

SCITUATE ZONING BOARD OF APPEALS
DECISION ON APPLICATION FOR MODIFICATION OF
COMPREHENSIVE PERMIT PURSUANT TO G.L. c. 40B

2019 APR 11 PM 12:35

Applicant: Dakota Partners and Stockbridge II Realty Trust
Project Location: 96-100 Stockbridge Road and off Stockbridge Road
Assessor's Map2 54-2-28, 54-2-28A, 54-2-28B and 54-2-28C
Date: April 11, 2019

I. PROCEDURAL HISTORY

1. The Comprehensive Permit, as amended, granted by the Scituate Zoning Board of Appeals ("Board") authorized the construction of seventy-four (74) for sale units in fourteen (14) multi-family town house buildings dispersed throughout the project site.
2. On or about December 6, 2018, Dakota Partners filed a written request for a modification to the Comprehensive Permit. The request sought, amongst other things, a reduction in the number of units from 74 to 68, a change to 34 duplex buildings and a change to some site grading.
3. At a meeting conducted on December 20, 2018, the Board made a determination that the requested changes were substantial.
4. An Application for a public hearing on the proposed changes was submitted to the Board.
5. The legal advertisement for the public hearing ran in the Scituate Mariner on January 3, 2019 and January 10, 2019.
6. The Board's hearing on the Application was duly opened on January 17, 2019. Hearings were held on January 17, 2019, February 28, 2019 (continued) and March 21, 2019. The hearings closed on March 21, 2019.
7. The Applicant provided various materials, reports and revised plans throughout the public hearing on the Application.
8. During the public hearing process, the Petitioner was represented by Mark Pilotte of Dakota Partners, Attorney Michael O'Shaughnessy, Richard DeBenedictis, P.E. and Robert S. Cummings, P.E. of Engineering Management Services ("EMS").
9. The Board utilized the services of Matthew P. Doyon, P.E. of Comprehensive Environmental Inc. ("CEI") to review the changes to the project.
10. During the course of the public hearing Town staff and boards, the Board's peer reviewer, and local residents submitted oral and written testimony with respect to the requested changes to the Project.
11. In support of the requested project changes, the Applicant submitted the following plans:

- a. " 'Stockbridge Landing' located off Stockbridge Road Scituate, MA 02066, Dated: June 29, 2004 (revised through March 27, 2019), prepared for: Stockbridge II Realty Trust c/o Pierre Coll 29 Samoset Street Plymouth , MA 02360, Prepared by: Richard R. DeBenedictis, P.E., 57 Sanderson Drive, Plymouth, MA 02360.
 - b. "Stockbridge Landing Scituate, Massachusetts 100% Landscape CD Set", Dated: January 19, 2019, Prepared By: Hawk Design Inc., Landscape Architecture and Planning, Sagamore, MA.
12. The Applicant also provided some colored renderings and floor plans of the proposed duplex units.
13. The Board received the following documents from the Applicant and the Board's engineer:
 - a. Letter from Richard R DeBenedictis, PE dated January 10, 2019;
 - b. Stormwater Calculations and narrative dated June 2005 revised through January 10, 2019;
 - c. Site Plan depicting the new 34 building (68 units) superimposed over the 14 building (74 unit project).
 - d. Letter from CEI dated February 12, 2019;
 - e. Letter dated February 28, 2019 from Attorney Michael O'Shaughnessy;
 - f. Letter dated March 8, 2019 from EMS;
 - g. Letter dated March 15, 2019 from CEI.
 - h. Letter dated March 18, 2019 from Richard DeBenedictis. PE.
 - i. Letter dated March 21, 2019 from CEI.
14. The hearing was closed on March 21, 2019 and the Board voted to approve the changes to the project.

II. FINDINGS

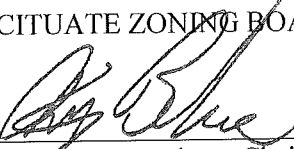
1. Pursuant to 760 CMR 56.05 (11)(b), only the changes in the Project or aspects of the Project affected thereby shall be at issue in the hearing.
2. The Board notified all applicable local boards and commissions of the filing of the Application by sending a copy thereof to such local boards and commissions for their recommendations, all of which have been made a part of the record of these proceedings and have been taken into consideration by the Board in rendering its Decision.
3. During the course of the public hearing, Town staff, boards and commissions; and local residents submitted oral and written testimony with respect to the proposed changes. The Board considered the technical review of Town Department Heads and an independent civil engineering peer review with respect to the additional pervious area and drainage calculations.
4. The project change that was before the Board is was to change the number of units from seventy four (74) units in fourteen (14) buildings to sixty-eight (68) units in thirty four (34) duplex buildings and to modify the grading.
5. Peer review was thorough and cooperative.

III. DECISION and CONDITIONS

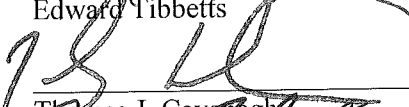
Upon Motion, duly seconded, the Board voted 4 to 0 (members Bucchere, Cavanagh, Tibbetts and Sullivan approving) to grant a modification to the Comprehensive Permit to the Applicant for the proposed project,

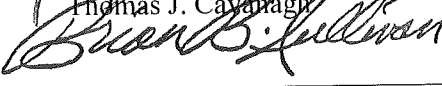
1. The Project shall be developed, constructed and completed in conformance with the plans, as revised during the public hearing.
2. The Comprehensive Permit, as amended, shall expire if construction is not commenced by August 2, 2021.
3. Twenty five (25%) of the units, or seventeen (17) units, shall be and shall remain affordable and shall be marketed to eligible households whose annual income may not exceed 80% of area median income (AMI).

SCITUATE ZONING BOARD OF APPEALS


Anthony J. Bucchere, Chairman


Edward Tibbetts


Thomas J. Cavanagh


Brian B. Sullivan