, 25 and 100 year storms. A water quality Best Management Practice (BMP) treats the first ½" of runoff as required and 80% Total Suspended Solids (TSS) are required to be removed which the calculations indicate will be achieved.

The applicant submitted a Stormwater Permit Application and Drainage Calculations by Morse Engineering Co., Inc. stamped by Gregory J. Morse, P.E. This report and the accompanying mixed use special permit plans was reviewed by the Town's consulting engineer, Peter G. Palmieri, P.E. of Merrill Engineers and Land Surveyors, who submitted detailed comments to the Planning Board. In response to these comments, the applicant provided an Amended Stormwater Report and plans which, after further review by the consulting engineer, were found to address his comments and recommendations.

No traffic study was submitted. The Deputy Fire Chief, Alfred Elliott, has opined that based on Mr. Burwick's measurement of MacDonald Terrace at 23 feet, that is sufficient for fire department access and a 20 foot wide driveway entry with access to the rear parking lot should give adequate access and turnaround capabilities for emergency response vehicles.

Procedural Summary:

An application for a Mixed Use Development Special Permit in the Village Business Overlay District was filed with the Town Clerk on August 6, 2018. A Public Hearing on the Special Permit was duly advertised and notices sent to all abutters in accordance with MGL Chapter 40A. The Public Hearing was opened on October 25, 2018 with an extension of time for opening the hearing granted by the applicant. The public hearing was continued to November 29, 2018, when the hearing was closed and the Special Permit was approved with conditions. Four members were at both sessions where testimony and evidence was presented and the chair indicated that a super majority would be needed which would be a unanimous vote of the four members present.

Hearing Summary:

When the public hearing was opened on October 25, 2018, Robert Burwick, applicant; Gregory Morse, PE of Morse Engineering Co., Inc., design engineer; and Kelly Ennis, project architect were present. Karen Joseph, Town Planner was also present.

Mr. Morse reviewed the project which includes razing the existing dwelling and constructing a new mixed use building with five residential units and one office unit. He indicated the site is in the Business District and Village Business Overlay District and each of the units will have access in the front and back with a porch at the front. Parking is in the rear of the building with 10 parking spaces provided and a 20 foot wide access drive. The dumpster is at the northeast corner of the site. Connections to public water and sewer will be made and stormwater will be handled on site. The applicant met with the Design Review Committee (DRC) and incorporated a majority of their comments provided to the Planning Board into the plans. The Board requested that the applicant

provide a rendering of the building and how it fits in with the single family homes in the neighborhood as the DRC had recommended. The stormwater management system was reviewed. The Board asked about lighting, landscaping and location and noise from the air conditioning units as well as snow storage. They also indicated condominium documents will be required to be reviewed by Town Counsel. There was concern over the location of the dumpster abutting neighbor's homes and the applicant was asked to provide pick up times. Pedestrian connections in and around the site were discussed as well as removal of the existing trees.

At the November 29, 2018 hearing session, Bob Burwick, Greg Morse and Kelly Ennis were present for the applicant. Mr. Morse reviewed the plan changes since the last meeting to include additional details in the moldings of the building, a new ADA accessible ramp to the office unit along with a van accessible parking space, air conditioning pads are shown with screening and a privacy fence, a building massing schematic was provided and the dumpster has been removed with a trash enclosure at the end of the parking lot. The trash enclosure will be a fenced enclosure with a gate made of white PVC material providing access to a trash bin for each unit. The six units will be responsible for their own trash removal or hiring a private trash removal service. He indicated there will be an arborvitae screen along the Chaisson property line to the south and a new fence along the Cook property line to the north. Mr. Morse also indicated that erosion control is now shown on the plan and the drainage has been updated and all of Merrill Engineers and Land Surveyors comments had been addressed. He indicated that the Water Department had indicated that a second hydrant was no longer required.

Mr. Borstein indicated that even though the project was below the threshold for inclusion of affordable housing units, he would like to see more inclusion in future developments. He also opined that more mixed use would have been preferable as it seems like this is just a condominium development with a small office. Ms. Lambert and Ms. Burbine agreed on the mixed use piece. Ms. Lambert was concerned with snow removal. Mr. Morse said the parking lot will be plowed and there may have to be coordination on movement of vehicles. Mr. Limbacher inquired about the conclusion the massing drawing provided. Mr. Morse said that the new building is 35' in height less than the 40' permitted. He said MacDonald Terrace is essentially single family homes; however, there are taller buildings on Ford Place.

At the November 29, 2018 the public hearing on the Mixed Use Special Permit in the Village Business Overlay District was closed. The Planning Board voted to grant the Mixed Use Special Permit in the Village Business Overlay District for 6 MacDonald Terrace based on the Findings of Fact and subject to the Conditions as discussed.

Public and Town Department Input:

Amy Walkey, Conservation & Natural Resource Officer, indicated a portion of the project lies within 200' of protected Riverfront so Conservation Commission permitting is triggered.

William Branton, of the Scituate Sewer Division, indicated that there is sewer available and the property already has a sewer lateral to the site giving them the right to connect to the sewer with additional fees for the sewer permit and privilege fees.

Sean Anderson, Water Superintendent, requested the applicant install a new fire hydrant with the approval of the Fire Department for flushing of the water main. The Water Division is also requiring the units be individually metered as there are both residential and commercial units. He later indicated in an email of November 28, 2018 that the second hydrant is no longer necessary as the water service line is before the existing hydrant.

Alfred Elliott, Deputy Fire Chief, indicated Mr. Burwick measured the width of MacDonald Terrace at 23 feet which he indicated is sufficient for a fire department access road and that 20 feet will be maintained for the driveway and to the rear of the building which should be suitable for access and turnaround capabilities of emergency response vehicles. He indicated the building will need a Knox box. He indicated that Mr. Burwick said there was a 6" water line servicing a dead end hydrant and that flow testing would be required. Deputy Elliott further found out that the Water Division may be requiring a second hydrant to keep the existing hydrant viable and for flushing. He indicated if there is any question as to adequacy of water for fire flow it may be reasonable and within the fire code to request a third party review at the owner's expense.

Hal Stokes, Chairman of the Design Review Committee (DRC), provided the committee's thoughts and recommendations. They indicated that setback, roof pitch and dormer pitch appeared to conform to requirements. They expressed some concern about the scale of the proposed building to the adjacent properties they recommended that the Planning Board ask for this. The DRC expressed concern that several large trees were being removed and was concerned about the view from Driftway. The applicant indicated they would provide a planting plan which they have done. The DRC suggested adding a substantial cornice look with a "return relief" at the gable intersections to blend in with the other larger structures in the Overlay District. They suggested a faux chimney be added in the center of the roofline to break up the long, flat roof. They were in agreement of architectural asphalt shingles for the roofing and Hardee-board clapboard for the siding. They suggested a lighter tone building as a dark color might make the building stand out. An enclosed trash dumpster was discussed, but no samples were provided.

At the October 25, 2018 public hearing session, Jim Cook of 18 Ford Place indicated that the plans appear consistent with what he had previously reviewed. He expressed concern over the dumpster location abutting the residential properties as did Kathy Chaisson of 10 Ford Place and Taryn Consilvio of 22 Ford Place. Ms. Consilvio inquired if there would be access to Driftway from the parking lot. Mr. Burwick indicated there would not be. Ms. Consilvio expressed concern over parking on MacDonald Terrace. Ms. Burbine suggested that she contact the Traffic Rules and Regulations Committee, the Community Outreach Officer or the landscaping business that Ms. Consilvio indicated were parking on the street. Kathy Chaisson indicated that parking on Ford Place was also an issue and she would be looking to do something with her properties in the future as well. Mr. Morse provided an email from an abutting attorney, John L. Sullivan that he was in support of the project.

At the November 29, 2018 hearing session, Jim Cook of 18 Ford Place inquired where the dumpster was relocated. Mr. Morse indicated there would be the trash enclosure six feet high with 3 X 3 foot square enclosures for a trash barrel for each unit. Mary Lou Consilvio of 22 Ford Place asked about snow plowing as MacDonald Terrace is a private way and the town does not plow. She questioned where the snow would be placed and also commented that she thinks the 35 foot building does not blend into the neighborhood and the existing single family homes will be overshadowed. She opined

this leaves the door open for the next project to build to the fullest extent they are allowed. Ms. Taryn Consilvio of 22 Ford Place asked what the street lights will be like and if they would shine down. Kelly Ennis indicated they would look like the lights on Ford Place and would shine down. Mr. Burwick indicated that the condominium documents will require that MacDonald Terrace be plowed by the residents of the building and that Mr. Sullivan, located across the street, will be part of the association to ensure that the street is plowed.

Findings of Fact:

The following findings of fact based on information submitted by the applicant and the testimony given during the Public Hearing were approved on November 29, 2018:

1. RJB Development Corporation filed an application for a Mixed Use Special Permit in the Village Business Overlay District under Scituate Zoning Bylaw Section 560 on August 6, 2018. This application included a Project Narrative, Stormwater Permit Application & Drainage Calculations and plans by Morse Engineering Company, Inc. entitled Proposed Mixed Use Building, 6 MacDonald Terrace, (Assessor's Parcels: 53-5-21 & Parcel A) Scituate, Massachusetts, dated 7/24/18. The most recent revised plans were dated November 12, 2018 and as further amended to meet these conditions.
2. The applicant also submitted a Proposed Elevations (Sheet A-200 and A-201) and Proposed Plans (A-100 and A-101) for MacDonald Terrace dated 3/8/2018 by Kelly Ennis Design. The most recent revised plans were dated 10/25/18 to incorporate comments from the Design Review Committee and further revisions dated 11/29/18 and 11/26/18 to incorporate comments from the Planning Board. A Massing Comparison, Sheet A-202 was submitted with a revised date of 11/29/18. A Trash Enclosure, Sheet A-203 dated 11/27/18 was also submitted.
3. The applicant also submitted a Planting Plan for the Proposed Mixed Use Building, 6 MacDonald Terrace, (Assessor's Parcels: 53-5-21 & Parcel A) Scituate, Massachusetts, dated 7/24/18 with revisions through 11/15/18 by Kennedy's Country Gardens, Scituate, MA; a photometric lighting plan for 6 MacDonald Terrace dated 10/23/18 and lighting sheets for Wall Mounted Classic Onion Sconces by Norwell lighting for doors and Lumenpulse Allegra 12' light standards.
4. The property that is the subject of this application is a 12,512 sq. ft. upland parcel improved with an existing single family home and garage. The property is shown on the Scituate Assessor's Maps as parcels 53-5-21 with 10,400 sq. ft.; however a Form A was recorded on May 7, 2018 adding Parcel A consisting of 2,112 sq. ft. to create the 12,512 sq. ft. parcel. The property is in the Business District and Village Business Overlay District.
5. The lot or yard area required for the new building or use do not include any part of a lot that is required by any other building or use to comply with any requirements of this bylaw. The proposal meets the requirements of Section 560.4 A.
6. The application was reviewed under Section 750 by the Design Review Committee on October 16, 2018. As required by Scituate Zoning Bylaw Section 560.8, Design Review Standards, the Planning Board has considered the extent to which the applicant satisfies the Design Review Standards detailed below:

- a. Roofs – Roofs are pitched to the center ridge and the slope meets or exceeds the 8:12 slope required by Section 560.8 A. Dormers are no more than 20' in width as scaled from the architectural drawings.
- b. Façade Treatment – On the façade of the building facing MacDonald Terrace, a private way, and shown on the plan by Kelly Ennis Design referenced above, 23% of the ground floor and 31% of the second floor façades are glazed. Section 560.8 B. requires a minimum of 50% of the first floor and 30% of the second floor to be glazed when on a public way.
- c. Front Yard Setbacks – The front setback for the building, situated on MacDonald Terrace, will be 10.4 feet to the edge of the southwest corner of the building. 10 feet is the minimum permitted. No parking is located in the front yard setback. The proposal is considered to meet this requirement.
- d. Side and Rear Yard Setbacks – The side setback is proposed to be 8.4' on the left and 26.2' on the right; the rear setback will be 55.5'. The adjacent lots at 18 Ford Place and 10 and 14 Ford Place contain residences. The minimum side or rear setbacks are greater than 20' from a residence and the proposal is considered to meet this requirement.
- e. Special Setbacks- Scituate Harbor – This requirement is not applicable.
- f. Greenbush Design Standards – The building at 88' has the longest façade facing MacDonald Terrace. This is less than the 120' maximum. This is the only front façade over 50' and is articulated. This proposal is considered to meet this requirement.
- g. Parking and Landscaping – The driveway for the proposal will be 20' wide. A Landscape Plan was submitted. No invasive plants are proposed. Screening is proposed abutting residential uses. The site is not in the Water Resource Protection District. Stormwater is proposed to be treated by a tree box filter and subsurface recharge system. No parking is proposed beyond that which is required.

The proposal meets the requirements of Section 560.4 B. and the Design Review Standards of Section 560.8.

7. As the proposal contains less than 8 housing units, no affordable units as defined in Section 560.7 are required or proposed. The proposal meets the requirements of Section 560.4 C.
8. The requirement that 50% of the floor area be a retail use is not applicable here as the property is not on Country Way in Greenbush. The proposal is considered to meet the requirements of Section 560.4 D.
9. According to Gregory J. Morse, P.E., the lot contains 12,512 sq. ft. 16 units per 40,000 sq. ft. are allowed. This equates to 5 residential units for the lot area.

According to the Site Plan (Sheet 1 of 3) stamped by Gregory J. Morse, P.E., 4,740 sq. ft. or 38% of the site shall be maintained as open space. This exceeds the required 20%.

Frontage is required to be an amount sufficient in the opinion of the Planning Board to provide adequate access, and not less than 20'. Frontage of approximately 138.05' is provided on MacDonald Terrace according to the Site Plan (Sheet 1 of 3) stamped by Gregory J. Morse, P.E.

The proposal is considered to meet the requirements of Section 560.4 E.

10. The applicant is not seeking a bonus density. The requirements of Section 560.5 are not applicable.
11. The proposal will contain 11 parking spaces including one ADA van accessible space and 8.1 spaces are required with approval of the Planning Board. This is 1 space per 1 bedroom units and 1.5 spaces per the 2 bedroom units and 1 space for the office unit consisting of 314 sq. ft. The applicant has provided parking which meets the requirements of Section 560.6.
12. As the proposal contains less than 8 housing units, no affordable units as defined in Section 560.7 are required or proposed. The requirements of Section 560.7 are not applicable.
13. The proposed stormwater management system has been reviewed by the Town's consulting engineer, Peter Palmieri, P.E. of Merrill Engineers and Land Surveyors, whose comments indicate his concerns have been satisfactorily addressed if the stormwater management system is built as designed.
14. The review of the stormwater management system by the Planning Board's consulting engineer and their approval of this special permit eliminates the requirement for a separate stormwater permit under the Stormwater General Bylaw and its regulations for any work that conforms to the plans. Gregory J. Morse, P.E. has certified that the drainage system can be expected to result in post-development runoff characteristics (including peak flow, total volume of runoff and water quality of runoff) to be equal to or less than the pre-development runoff characteristics.

Based on these findings, the Mixed Use Special Permit meets the requirements under the Village Business Overlay District, Section 560.

Decision:

Based on the Findings of Fact, the Planning Board approved the Mixed Use Development Special Permit in the Village Business Overlay District for 6 MacDonald Terrace on November 29, 2018 with the following conditions:

General Requirements

1. All construction work shall be done in accordance with the plans submitted by Morse Engineering Company, Inc. entitled Proposed Mixed Use Building, 6 MacDonald Terrace, (Assessor's Parcels: 53-5-21 & Parcel A) Scituate, Massachusetts, dated 7/24/18 with revisions of 11/12/18 and any additional revisions needed to conform to the conditions contained herein (the "Mixed Use Special Permit"); Planting Plan for the Proposed Mixed Use Building, 6 MacDonald Terrace, (Assessor's Parcels: 53-5-21 & Parcel A) Scituate, Massachusetts, dated 7/24/18 with revisions through 11/15/18 by Kennedy's Country Gardens, Scituate, MA; Proposed Elevations (Sheet A-200 and A-201) and Proposed Plans (A-100 and A-101) for MacDonald Terrace dated 3/8/2018 by Kelly Ennis Design with revisions dated 11/29/18 and 11/26/18 and any additional revisions needed to conform to the conditions contained therein; Trash Enclosure for 6 MacDonald Terrace dated 11/27/18 by Kelly Ennis Design; photometric lighting plan for 6 MacDonald Terrace dated 10/23/18 and lighting sheets for Wall Mounted Classic Onion Sconces by Norwell lighting for doors and Lumenpulse Allegra 12' light standards. All conditions of approval shall be inscribed on the Mixed Use Special Permit Plans.

2. Where this Mixed Use Special Permit requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's (the "Planning Board" or the "Board") approval of this Mixed Use Special Permit. All necessary permits and approvals must be received prior to construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw. All conditions of approval shall be inscribed on the Mixed Use Special Permit plan.
4. The applicant shall mean the current applicant and all its successors in interest (the "Applicant"). This special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause. The Planning Board may extend said period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which request shall provide a detailed description of the good cause necessitating an extension.
5. The total number of residential dwelling units on the site shall not exceed five (5). The housing mix shall be one (1) bedroom units and four two (2) bedroom units. The total number of bedrooms shall not exceed nine (9) using the definition of a bedroom by Title V. All units will be under condominium ownership as indicated by the applicant.
6. The Applicant shall obtain the endorsement of the Planning Board for the Mixed Use Special Permit within 90 days of the expiration of the appeal period and this decision becoming final.

Utilities, Parking and Traffic

7. Until a Condominium Association is formed, maintenance and repair of the driveway, parking areas, stormwater management system, snow removal, 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 Plan.
10. The building, parking, walkways, paths and required signage shall meet all applicable requirements of the ADA and Scituate Commission on Disabilities.
11. Trash management shall be in the trash enclosure with six (6) Unit owners will be responsible for hiring a private trash service or taking their trash to the transfer station. The trash enclosure and all fencing on the site shall be white PVC material.
12. All electrical, telephone, cable and similar utilities shall be located underground.
13. 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, fencing or landscaping.

14. The landscaping in the grading and landscape easement located on the adjacent 17 New Driftway property must be permanent with no permanent structures located there in the future. An easement shall be provided to the Town Planner for review prior to recording.

Required Prior to Release of Special Permit to Applicant for Recording

15. Funds shall be provided for review of a Condominium Trust and Condominium Master Deed by Town Counsel.
16. Plans shall be revised to show the water line as an 8" ductile iron pipe and its location in MacDonald Terrace; the deciduous tree placed in the Filterra tree box to be a minimum of 2 ½" dbh; the Planting Plan shall be revised to show the arborvitae in the grading and landscape easement instead of where the trash enclosure is and the shrub to be relocated on the property from the MacDonald Terrace right of way.
17. The Applicant shall provide a draft Condominium Association Trust document to include the owner(s) of the office unit and residential units and a Condominium Master Deed to include the owner(s) of the office unit and residential units. The Condominium Association Trust and Master Deed shall include:
 - a. A statement that the driveway, drainage system, sewer, walkways through the site, landscaping and other common areas shall be owned by a Condominium Association and shall not be maintained by the Town. The driveway, drainage system, walkways at the site, landscaping, lighting, tree box filters, stormwater leaching system and other common areas shall be inspected, maintained and repaired by a Condominium Association. This shall also be stated in a note on the plan.
 - b. A requirement that maintenance of the drainage system, pedestrian walks, parking, driveways, and landscaping shall be in accordance with the Operation and Maintenance Plan approved by the Planning Board's consulting engineer; 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, walkways, landscaping, lighting and other common amenities.
 - c. A requirement that the Association maintain an account always containing a minimum of one year's costs for this maintenance. A contractor's estimate of this maintenance and proof of the available funds in this account shall be provided to the Planning Board with the Agreement and annually on the first of the year. The Agreement shall require an annual certification that the Stormwater System is being properly inspected and maintained per the Operation and Maintenance Plan.
 - d. A requirement that the owner/applicant notify contractors, builders and real estate agents that membership in a Condominium Association and a table showing the available parking for each unit are required to be disclosed to all prospective buyers. The developer shall make copies of the Condominium Trust/Condominium Master Deed available to be provided to all prospective purchasers of units in the development.
 - e. A requirement that the Condominium Association notify the Planning Board of the name, address, phone no. and e-mail of the trustees within seven days of their election, and to provide an annual report of their maintenance activities to the Planning Board by January 1 of each year.

- f. A table of the number and general location of parking spaces assigned to each unit.
- g. The Operation and Maintenance Plan shall be provided to the Planning Board as a stand-alone document.

Required Prior to Scheduling the Pre-Construction Conference

- 18. The final building plans, stamped by a registered architect, shall be provided to the Planning Department 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.
- 19. The development shall obtain all necessary approvals for the use of Town sewer prior to scheduling a pre-construction conference. Any required upgrades, modifications or connections shall be at the Owner's expense. Copies shall be furnished to the Planning Board.
- 20. A determination of the adequacy of the existing water service for the proposed use shall be provided to the DPW for their approval prior to scheduling a pre-construction conference. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Any required upgrades, modifications or connections shall be at the Owner's expense.
- 21. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
 - a. Copies of the recorded special permit and plans;
 - b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum, inspections of Subdivision Rules and Regulations Section 9.0, for the driveway, parking areas and stormwater management systems, and in addition, inspection of applicable items in the Construction Sequence and any curbing and water and sanitary sewerage facilities as coordinated with Scituate DPW. 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, all applicable items in Subdivision Rules and Regulations Section 9.0 and
 - d. A type and amount of security satisfactory to the Planning Board to cover the satisfactory completion of features shown on the site plan including parking, drainage, landscaping, walkways, lighting, signs, fences, trash enclosures and conditions imposed by the Board shall be provided by the Applicant/Owner. The amount shall be based on the Applicant/Owner's contractors' estimates of the costs of these items, reviewed by the Town's consulting engineer and shall be approved by the Planning Board prior to the pre-construction conference.

Required Prior to the Start of Construction

- 22. 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.

23. 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.
24. A stabilized construction entrance and silt sock as shown on the Plan (Sheet 1 of 3 of the Proposed Mixed Use Development Plan) must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing.

Required During Construction

25. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturday and shall cease no later than 7:00 PM or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays.
26. 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.
27. No parking or unloading on MacDonald Terrace shall be permitted during construction. Construction vehicles shall use the designated construction access.
28. The Board reserves the right to require the consulting engineer to visit the site weekly during times when required construction inspections are further than one week apart.
29. Construction of the proposed driveway, 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 driveway, 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. The as-builts shall be reviewed by the Town's consulting engineer for compliance with the design.

Required Prior to Issuance of Occupancy Permits

30. Following review and approval by the Planning Board, the Condominium Master Deed shall be recorded at the Registry of Deeds prior to the Building Department's issuance of an occupancy permit. Proof of recording Condominium Master Deed must be provided to the Planning Board.
31. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the driveway, parking area and installation of necessary utilities is in full compliance with the approved plans and the special permit.

Administration

32. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.

33. This Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 90 days of expiration of the appeal period or such extension of that time period granted by the Planning Board following approval of this Special Permit.
34. 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 MGL Chapter 40A, Section 9.
35. All plan sheets of the Mixed Use Development Special Permit Plan shall be recorded at the Registry of Deeds. All construction work shall be done in accordance with the plans.

Vote:

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Mixed Use Special Permit in the Village Business Overlay District at 6 MacDonald Terrace with the conditions noted above.

November 29, 2018

Date

SCITUATE PLANNING BOARD

Anna Burvise

[Signature]

Patricia G. Lambert

William S. Schubert

This decision was filed with the Town Clerk on December 12, 2018.
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

