

SCITUATE PLANNING BOARD MINUTES March 28, 2024

Members Present: Patricia Lambert, Chair; Rebecca Lewis, Vice Chair; Ann Burbine, Clerk; Stephen Pritchard and Patrick Niebauer alternate.

Others Present: Karen Joseph, Town Planner; Shari Young, Administrative Assistant

Members absent:

See Sign-in List for names of others present at this meeting.

Location of meeting: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television and streaming live on Facebook with in-person and remote access available.

Documents

- 3/28/24 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chair Lambert indicated there was a posted agenda. Ms. Burbine seconded the motion for the posted agenda a vote was taken the vote was unanimously in favor. Mr. Pritchard was participating remotely.

A roll call vote was taken; and was unanimously in favor.

Ms. Lambert -yes

Ms. Lewis – yes

Ms. Burbine – yes

Mr. Niebauer – yes

Mr. Pritchard - yes

Public Hearing – Special Permit Accessory Dwelling – 27 Brook Street

Assessor's Map/Block/Lot 50-6-0-A

Applicant: Real Estate Ready LLC

Owner: Deborah and Christopher Martin

Documents

- PDF 27 Brook Street Notarized letter of occupancy
- PDF 27 Brook Street Accessory Dwelling Application
- PDF 27 Brook Street Aerial and Site Plan
- PDF 27 Brook Street Assessors Card
- PDF 27 Brook Street Bylaw Compliance
- PDF 27 Brook Street Deed
- PDF 27 Brook Street Photos and Site Plan
- PDF 27 Brook Street Revised Accessory Dwelling Floor Plan with Egress
- PDF 27 Brook Street Site Plan
- PDF Martin 27 Brook Street Floor Plans

- PDF TC Filed Posting 27 Brook St.
- Doc Transmittal
- Doc DRAFT Motion 27 Brook Street
- Email dated 2.26.24 from the Water Department
- Email dated 2.16.24 from the Sewer Department
- Email dated 2.26.24 from the Sewer Department

Attendees: Christopher and Deborah Martin, Applicant/Owner

Ms. Burbine read the posted legal ad into the record.

Mr. Martin said they purchased the old Senior Center approximately a year ago and they are in the process of restoring it to be their new home. He said they will be having Ms. Martin's father move into the accessory dwelling which is about 500 sq. ft. of the existing structure.

Ms. Martin said they are not expanding the exiting structure, they are taking a portion of the interior square footage and making that the accessory dwelling.

Ms. Joseph indicated there is a revised floor plan that shows there are 2 means of egress, one through the main means of access in the back and a second through the in-law living area.

Mr. Martin indicated on the back side facing First Parish Road, what used to be the hose tower is now going to the primary entrance of the building; you will be able to enter the primary residence or the accessory to the left. Within the living room of the accessory dwelling there is a secondary egress to the outside of the building.

Ms. Joseph indicated the accessory dwelling is 600 sq. ft., no elevations were provided, the old senior center is being converted into a residence. The applicant is planning to remove some pavement in the front except for the 12' x 40' driveway for 2 parking spaces, pavement is being removed to be a grass area, removing 35'. There will be 73' of pavement left towards the culvert which will accommodate 4-5 parking spaces. A site plan was provided.

There is only one bedroom in the accessory dwelling, with a living room, bathroom and kitchen.

Ms. Martin said the Town has the property listed as 5,000 sq. ft. but it is actually about 4,200 sq. ft. They are taking some square footage away from that to put in a one car garage and about 600+ sq. ft. for the in-law, leaving about 1,300 sq. ft. for the second floor for 3-bedrooms and two bathrooms and the lower level is left with about 2,000 sq. ft. for living room, kitchen, office, bathroom and utility rooms.

The primary door will remain on Brook Street.

Ms. Joseph said the accessory dwelling at 600 sq. ft. meets the requirements of the bylaw, parking appears to meet the requirements and she recommends approval.

Mr. Martin said they are going to try and remove most of the ugliness of the existing building, the building has parts that date back to 1851; they have done restoration before and will try to give it a little fire station appeal and school appeal and wipe away as much senior center as they can.

Mr. Martin said they are going to give tours of the building once they are finished because there is so much curiosity.

Motion:

Ms. Burbine moved to make the following Findings of Fact:

1. On February 15, 2024 applicant Real Estate Ready LLC applied for a special permit for an accessory dwelling in an existing structure being converted to a single-family home at the property at 27 Brook Street.
2. According to the Town of Scituate Assessor's records and the deed, the property at 27 Brook Street is owned by Real Estate Ready LLC. The Secretary of State lists the managers as Deborah and Christopher Martin.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 600 sq. ft. The floor area of the primary dwelling is 4,200 sq. ft. according to the application and Assessor's records. The accessory dwelling is 14% of the floor area of the primary dwelling. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or 40% of the total floor area of the primary dwelling, whichever is greater. The accessory dwelling is subordinate to the existing single-family home.
4. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
5. The property is in the Residential R-3 Zoning District. The proposed accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is to be located in the existing structure being converted to a single-family home. Access will be via a door at the rear of the building (south elevation) and on the west side of the accessory dwelling in the living area.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Site Plan for 27 Brook Street, Scituate, MA submitted with the application shows the location of the existing structure to be converted to the primary dwelling with the accessory dwelling within the single-family home. The Applicant indicates the site is currently all paved. They are proposing to remove all of the pavement in front off of Brook Street except for a 12' x 40' driveway which can accommodate two cars. In the rear off of First Parish Road the back area is paved for 50' wide by 108' long. The Applicant proposes to remove 35' of pavement directly to the rear of the building to create grass leaving 73' of pavement which will accommodate 4-5 parking spaces. Ample parking appears to be provided.
9. The applicant/owners have submitted a signed, notarized statement that they will occupy the main dwelling upon completion of the project.
10. The accessory dwelling will be serviced by Town water and sewer. The Water Department has commented that it requires installation of a new meter. The Sewer Division indicated a ½ sewer privilege fee (\$8,000) shall be owed for connecting the accessory dwelling to Town Sewer; please provide record of the parcel having paid a sewer betterment or connection fee for the primary dwelling or please provide payment of the connection fee (additional

\$16,000); and given the age of the existing sewer service (41 years), it is recommended the applicant replace the sewer line from the building to the property line to ensure a good and lasting service line for the property.

Comment: Mr. Martin commented that the \$16,000 fee has been waived and they are only responsible for the \$8,000 for the accessory dwelling. It was deemed by the TA and Ms. Seghezzi that the building had existing water and sewer thus no betterment was required. Ms. Joseph asked the applicant to provide proof for the waiving of the \$16,000.

Finding to be modified to say...payment of the \$16,000 fee unless waived by the Town in writing.

Mr. Martin said he has email from Ms. Seghezzi in which the fee was waived; the Board opined that would satisfy the condition.

11. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Ms. Lewis seconded the motion as amended; a roll call vote was taken, and was unanimously in favor.

Ms. Lambert -yes

Ms. Lewis – yes

Ms. Burbine – yes

Mr. Niebuaer – yes

Mr. Pritchard – yes

Ms. Burbine moved to approve the Special Permit for an accessory dwelling at 27 Brook Street with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to plans submitted with the application by Seeker Concepts A1.0 Floor Plans consisting of three undated sheets as revised to show a door in the living area for a second means of access; Site Plan 27 Brook Street, Scituate, MA hand drawn and undated. Site Plan and Floor Plans attached to this decision.
2. The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application.
3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that an owner is living in one of the dwelling units. A yearly notarized certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health, Building Department, Zoning Board of Appeals, Department of Public Works, Fire Department and other Town agencies must be met prior to occupancy of the accessory dwelling.
6. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.

7. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling. A new meter is required.
8. Sewer connection must meet all requirements of the DPW Sewer Division for the accessory dwelling. The Sewer Division indicated a ½ sewer privilege fee (\$8,000) shall be owed for connecting the accessory dwelling to Town Sewer; please provide record of the parcel having paid a sewer betterment or connection fee or waiver for the primary dwelling of the connection fee of an additional \$16,000; it is recommended the applicant replace the sewer line from the building to the property line to ensure a good and lasting service line for the property.
9. Any lighting installed shall be down lighting to not shed light on abutting properties.
10. 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 state and federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
11. Runoff from the proposed accessory dwelling shall not be increased from the property.
12. Erosion and sedimentation control devices shall be installed to prevent any erosion or sedimentation from leaving the site during construction. Silt sock or silt fence shall be used as necessary and extended around the limit of work so disturbance beyond what is shown on the plan is not allowed.
13. The appearance of the accessory dwelling will be in keeping with the primary dwelling unless otherwise required by the Massachusetts Building Code and new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling shall be located on the side or rear of the building.
14. At least two private off-street parking spaces shall be available for use by the occupants of the accessory dwelling in addition to those parking spaces required for the primary dwelling

Ms. Lewis seconded the motion; a roll call vote was taken and was unanimously in favor.

Ms. Lambert -yes

Ms. Lewis – yes

Ms. Burbine – yes

Mr. Niebauer – yes

Mr. Pritchard - yes

Accounting

Documents

PO #2408344 (\$720.00), PO #2408274 (\$2,284.13)

Ms. Burbine moved to approve the requisition of \$2,284.13 to Horsley Witten Group for peer review services for Seaside at Scituate, for \$720.00 to Merrill Corporation for peer review services for 545 Country Way.

Ms. Lewis seconded the motion; a roll call vote was taken and was unanimously in favor.

Ms. Lambert -yes
Ms. Lewis – yes
Ms. Burbine – yes
Mr. Niebauer – yes
Mr. Pritchard - yes

Minutes
Documents

Ms. Burbine moved to approve the meeting minutes from March 14, 2024.

Ms. Lewis seconded the motion; a roll call vote was taken and was unanimously in favor.

Ms. Lambert -yes
Ms. Lewis – yes
Ms. Burbine – yes
Mr. Niebauer – yes
Mr. Pritchard – was not present at the March 14th meeting and thus did not vote.

**Continued Public Hearing – Site Plan Administrative Review and Special Permit for 4 Multi-Family Buildings and Stormwater Permit in the Village Center and Neighborhood District – North Scituate Village District – Outer Village (VCN-NSV-OV) - 817 Country Way
Assessor's Map/Block/Lot 12-2-38-F
Applicant/Owner: Option C Properties, LLC**

Documents

- PDF 817 Country Way – Peer Review #9 Traffic – 3-20-2024
- PDF Country Way – Peer Review #10
- PDF 9620 KGrady New Driveway Location Sight Distance Review 031824
- PDF Planning Board - Site Plan Applications – 817 Country Way – 2024-03-07
- PDF Response to Comments – 817 Country Way – 02024-03-07
- PDF Site Plan – 817 Country Way – 2024-03-07-SH 1-10
- PDF Site Plan – 817 Country Way – 2024-03-07 -SH 11-20
- PDF Site Plan – 817 Country Way – 2024-03-07-SH 21-34
- Stormwater Report – 817 Country Way -03-04-2024
- Doc DRAFT Motion 817 Country Way VCN Motion 4
- Doc DRAFT Motion 817 Country Way VCN Motion 5
- Email dated 3.28.24 from Attorney De Lisi

Attendees: William Ohrenberger, Attorney; Kevin Grady, Grady Engineering; Jamie Kelliher, Architect; Chris Bruce, Owner; Kenny Sanchez, Owner; Sean Stockbridge, Owner; Scott Thornton, VAI Traffic Engineers; Peter Ellison, Town's Consultant

Mr. Ohrenberger introduced the team; he indicated they had received the draft conditions and made some commentary to them and there was some return commentary back around 3 this afternoon. He said there are a of couple points to address.

Ms. Joseph said the applicant needs to provide a brief summary of changes to the plans since the last meeting.

Sheet 1 of the most recent plan was shared. Mr. Grady provided a brief summary from the last meeting. He indicated the major discussion point was moving the driveway 10' to the north to get some additional sight distance. He said the driveway was been moved over, they relocated the accessible parking, they added notes to the landscape sheet to remove bushes to improve sight distance, they modified the accessible path by moving it over and straightening it out, they added a double back ramp to keep the ramps/sidewalk below 5% slope. He said the main thing they did was try to address the comments from the Board and the Traffic Consultant to move the driveway over 10'; they also had to adjust some of the grading, pipes, etc. so they also reprinted all the stormwater to get down to the 100th of a foot on all their pipes and elevations.

Ms. Joseph indicated that a letter was received from Town Counsel regarding the length of Building 1; there are three options - special permit from Planning for the building length, a Section 6 Finding from the ZBA, or a waiver of the length for Building 1 from Planning. The applicant has decided to request the waiver; the draft decision has been written that way. The \$25,000 monetary contribution will be put in a gift fund. Ms. Joseph said in addition to relocating the driveway the applicant also provided a memorandum on the sight distance which has been reviewed by the Town's Peer Review Engineer. The driveway was moved to try to obtain the sight distance as it was a suggestion that might be a way to solve the issue; but, there is a problem and that is why the driveway was moved. She said currently the AASHTO requirements are still not met. Ms. Joseph also indicated that surety will be required as it is on all projects; after the project is approved the Board asks for an estimate that is then peer reviewed and there will be an agreed amount for the surety in the form of cash or performance bond.

Ms. Joseph asked for clarification on the landscape plan, the Arborvitaes along the fence on the north side of the property are on the property, but are on the far side of the fence. Mr. Grady confirmed that was the intent, but if the request is to have it another way they can change it. He said their understanding was it was mitigation for the abutters. Mr. Grady said they can put the Arborvitaes on the inside of the wall if that is preferred. There was discussion that the Arborvitaes and the fence/wall all need to be maintained by the applicant. The Board opined it would be easier to maintain the trees on the inside of the fence rather than the outside; the applicant agreed to move them.

Mr. Pritchard asked if the changes in grading affect the stormwater flows and volumes; Mr. Grady indicated they reran the Hydrocad and they are still reducing volumes and rate of runoff, he said it mostly changed piping slopes.

Mr. Ohrenberger indicated they have not yet seen this version of the decision and asked if the suggested revisions they made had been shared with the Board. Ms. Joseph indicated the Board was sent a copy of the applicant's comments as well as the email that was sent to Mr. Ohrenberger and Mr. De Lisi discussing changes Ms. Joseph made based on the comments received.

Ms. Lambert thanked everyone for their hard work and efforts to make this the best project it can be, it is very long process and "we" can't satisfy everyone all the time, but "we" can satisfy some of the people some of the time. She just wants people to know the Board does pay attention to all the little details.

Motion:

Ms. Burbine moved to make the following Findings of Fact:

1. On February 23, 2023, the Applicant and Owners, Option C Properties, LLC – Chris Bruce, Manager filed an application for a Special Permit, Major Site Plan Review and Stormwater Permit for a Mixed-Use 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, Application Forms including attachment A-F, compliance memorandums on the zoning bylaw and by the architect, and Stormwater Permit form and locus deed;
 - b. Filing Fees and Abutters' List;
 - c. Site Plan, Country Way Estates, 817 Country Way, Assessor's Parcel 12-2-38F, Scituate, MA dated February 2, 2023 by Grady Consulting, L.L.C. consisting of 25 sheets;
 - d. Site Plan Sheet PB-1 with proposed 390-foot-long 4-foot-wide bituminous concrete sidewalk for the public benefit, Country Way Estates, 817 Country Way, Assessor's Parcel 12-2-38F, Scituate, MA dated February 2, 2023 by Grady Consulting, L.L.C.
 - e. Architectural rendering and Architectural Plans for Country Way Estates, 817 Country Way, Scituate, MA by Axiom Architects dated January 2023 consisting of a colored rendering and Sheets A101 – 104 for Building 3 and Sheets A101-A104 for Building 1 & 2 Floor Plans and Building Elevations.
 - f. Stormwater Permit Management Design Calculations, 817 Country Way, Assessors Map 12-2-38-F, Scituate, MA dated January 16, 2023 by Grady Consulting, L.L.C.
 - g. Operation and Maintenance Plan, 817 Country Way, Assessors Map 12-2-38-F, Scituate, MA dated January 16, 2023 by Grady Consulting, L.L.C.
 - h. Lighting Plan Sheet E-1 for 817 Country Way, Scituate, MA dated 1/23/2023 by Visual.
2. The Property that is the subject of the Application is composed of one parcel. The Parcel is lot 12-2-38-f and it is 101,125 sq. ft. of which 100,454 sq. ft. +/- is upland. The parcel has frontage on and access off of Country Way, a public way. The Property is currently improved with an 8-unit apartment building and a landscaping business with a second-floor apartment.
3. The Project is located in the Village Center and Neighborhood (VCN) Zoning District, North Scituate Village (NSV) Outer Village Subdistrict (OV). – VCN-NSV-OV.
4. The Zoning Bylaw in effect for this project is the bylaw approved by the Scituate Annual Town Meeting on 4/10/2023 and Attorney General on 6/13/2023, and posted to the website on July 5, 2023.
5. The Project proposed by the Applicant consists of thirty-four (34) residential units in three (3) multi-family buildings (MFB). The first MFB is an existing building with eight (8) units and sixteen (16) bedrooms. The second MFB is a proposed building with ten (10) units and twenty (20) bedrooms. The third building is a proposed building with sixteen (16) units and thirty-five (35) bedrooms. Building 1 has eight (8) 2-bedroom units. Building 2 has 2 1-bedroom units, 6 2-bedroom units and 2 3-bedroom units. Building 3 has one (1) 1-bedroom units, eleven (11) 2-bedroom units and four (4) 3-bedroom units. There is a total of seventy-one (71) bedrooms.

There will be five (5) affordable units, which is 15% of the total number of units.

6. Building 1, the existing MFB, is 2 stories, which is less than the maximum height of 40 feet as defined in the Scituate Zoning Bylaw. Building 2 is 3 stories and is 39'-7 1/2" to the roof peak, which is less than 40 feet as defined in the Scituate Zoning Bylaw. Building 3 is 4 stories and is 39'-6" to the roof mid-point and 44'-8" to the highest point, which is less than 40 feet as defined in the Scituate Zoning Bylaw.
7. There are fifty-eight (58) total exterior parking spaces provided. This includes two handicap parking spaces at the northwest corner of the parking lot behind Building 1, two handicap spaces to the west of Building 2 and two handicap spaces to the east of Building 3. The project requires fifty-three (53) 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, 1.5 spaces for a 2-bedroom unit, and 2 spaces for a 3-bedroom unit in a multi-family or mixed-use building as the site is in the VCN District.
8. Section 760.7 does not apply because the proposed use is residential in the VCN.
9. The property at 817 Country Way does not require a Pedestrian Frontage Overlay Zone per Section 580.2 of the zoning bylaw.
10. In the VCN-NSV-OV, a multi-family building is an allowed use by right per Section 420 of the Zoning Bylaw 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-NSV-OV subdistrict, per Section 580.4 of the zoning bylaw for a multi-family building, is fifteen (15) units per acre by right and twenty-four (24) units per acre by special permit. The proposed Project has 34.8 units (rounded to 34) that are allowed by right and up to 55 units are allowed by special permit. Thirty-four (34) units are proposed on-site which does not require a density bonus but is allowed by right.
12. Section 580.4 also has minimum bulk standards for dwelling sizes. Two plus -bedroom units are 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 Project has proposed one-bedroom units with a usable area of 892 sq. ft. minimum, the proposed two-bedroom units with a usable area of 900 sq. ft. minimum and the proposed three-bedroom units with a usable area of 900 s. ft. minimum, all of which meet the bulk standard.
13. No Public Realm Standards are required for this Project because no new streets are being created. A pedestrian crosswalk is required by zoning and is provided.
14. Five (5) affordable housing units among the 34 residential units are required for the Project. The affordable units are distributed throughout the proposed buildings of the Project. Two (2) affordable units are one-bedroom, two (2) affordable units are two-bedroom and one (1) affordable unit is three-bedrooms. All of the affordable units are designed so that the exterior is indistinguishable from the market rate units. The Applicant has stated they will be using MetroWest Collaborative Development as the monitoring agent for the affordable units. No other information has been submitted for the affordable units at this time. The Applicant requests a waiver to allow the remaining information to be submitted after the project is approved. 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 was referred to meet with the Design Review Committee ("DRC") and

subsequently met with the DRC on several occasions to discuss this Project. The DRC recommended that “the Planning Board move ahead with the Special Permit process” in a recommendation memorandum to the Planning Board dated January 25, 2024 with the recommendations conditional on the following: 1) The DRC requested the addition of fencing at the condenser units located to the west of Building 2 and north of Building 3. The fencing shall be the same material as the perimeter. 2) The project proposes CertainTeed cedar impressions vinyl siding, as well as CertainTeed Double 5” vinyl in certain areas. The DRC requests that the project be detailed within the CertainTeed system. They do not want to see a mix-and-match of manufacturers and materials. 3) The DRC requests approval of materials and design details. Prior to a building permit being issued, the DRC requests a meeting to review the conformance of materials and building details. They are looking to ensure a level of quality that relates to traditional construction methods with the use of the CertainTeed product. The DRC expects to review details that include, but are not limited to the following: foundation/water table, typical exterior casing, typical sill, inverted corner and regular corner trim, soffit details, rake board and eave returns. The Zoning Bylaw states in Section 750.5 B. 4. Exterior Treatments, that synthetic materials “may be appropriate, provided they are applied in combination with proportional architectural elements”. The DRC also noted that the two proposed buildings all meet the setbacks, height and scale requirements of the bylaw. They also indicated the building proportions and façade composition and roof designs meet the intent of the bylaw as do landscaping, lighting, open space and screening. They felt there was insufficient information to determine exterior treatment conformance.

16. A MFB, as is the proposed Project, 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. The Project has 245.47’ of frontage on Country Way.
- Lot depth is not required.
- The front yard build-to-zone (setback) is 0’ for all building types. The Project has a 28.3’ setback from Country Way to Building 1 and further for Building 2 and Building 3.
- Minimum side yard is 0 feet if a common wall with an adjacent building exists which this project does not thus 15’ *side yard is allowed*. The Project has provided approximately 22’ to the existing Building 1, 18.8’ to the proposed Building 2 and 16’ to the proposed Building 3.
- Minimum rear yard is 20’. The Project has provided 77.4’ to the proposed Building 3.
- Outdoor Amenity Space Coverage required is 15% of the lot. The project has provided 21% or 21,486 sq. ft. of private open space in the form of common yard and garden per the plans as follows: i) there is a common yard of 2,692 sq. ft. between Building 1 and 2; ii) there is a common yard of 10,253 sq. ft. between Building 2 and Building 3; iii) there is common yard of 6,955 around Building 3. The outdoor amenity space provided is in accordance with the requirements of Section 752 of the Scituate Zoning Bylaw and Section 580.9 B. 2. b) 1. is a Common Yard and Garden.
- The building height conforms to the height regulation set forth for an MFB as Building 1, the existing MFB, is 2 stories and less than 40 feet as defined in the Scituate Zoning

Bylaw. Building 2 is 3 stories and is in height 39'-7 1/2" to the roof peak which is less than 40 feet as defined in the Scituate Zoning Bylaw. Building 3 is 4 stories and is 39'-6" to the roof mid-point and 44'-8" to the highest point which is less than 40 feet as defined in the Scituate Zoning Bylaw.

- The required minimum street facing wall width for a multi-family building is 40' and the maximum width 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. The existing Building 1 has a wall width of 128'. The Applicant has stated that the existing building is to be re-skinned to match the proposed buildings. This is a change in materials and color. Town Counsel has opined a special permit is necessary for the existing building to be re-skinned with materials and color similar to the proposed buildings or alternately a waiver could be requested from the Planning Board pursuant to Section 750.5 that provides for deviations from the standards and guidelines can be allowed by waiver if the overall design of the project would be improved.
- A street facing entrance is required and has been provided.
- A maximum building footprint allowed is not applicable in the VCN-NSV-OV.

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. The Project has three buildings on the lot, which meet the required dimensions.
- The Project's principal building 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. The Primary Build to Zone Occupancy shall be no less than 50% of the frontage width. The existing building of the Project has greater than 50% of the frontage width at approximately 52.1%.
- The Project's lot is not a corner lot.
- Multi-family buildings taller than 25' are required to be setback or stepped back from the street right-of-way. The existing Building 1 of the project is set back 28.3' from the Country Way front property line. For buildings setback 12.5' to 37.5', a maximum height of 30' is allowed. According to the Applicant, Building 1 is an existing two-story building and this requirement is not applicable.
- The scale of the Project is visually compatible with the site and with its neighborhood in Scituate. Building 2 has been reduced from 4 stories to 3 stories to better adapt to the neighborhood.
- The Zoning Bylaw building articulation standards have been met by the Project with a building that is greater than 50' in width designed to read as a series of smaller buildings with varied articulation. Buildings 2 and 3 have articulation to help them look smaller.
- The Project's existing Building 1 street facing building elevation facing Country Way is 128', which exceeds the 100' standard. The building is planned to be re-skinned to match the proposed buildings with similar materials and color. A waiver is being sought

as the overall design of the project would be improved by re-skinning the building.

- Horizontal modulation and articulation are required as the Project's Building 2 and 3 are 3 stories and taller. The fronts of the buildings are visually articulated over the three and four stories with overhangs and prominent cornices. The rear of the building is visually articulated over three and four stories overhangs and cornices.
- Street facing building facades are required to provide surface relief through dormers and door canopies. The Project has provided door canopies and dormers.
- Façade transparency is required for multi-family buildings facing a street right of way line. Windows shall be evenly spaced along the façade, windows shall be low reflectivity glass, and 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 does not have Building 2 face the street. Building 3 meets the requirements with window spacing, façade glazing occurring on the first floor between two to twelve feet and low reflectivity glass.
- The Project roof pitches for Building 3 are 10:12 with the dormers at 4:12 or 5:12. This meets the requirements for a gable roof at 6:12 minimum and 12:12 maximum. The roof pitches for Building 2 are generally 11 ½":12, 8 ¼":12 or 6:12 meeting the requirements. The project meets the required roof pitches.
- Exterior treatments are provided by the Project. Exterior treatments will be synthetic materials composed of vinyl siding intended to provide the look and character of traditional building materials when they are applied in combination with proportional architectural elements i.e. corner boards, soffits, and eaves. Traditional materials such as brick, stone, clapboard, and shingle are preferred construction materials and may be waived "although other materials must be used in ways that are compatible with more traditional materials." The exterior will be a light color. The proposed materials include CertainTeed 5" vinyl and CertainTeed cedar impressions vinyl siding. The DRC recommendations include review of materials and design details prior to a building permit issuing to ensure a level of quality that relates to traditional construction methods with the use of the CertainTeed product. The roof will be charcoal colored architectural asphalt shingles for the entire roof. 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. The Project is visually compatible with the surrounding buildings and exterior treatments provide character to the Project, synthetic materials with proportional architectural elements are provided that continue around the sides of the Project visible from the street.

18. Development site standards (Section 750.8) are met including:

- The Project site consists of three buildings – one existing and two proposed;
- The Project site does not include any existing or proposed right-of-way;
- The Project's multi-family buildings are a permitted building type in this district;
- A minimum of 50 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 by the Project and the plantings are arranged so as to not obscure the vision of exiting traffic.
 - Parking must be located a minimum of 5 feet behind the front façade of the primary building. The project meets this requirement. A street screen is required where parking is visible from a public street or sidewalk. A landscape screen or fencing is provided to screen parking from the street along Country Way.
 - A driveway servicing the site is provided off Country Way and is 24 feet wide.
 - New public utilities will be provided as underground utilities. `
 - Two outside trash storage areas are provided with a dumpster inside a fenced enclosure.
 - Loading areas are not provided.
 - Bicycle racks have been provided at a minimum required rate of 10% of the total automobile spaces. 7 bicycle rack spaces are required and 12 space are provided. There are bicycle racks at each building which can accommodate up to 4 bicycles each.
19. Sustainable Site Design is required in the VCN District per Section 751 of the Zoning Bylaw such that stormwater management shall conform to best management practices as described in the Commonwealth of Massachusetts Stormwater Management Handbook. For the Project, the predevelopment hydrology is maintained by infiltrating stormwater in underground chambers. The Project's post construction stormwater peak rate and volume of runoff is not exceeded from pre-development flows for the 1-, 2-, 10-, 25-, and 100-year 24-hour rain events using Northeast Regional Climate Center rain data. Stormwater Best Management Practices are required and the project meets those best practices through the use of deep sump hooded catch basins and full subsurface infiltration. The project partially minimizes impervious surfaces as additional parking is proposed beyond what is needed. The total impervious area on the site is 49,042 sq. ft. and the total disturbance is 79,950 sq. ft. out of the 101,125 sq. ft. site. Greater than 80% TSS removal has been provided. Adequate recharge has been provided.
20. A Landscape Plan is required for all submissions, except where waived by the Planning Board, which plan should, to the greatest extent possible, utilize native plants. No plants listed as Invasive or Prohibited by Massachusetts shall be used and existing invasive plants shall be removed. A Project Landscape Plan has been provided in which minimal native plantings are proposed. Moreover, the lawn area in the front yard is minimized and fertilizer use is discouraged and screening of the parking area from the front has been provided. This requirement has been met.
21. Front yards shall not include impervious surfaces except for a driveway, walkways, or paved outdoor dining area which shall constitute no more than 25% of the front yard. There is one driveway, walkways and a wall in the front yard which the Applicant indicates constitutes 1,102 feet of impervious area over the 7,161 sq. ft. front yard (30-foot setback); thus, the impervious in the front yard is 15.3%.
22. Parking Design Standards also must include access from parking lots to a public sidewalk and to the primary building as stated in Section 760.8. F. 2. The Project has provided a walkway connection from each of the buildings to a cross walk at the end of the driveway. There is no public sidewalk in front of Building 1 and a public sidewalk extending south toward the train

station is non-existent in some places and marginal in other places.

23. Section 760 Parking – Parking has been provided per the Zoning Bylaw. 53 parking spaces are required and 58 spaces are provided. The parking includes 12 spaces for (6) 3-bedroom units at 2 spaces per unit; 38 spaces for (25) 2-bedroom units at 1.5 spaces per unit, 3 spaces for (3) one-bedroom units at 1 space per unit. Two (2) handicapped spaces are provided at each of the three (3) buildings along with two (2) Electric Vehicle (EV) charging spaces for the project.
24. A Transportation Impact Assessment for Proposed Residential Development 817 Country Way, Scituate, MA was prepared by Vanasse and Associates, Inc. (VAI) dated May 2023. In response to that, the Planning Board's peer review traffic engineer, TEC, The Engineering Group, provided a peer review with traffic engineering comments. VAI provided a response to the engineering comments. A site meeting took place at the end of November 2023 to help address the sight distance issue. The two engineers disagree on the sight distance issue and have exchanged several memorandums back and forth on the topic. Grady Consulting, L.L.C. shifted the entry drive ten (10) feet to the north. TEC has reviewed VAI comments on the relocated driveway and TEC's comments have not been addressed with the additional submissions, but could potentially be addressed with the conditions provided.
25. Scituate Zoning Bylaw, Section 770.6, sets forth the standard of review for approval of proposed site plans that are required for proposed developments which are of a size that may have significant impacts on neighborhoods. MFB's require a site plan reviewed by the Planning Board. In reviewing applications, the Planning Board is required to assure, to a degree consistent with the reasonable use of the site for the purposes permitted by the regulations of the district in which the land is located, all of the following:

Section 770.6.A Site Plan Approval Standard A: Protection of adjoining premises against detrimental and offensive methods of utilizing the site.

Finding: The site is a previously developed mixed use property including 21 residential bedrooms and an active landscape business. The existing Building 1 is a 16-bedroom MFB which will be incorporated into the project. The proposed redevelopment will modify the site with allowed uses in accordance with the Zoning Bylaw. The northern boundary line is bordered by the Scituate Cohasset Town line with single family dwellings in Cohasset. The rear western lot line is bounded by MBTA land and the train tracks and an isolated wetland. The southern lot line is bounded by the Scituate Housing Authority Lincoln Park. The southeastern lot line is bounded by a commercial development which is also proposed for redevelopment with a mixed-use facility. Country Way borders the front property. Retaining walls, privacy fence, and screening will be provided around the site. The adjoining premises are protected from detrimental and/or offensive impacts from the development. The site has been designed with respect to landscape, lighting, stormwater, septic, and trash to mitigate impacts to the abutting properties. This standard is met.

26. 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 proposed Project is located off of Country Way prior to the Cohasset Town Line. The proposed Project will have its own separate off-street parking meeting the requirements of 750.8 and 760. Access to the site will be provided with an existing curb cut into the site from Country Way that will be shifted 10 feet to the north. The Applicant has demonstrated that

there is capacity on Country Way to handle the traffic from changing the site from a landscape business and existing MFB to three MFBs. However, the Applicant has not demonstrated adequate sight distance for the proposed driveway with as the assessment does not take into account the AASHTO guidelines for the likely speed benefits of the radar speed feedback signs proposed by the Applicant for the Country Way road approaches. Any queued traffic leaving the site will be contained on the site. This standard is **not** met, but would expect it ~~could~~ potentially be addressed with the conditions provided.

Discussion: Mr. Pritchard inserted some new language because he was not clear on what was being said.

Ms. Joseph said that the Town's Consultant maintains that the AASHTO Standards are not met and the applicant needs to comply with some language that is in condition #41; there is additional language in the decision coming later.

Mr. Pritchard said he understands they don't meet the standard, but he opined if they consider some additional guidelines from AASHTO they could meet the standards.

Ms. Joseph said that is what we believe, she said condition #41 provides clarification.

Mr. Pritchard thought what should be said is not they will "potentially meet", but "will meet the standard" with the additional conditions.

Mr. Pritchard asked what the consequence is if the applicant cannot meet the standard; Ms. Joseph indicated they will not get a building permit. That is written in the conditions.

Mr. Ohrenberger agreed that it wasn't clear, he said they disagree with the language in condition #41 and that having a finding that the applicant does not meet it is not correct.

Ms. Joseph said it is correct.

Mr. Prichard said this needs to be written in a way that the standard is not met, but they expect it to be met by the addition of conditions. "could potentially be" is a broad statement and should be "would expect".

Mr. Ellison agreed it would be okay for the Board to say "it expects that the standard would be met" by the applicant with the conditions provided.

Mr. Pritchard thought it was a better way articulate it; the Board agreed.

27. Section 770.6.C 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 Project will have its own separate off-street parking meeting the requirements of Section 750.8 and 760. Access will be from an existing curb cut onto Country Way. The access off Country Way is 24' wide. There is an internal site walkway to reach a proposed cross walk across the driveway to an asphalt walking area with no curb in front of 809 Country Way. There is no formal pedestrian sidewalk on Country Way from the site until after the train station to the south. The Applicant has demonstrated the site will have sufficient access for service and emergency vehicles. Headlight glare should not be an issue as there are walls, fencing and screening to the adjacent property. Cut off light fixtures will be used to

minimize light glare. This standard is met.

28. 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 use an on-site septic system designed in compliance with Title 5 and will have an empty pipe to possibly connect to sewer in the future. The property presently utilizes two existing water connections; one for each building. The project proposes an on-site water connection to Country Way. The Water study provided by Weston and Sampson indicate there is water capacity in the public water systems and that the individual connections must meet DPW requirements. The Applicant shall continue to use the two existing water department accounts as service locations are being relocated for Building 1 and 2. The Applicant shall pay for one additional water connection for Building 3. The residential units in Building 2 and 3 ~~All units~~ will be individually metered for water. Building 1 may continue with a single water meter serving all units in the entire building. Building 2 and 3 will have fire sprinklers for fire protection. If any future renovations go beyond cosmetic exterior improvements, the DPW reserves the right to require individual meters for each unit. The existing hydrant in front of 817 Country Way will need to be replaced with a new hydrant. There is a proposed hydrant in front of Building 3 and one on the south side of the driveway in between Building 1 and 2. There are two fenced-in dumpster areas for trash which will be emptied on a weekly basis or more frequently as necessary between Building 1 and 2 and in front of Building 3. This standard is met.

29. 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 five subsurface recharge systems for the proposed buildings, parking areas and driveway. Snow storage area is provided in several locations in the parking lot. The Board engaged TEC to evaluate the adequacy and accuracy of Grady Consulting, L.L.C.'s stormwater report and data as well as the efficacy of the design. TEC submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and Grady Consulting, L.L.C. provided responses, revised reports where requested and updated the site plans. After further review by TEC, the Applicant was determined to have adequately addressed the comments and recommendations, assuming 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 operations.

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 Applicant has provided some snow storage areas and will be responsible to remove snow from the property and dispose of it in accordance with state and local regulations.

The review of the stormwater management system by the Planning Board's consulting engineer and their approval of this site plan eliminates the requirement for a separate Stormwater Permit under the Stormwater General Bylaw and its regulations for any work that conforms to the plans. Kevin S. Grady, 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 of runoff) to be equal or less than pre-development runoff characteristics. This standard is met.

30. 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.

31. 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 Project disturbs approximately 79,950 sq. ft. of a 101,125 sq. ft. site. The site is on an incline so grade changes are proposed; there will be anywhere from 2 – 4 feet of fill needed to construct the project as graded to provide separation to groundwater. Cut and fill is proposed. There will need to be topsoil stripping, and various structural fills will need to be brought in to accomplish the grade changes. Minimal existing vegetation is proposed to remain on site and only at the edges of the site or in the wetlands. This standard is met.

32. 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 Project complies with this requirement.

33. 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 has one driveway off of Country Way designed to service the three MFBs. 58 parking spaces are provided. Shade trees meeting minimum size requirements are proposed adjacent to the parking area. Fencing provided is six feet to provide screening. Exterior lighting has been arranged to minimize glare and light spillover to adjacent properties thereby meeting the requirements of the Bylaw. This standard is met.

34. 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 site itself has safe, functional, and convenient pedestrian access with the installation of sidewalks and an ADA accessible route internal to the site. There is no actual sidewalk located on Country Way leading to the North Scituate train station. Three bike racks locations are proposed – one at each building. There is a walking connection from the site to a proposed cross walk across the site driveway to an asphalt walk with no curbing on the adjacent site of 809 Country Way leading to the train station. This standard is met.

Based on these findings, the Planning Board finds the Stormwater Permit and Site Plan Review in the Village Center and Neighborhood District meets the requirements under the Village Center and Neighborhood District Section 580, 750, 760 and 770 or can be conditioned as the Project will be in harmony with the general purposes of this bylaw, meets the requirements of M.G.L. c. 40A 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.

Ms. Lewis seconded for discussion.

Ms. Burbine seconded the motion as amended; a roll call vote was taken, and was unanimously in favor.

Ms. Lambert -yes

Ms. Lewis – yes

Ms. Burbine – yes

Mr. Pritchard – yes

Decision:

Based on the Findings of Fact and testimony provided at the public hearing, the Planning Board approves the Stormwater Permit and Site Plan Review in the Village Center and Neighborhood District for 817 Country Way (“Site”) with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Grady Consulting, L.L.C. entitled “Site Plan Country Way Estates #817 Country Way Assessor’s Parcel 12-2-38-F Scituate, MA ”, consisting of 32 sheets, dated February 2, 2023 with revisions through March 7, 2024; ii) Architectural Plans by Axiom Architects consisting of a three colored rendering, Floor Plans Country Way Estates, 817 Country Way Design Set Building 2 A101 First Floor Plan, A102 Floor Plans, A103 Building Elevations, A104 Building Elevations dated October, 2023 revised 12/23; Design Set Building 3 A101 Floor Plans, A102 Floor Plans, A103 Building Elevations, A-103 Roof Plan, A104 Building Elevations, A105 Building Elevations dated October 2023 with revisions dated 12/23; iii) Stormwater Management Design Calculations for 817 Country Way, Scituate, MA dated January 16, 2023 with revisions through March 4, 2024; iv) Water System Review for 817 Country Way, Scituate, MA dated January 11, 2024 by Weston & Sampson; v) Lighting Plan for 817 Country Way by Visual dated 1/23/2023 with revisions received by Planning Office through 12/15/2023; vi) Stand Alone Operation and Maintenance Plan for 817 Country Way dated January 16, 2023 with revisions through March 4, 2024; vii) Response to TEC peer Review dated June 20, 2023 with revisions through 3/6/2024; viii) Transportation Impact Assessment Proposed Residential Development 817 Country Way Scituate, MA by Vanasse and Associates Inc. dated May 2023, Traffic Engineering & Parking Peer Review by TEC

The Engineering Group dated September 28, 2023, Vanasse Response to September 28, 2023 letter from TEC dated October 25, 2023, TEC follow up Traffic Engineering Peer Review dated December 1, 2023, Response to Sight Distance Issue by Vanasse dated January 31, 2024; ix) Application for Site Plan Review letter from Grady Consulting, L.L.C. dated November 9, 2023 with revisions through March 7, 2024; x) photos of recently done projects; xi) DRC Recommendations dated January 25, 2024 received February 5, 2024. 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 Stormwater Permit and Site Plan Review 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 Stormwater 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 Country Way. Construction shall meet all applicable federal, state, and local laws, regulations, and sub-regulatory guidance, 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 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 stormwater 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 thirty-four (34). There will be eight (8) two-bedroom units in the existing Building 1; there will be ten (10) units in Building 2 consisting of two (2) 1-bedroom units, six (6) two-bedroom units and two (2) three-bedroom units; there will be sixteen (16) units in Building 3 consisting of one (1) 1-bedroom units, Eleven (11) 2-bedroom units and four (4) 3-bedroom units. Five (5) of the 34 units will be Affordable Units, which is the required 15%. The total number of bedrooms on the Site shall not exceed seventy-one (71). A bedroom is 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.
6. The Applicant shall obtain the plan endorsement from the Planning Board for the Site Plan Review and Stormwater 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. Gates are not allowed at the access driveway now or in the future.
11. The crosswalk across the new entrance shall be 10 feet wide and must comply with Town Standards, ADA standards, and MUTCD standards. This must be on the plans prior to endorsement.

Waivers

12. A waiver is requested from Section 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.
13. A waiver is requested from Section 750.5 B. 2. d of the Zoning Bylaw to not require a Special Permit from the Planning Board for the street facing building elevation of the existing building being greater than 100 feet. The existing building is 128.5 feet. The existing building is planned to be re-skinned with similar materials and color to the proposed buildings changing the outward appearance. Section 750.5 allows the Planning Board to grant a waiver of the standards and guidelines if in the opinion of the Board, the overall design of the proposed project would be improved. The Board opines the overall design of the proposed project would be improved by re-skinning the building resulting in a change in material and color of the outside of the building and grants the waiver.

Utilities, Parking, Traffic and Street Improvements

14. 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.
15. All parking is limited to designated spaces as shown on the plan. Fifty-eight (58) surface parking spaces including six handicap accessible spaces are provided. Two (2) Electric Vehicle (EV) charging station parking spaces are to be provided and shown on the plan prior to endorsement. All parking is limited to spaces shown on the plan.
16. No 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 Board of Selectmen (Select Board) on October 8, 2014 and reaffirmed by the Scituate Water Commissioners on May 26, 2015. 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.
17. 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 Site Plan Review Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.

18. Independent inspector(s) contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations and as otherwise defined herein. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities, and the driveway and parking areas. The inspector(s) shall be approved by the Town Planner and shall work under the direction of the Town Planner. The costs for these inspections shall be paid by the Applicant. Written reports will 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. 48 hours' minimum advance notice is required for all inspections. All stormwater recharge structures require inspection of the bottom of the excavation by the consulting engineer/independent inspector. Noise, dust and air quality control shall be in accordance with DEP regulations.
19. 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. 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 registered professional engineer. Prior to issuance of an occupancy permit for the building, a registered professional 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 Stormwater 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-Built 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.

20. All materials for utility construction shall meet DPW construction standards.
21. A street opening permit shall be obtained for each individual utility connection with a fee and bond required with the permit application.
22. Flowable fill shall be ~~required~~ *used* for any excavation in Country Way (Gas and Water connections).
23. A Curb Cut permit shall be obtained from DPW prior to the preconstruction conference.
24. ADA compliant ramps shall be constructed at Country Way at the proposed driveway, which ramps shall meet Town Standards and shall be in conformance with the Site Plans. Cast iron tactile pads shall be used for detectable warning strips in the Town right-of-way. Granite curb shall be installed along the whole length of both entrance curves. Flush granite curb

shall be used at the bottom of the ramps where they meet the bituminous concrete pavement. This shall be added to the plan prior to endorsement.

25. 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.
26. 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:
 - Mueller hydrants to be used with no 90-degree mechanical bends.
 - All water components must meet the Town of Scituate Water specifications with hydrant color specification.
 - Inspections required for all components.
 - All ductile iron fittings shall be installed with restrained mechanical joints rather than thrust blocks.
 - All ductile iron water mains, not just fittings, shall be installed with polyethylene corrosion protection wrap.
 - The existing 2-inch water service to the site shall be abandoned at the existing 12-inch Ductile iron water main by closing and capping the corporation stop in the street.
 - 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 in a common utility room. No master meters are allowed.
 - Buildings without an active metered account would need to pay a \$14,000 water connection fee and \$500 for each 5/8" unit meter
27. A dry sewer connection pipe shall be installed on-site in the event sewer is available in the future. The sewer line shall address the following:
 - a. All sewer mains and structures to be designed and constructed using TR16 guidelines for sanitary sewers and wastewater collection.
 - b. 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 Applicant.
 - c. 6" Sewer pipe fittings shall be limited to maximum 22 degrees angle change with a minimum of 3 feet between fittings.
 - d. Manhole structures must be fitted with gasketed water tight bolt down covers or approved equal.
 - e. All structures and mains to be pressure and vacuum tested.

- f. Owner responsible for ensuring pipes and structures installed and maintained on site remain free from inflows and infiltration.
 - g. Location, elevation and type of potential future sewer in road to be determined. The Town makes no guarantee that sewer will be available, nor can the town guarantee what the depth or type of collection piping might exist in the future.
 - h. Applicant shall provide as-built plan to the Sewer division once constructed.
 - i. All sewer line work shall be done by a drainlayer licensed with the Town of Scituate.
28. The building, parking, walkways and required signage shall meet all applicable requirements of the ADA, MAAB, and Scituate Commission on Disabilities if applicable.
29. 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 Country Way, are designed, installed and maintained so as not to impede lines of sight. (not to exceed 2.5 feet in height)
30. 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. The entrance crosswalk shall be painted with thermoplastic paint.
31. The Applicant shall ensure that snow windrows located within the sight triangle areas of the Project Site driveway intersections with Country Way that exceed 2.5 feet in height or that would otherwise inhibit sight lines are promptly removed.
32. Snow storage areas have been designated on-site. 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. Snow will be removed from the premises if parking is not available to residents. Deicing and sanding agents can only be stored on site if they are covered or contained.
33. Trash management shall be internal to the building. Two dumpster locations are proposed with concrete dumpster pads. 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.
34. All electrical, telephone, cable, and similar utilities shall be located underground.
35. 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 March 4, 2024 by Grady Consulting, L.L.C. and which are attached to this decision. The Post- Construction Phase Operation and Maintenance Plan Best Management Practices shall be provided to all property owners 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.
36. 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 require all necessary mitigation to permanently 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 of the building and site.

37. 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.
38. 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.
39. Soil conditions at the bottom of the proposed infiltration area shall be inspected by the Town's Consulting Engineer prior to infiltration devices being installed and backfilled.
40. The project is proposing an at-grade discharge of stormwater that will convey runoff, via a rip rap swale, into the existing catch basin in Country Way at the north end of the site from the subsurface drain system 3. If the Town observes more overland flow/surcharge going to the catch basin or if the presence of stormwater runoff at the ground surface presents a safety hazard within the Country Way public right-of-way, the Applicant will be required to connect to the municipal system via an underground, piped connection, upgrade the catch basin, and any downstream piping to correct the deficiency per DPW standards outlined in the DPW memorandum of February 15, 2024.

Discussion: Mr. Pritchard was confused about the condition and said the system has been designed for certain overland flow and if we observe more than the system is not functioning as designed therefore it is the applicant's responsibility to re-design it to function properly. He opined it seems this is predetermining a solution.

Ms. Joseph explained the condition is saying that the applicant has designed the system and there is no increase in volume and rate of runoff; that is what the calculations show it is what "we" expect to see out there.

Mr. Pritchard said he does not disagree with that, but if we do see something different out there it does not mean the applicant's system is designed wrong, but the receptive system the catch basin isn't functioning properly, Ms. Burbine interjected then the applicant has to fix it.

Ms. Joseph said if there is more surcharge going to that catch basin then the applicant has to correct it.

Mr. Pritchard said he is not saying there is more surcharge there is the design surcharge; it feels like it is being set up in a way that the applicant has to replace Town infrastructure. If their system is designed properly and it is functioning properly now there is no increase in flow or volume then there should be no issue. And, if there is an issue to predetermine that it is the applicant's issue he opined is not fair to the applicant. He said it has to be determined what the problem is and then if it's the applicant's system failing then they have to correct it and it may require that to correct it they have to improve the Town's system.

Ms. Joseph said she has discussed this condition extensively with Town Counsel; if there is no increase in rate and volume of runoff then there should be no issue, everyone agrees with that. So, there should be nothing wrong with the condition.

Mr. Pritchard said it has to be measured, he is not sure how it will be "observed". He said the primary thing that will probably be determined is the catch basin is not working and there is a pond in the location.

Mr. Ohrenberger said he agrees with Mr. Pritchard. He said they provided some proposed language, and commented there are no standards here and there maybe other solutions to redesign the system. He said this mandates the applicant to fix the municipal issues and it is unfair.

Ms. Burbine disagreed and said she does not read the condition that way; it is not asking the applicant to fix the Town's system, but to augment it so the water is going into the catch basin on Country Way if there is an issue. Ms. Lambert said that is how it was explained to her as well.

Mr. Ohrenberger said during this process they were asked if DPW would allow the applicant to connect to the system, he said they asked DPW, but there was no resolution. He said if the system doesn't work then obviously they will fix the system, but to predetermine it is not going to work and that if there is a solution different from the pipe that all the engineers agree on the applicant would not be able to seek out that solution. They would have to fix the municipal structure.

Mr. Pritchard said he would tend to agree, but the condition should be structured in such a way that if the Town can confirm through whatever measurements that more stormwater is being flowed overland or surcharged into the catch basin than the stormwater design then the applicant has the responsibility to correct that and that correction could include at the extreme or a least a solution could be that the municipal catch basin system could be corrected as described. He said the condition should be structured that way.

Mr. Pritchard suggested the language should be amended...if the Town observes more stormwater overland flow or surcharge going to the catch basin than the design flows, then it is the responsibility of the applicant to identify the correction and make the corrections in consultation with the town and that could include a connection to the municipal system via and underground pipe connection...

Mr. Ellison agreed with the language, but he recommends that the language about stormwater and more ground surface water presenting a safety hazard within County Way remain. He said that is an important issue. He said it could also be said that if the presence of stormwater runoff generated from the project side at the ground surface presents a safety hazard on Country Way... The Board agreed with the language.

Ms. Lambert said we will work on the condition and get the language that is required.

Ms. Joseph said she will send the revised language to the Board and the Applicant.

41. Prior to the issuance of a Building Permit, the Applicant shall provide a certified assessment to the Planning Board, from a professional engineer, that attests that the Applicant's driveway intersection sight line characteristics at the Country Way curb cut satisfy the minimum intersection sight distance (ISD) and safe stopping sight distance (SSD) guidelines as prescribed by the American Association of State Highway Transportation Officials (AASHTO) in their document entitled, "A Policy on Geometric Design of Highways & Streets" or "Green Book" (latest edition), Section 9.5. Unless otherwise stipulated in a more recent edition of this industry-standard document, the sight line assessment shall be determined based on the actual 85th percentile speed characteristics for Country Way near the site driveway and shall consider a side street (driveway) driver vantage point that 14.5 feet offset from the edge of the closest Country Way travel way at a height of 42 inches as

defined in Section 9.5.3.21 of the AASHTO manual. Should the Applicant propose speed mitigation measures or devices for Country Way, the sight line assessment may be conducted for a projected, or estimated, speed target based on an independent engineering study supporting the effectiveness of the proposed measures or devices. The Town reserves the right to retain a third-party consulting engineer to perform the review of the driveway sight distance. The Applicant shall be responsible for providing funds to cover the cost of the third-party review.

Discussion: Mr. Pritchard said he would modify the language that is in the third to last sentence that starts with "Should" and would replace with language, since the applicant will install and maintain speed mitigation devices" ... he said we need to make it clear that it is a condition that they are going to do this and then it ties in with the finding of facts. It needs to be clear the applicant is going to do this.

Mr. Ohrenberger said this is the threshold issue if they can build the project or not. He claimed there are assumptions and statements that are not so; he asked if everyone had read the proposed language they suggested, it is the language given by their traffic engineer and it is the language that is in the manual and that is not what is in here. He said they have moved this as far as they can and the AASHTO standard says what the posted speed is not this other speed; they have put things here to mitigate that but if it turns out it is not right then the project can't be built. He opined there is no other solution. This has been discussed at nauseum and it is his understanding the applicant would try in good faith to move the stonewall, they are not able to do that, they were asked to move the driveway and they did that and there are mitigating facts. He said this is a non-approval approval. Mr. Ohrenberger continued to say they are doing exactly what the AASHTO manual says to do.

Mr. Thornton said the statement that the AASHTO standards are not met is not accurate; there is a standard for stopping sight distance that the applicant meets. He said that is the critical sight distance that is required and what should be provided along the roadway for every driver and they have that. He said there is another criterion for intersection sight distance and that is desirable; it is not mandatory and that is stated in the manual as desirable. He said what they are trying to do with the radar speed feedback signs is to reduce the speeds so there is a distance of 155' which is the stopping sight distance measured from the vantage point of 14.5' back from the edge of the traveled way and that is the appropriate distance that comes out of AASHTO. He said the concern is that there could be somethings that happens out of their control and they are no longer able to meet some value of sight distance that is passed on a speed study that has been done. He said that is their concern; if the speed comes in higher it raises the sight distance requirement and there is no remedy for that.

Mr. Ellison said TEC's recommendation and opinion has been consistent and clear the whole time, they are looking for the applicant to meet the minimum stopping sight distance and the minimum intersection distance at the proposed driveway. As it is currently designed the applicant falls short of that intersection sight stopping distance looking to the south. He said in the last peer review letter some additional options were noted for the applicant to look at and try to improve the number; one option is to shift the driveway further to the north, seek modifications to the stonewall to south and third would be to work with the DPW and the Town to come up with traffic calming measures in Country Way above the speed radar signs that are being propose to reduce the speed from to the 85th percentile down to 25mph.

Mr. Thornton said the latest TEC letter is recommending a distance of 200' that needs to be met and in order to make that happen the driveway would need to be shifted 24' to the north. He said there is no ability to fit the driveway in and not have it impact the building and other things in the area.

Ms. Burbine commented this is a difficult situation, when you come down the driveway and look to the north there is the stone pillar and it is one of the reasons why it is virtually impossible to put in a sidewalk. She said the building that already exists is 128' and if you need 200' of sight distance you are not going to get it, it is just not there; the speed limit in Scituate is 25 mph. She said the bottom-line is enforcement. She said everyone needs to exercise a certain amount of caution and nothing is ever perfect. She asked if this is going to nix the whole thing...

Mr. Pritchard opined the Board should stick with discussing the numbers that are trying to be accomplished. He said he is not sure how the numbers went from 150' to 200'; he asked if everyone was in agreement that the number the applicant is working to is to 152' at 14.5' back. The applicant says 155' and TEC, the Town's Engineer, says it should be 200'. Mr. Pritchard said if that is the thing we are trying accomplish and that is the reason that with "these" measures the Board could effectively say the criteria has been met. He said the question then becomes if it is not met, are there other measures that could be taken to address it. He said it sounds like there are three options that have been put on the table.

Ms. Lambert said the driveway can't be moved anymore because of the building. She said we all drive down this road we all know what is happening and driving down towards Cohasset there is not 200' before the Cohasset town line. She said she does not want to see this being a sticking point for the project because it has to do with enforcement, driver responsibility, etc. She said she does not discredit that this is an important part of the project; but there has been a driveway there for years and while traffic changes she does not think this is something that should derail the project.

Ms. Burbine agreed, Mr. Pritchard opined it is not trying to derail the project, it is trying to set a standard and a policy which the Board has stuck with for many years. The question before the Board is if the Board will deviate from the standard and the Board has said it would with the addition of these other measures. The idea that people speed all over the place is anecdotal and the Board is trying to stick with the standard and comply with that standard and now the Board is trying to define a modification to the standard that other people should be able to access as well. He said the Board needs to be clear about they are trying to accomplish here and how they are trying to accomplish it.

Ms. Joseph advised that Town Counsel recommends the Board go with the Board's Peer Review Engineer's condition. She said has talked with Town Counsel, Counsel recommends the Board go with the recommended condition as written from TEC. The Board is the voting authority and can do as they wish.

Mr. Pritchard said he does not disagree with that; he just wants to be clear that the applicant is going to install these measures and that is part of the condition and part of the reason he was willing to say the applicant met that finding of fact per se.

Ms. Joseph said the Town's Consulting Engineer has an issue with the applicant's proposed wording. Mr. Pritchard said he is not proposing to change the language; the way it is written is saying this is what the applicant is going to do and the Board is going to measure it and determine if the goal has been achieved.

Mr. Ohrenberger said the Engineer's have already said they cannot meet the 200'; there are two varying opinions and he has not seen anything in writing from Town Counsel. He said there are 3-4 wrong things in this decision that Town Counsel has already said. He said the Board makes the decision, but this is a deal killer. Mr. Thornton said he can certify it at 155', they will never be able to certify it at 200', it is an existing thing that is there. He said this has to go to a vote. There was continued discussion about the 155' measurement for the sight distance at 14.5' for the new

driveway location at 25 mph. Mr. Ellison said the 85th percentile speed is 37 mph and Mr. Thornton said that is correct.

Ms. Lewis said with radar signs people do tend to slow down and it may bring it down closer to the legal speed limit of 25 mph.

Mr. Ohrenberger argued that this is disingenuous, it has been discussed and the applicant has done everything they could possible do.

Mr. Ellison explained how TEC gets to 200' and applicant gets to 155'. He said the applicant is saying in the field they measured and intersection sight distance looking to the south is 171', TEC does not refute that. But, TEC is saying 200' should be the minimum provided and that corresponds to a speed of approximately 30 mph on Country Way. The applicant is saying they meet the standard at 155' and exceed that which corresponds to 25 mph. Mr. Ellison said he understands the speed limit is posted at 25 mph, but the study submitted says the 85th percentile is 37 mph, that is illegal, but that is the fact of how people are driving in the area.

Mr. Thornton said at the time they did the speed study there was a sign for 30 mph headed north bound, it may be at the Cohasset line, but that is part of the justification for adding the radar speed feedback signs.

Ms. Burbine commented that heading out the driveway and looking south is really hard and you have to be careful coming out of the driveway, but that is true of coming out of the train station or anywhere. She opined this should not be a deal breaker, she understands the work that has gone into this, Town Counsel, etc., she sees both sides of this. She said the applicant is responsible for making this as safe as it can possibly be and the rest of "us" need to also be responsible. Ms. Burbine said she does not want to nix this because they can't meet the 200'.

Ms. Joseph asked if anyone had read the applicant's proposed language change that has been provided to the Board. She said the Town's Engineer does not support it. She said the other option is to continue the public comment.

Ms. Thornton said there is a line a starting "Unless otherwise stipulated..." if they could change the language to include language the 85th percentile should be determined based on the town wide speed limit of 25 mph or unless otherwise posted, that could be a fix.

Ms. Joseph read a proposed language change to the condition. Mr. Ohrenberger felt the last two sentences of the condition were still problematic. He did not like that the Town was reserving the right to get additional consulting and more reviews.

Ms. Joseph recommended the Board keep the last two sentences in and that when everything is done the two engineers can review it and come to an agreement. Mr. Ohrenberger said no, that the Board needs to make a vote on it that they either agree with the language or they don't.

Ms. Lambert said it is "a belts and suspenders" thing; Mr. Ohrenberger argued no that it overrides everything Mr. Thornton just said.

There was continued discussion about what the language of the condition should say.

Mr. Ellison said if the Board is going to change the language to say the posted town wide speed limit, which is 25 mph, they have already agreed that the applicant meets that. But, he said TEC does not support that language. Their expectation and recommendation to the Board is to use the language as written which would require a minimum of 200' not the 155'.

Ms. Joseph said the Board needs to make a vote; they can go against what their Engineer says and go with the revised language.

Mr. Pritchard said the over arching issue here is the design standard that is trying to be achieved, the condition that actually exists on the ground regardless of whether the speed limit is posted for 25 mph or not and the objective is to find a way to make the intersection as safe as possible. By reverting back to the 25 mph and ignoring the measurements that were taken and what the Board's typical approach is to that, the Board is diverting from what would typically be required of anybody when doing this kind of design. He opined the language at the end is in an effort to determine how safe/unsafe the intersection is once it is built even with the addition of the speed radar signs.

Mr. Ohrenberger said no lender is going to finance a project that after the fact they can be told they cannot occupy the building.

Mr. Pritchard opined it does not say the applicant can't occupy the buildings; it says the Board is going to measure it and as a result of that measurement the applicant and the Board come together to look at other methods for calming traffic if it is believed it is not a safe condition. He would not say this is a make or break for an occupancy permit.

There was discussion about what other speed calming methods could be used. Mr. Ellison said there are a number of different options for traffic calming along public ways, speed humps was one TEC put in their letter. He said he thought Mr. Thornton could suggest many more.

Mr. Pritchard did not want to design it here tonight, but he does not think the evaluation that has been done should be thrown out; saying that people speed illegally does not address the safety issue, the whole design of the sight distance is create as safe an intersection as possible. It may not be completely possible to get to 200' but let's get through this and then measure what has been achieved and there may be other solutions that could come to barre here if there is a problem.

Mr. Ohrenberger said they are constrained, they can't do anything, they have been told no by the abutters to the left regarding the wall; they have exhausted it. Their Engineer can certify the 155' distance at 25 mph that is the decision.

Ms. Lambert asked if language is added about posted speed limits, etc. and it does not work at some point the Board goes back and says to the applicant needs to go back and do more work. The Board does this on other projects.

Mr. Pritchard said he is suggesting the condition be structured in a way that the Board retains the review and that what has been set out to accomplish is actually achieved with the speed reduction signs or if there are issues they can be addressed later.

Ms. Burbine was concerned that a problem will not be known until the project is complete and that due to the circumstances in the area that the applicant has no control over being able to fix.

Ms. Lambert asked Mr. Thornton about other traffic calming solutions for this. Mr. Thornton gave several examples, the signs, speed humps, or other treatments such as pavement markings, auditory devices such as thermoplastics that can be applied across the road transversely so it gives a sign to be aware of speed. He said there are other options out there. He opined the concern is if they propose something and it doesn't have an effect and then they go back and propose something else and that doesn't have an effect. He said in general these measures are effective combined with enforcement and he opines it will have some effect on the speed. He said he is concerned about being tied to something specific and there maybe no remedy to get there.

Mr. Pritchard that is not what is being suggested; he is suggesting whatever to be installed is installed and then the effectiveness is measured and then they come together with the applicant and the Town to see if there are other measures that can be done and that is the objective. He is suggesting this be done post construction.

Ms. Lambert explained that is also what she is proposing, that it be looked at after people are occupying the buildings and if other measures are need then there is discussion.

Mr. Ohrenberger said he does not know how linguistically it can be done and he does not know how it would be measured.

Mr. Pritchard said it would be a study; the Board has done studies post installation before and that should not be an issue. He said it needs to be written in a way that says, we are going to do this, and have a "best effort/good faith effort", but let's have the ability to come back after everything is done and determine how effective it is and if it is not effective there is the ability to make it effective.

Ms. Lewis suggested some a language modification.

Mr. Ohrenberger continued that the issue is they can't even get a building permit, because they have already said they cannot get to the 200'sight distance, their engineer will certify to 155'.

Ms. Burbine said she disagrees with Mr. Pritchard and that the condition does not say that the applicant can come back once it is all built, etc.

Mr. Pritchard opined he did not say it should be conditioned on the issuance of a building permit, but the Board should not give up on the standards; people are asking for a modification to the Board's typical approach and what the Town's Consultant is saying. He is suggesting the Board make the modification, but the results should be measured and a commitment made to come back and discuss a solution if a problem exists.

Ms. Lambert suggest there needs to be change to the language from the beginning that discusses the issuance of a building permit. She suggested that the language should say that a building permit should be issued upon A, B, C and D being met and if that does not suffice then the applicant needs to come back.

The Board decided to split up the condition into three parts, #1 for the building permit, #2 for the occupancy permit and traffic calming devices installation, #3 post occupancy the Town reserves the right to have a traffic study done at the applicant's expense and there could be a time frame on it. There needs to be a before and after. There was continued discussion about how the condition should be divided up.

Mr. Pritchard shared his screen and showed how the condition should be split up.

Ms. Joseph will put the conditions into the document and it will be circulated to make sure that it is what everyone agreed to.

Affordability

42. All Affordable Units shall meet the requirements for inclusion in the Subsidized Housing Inventory through the state's LIP or other similar state-approved program in effect at the time of application.
43. According to Section 754 of the Zoning Bylaw, for projects receiving Site Plan Review, not less than fifteen percent (15%) of housing units constructed shall be Affordable Housing. Five (5) Affordable Units are required for the 34-unit project. The units shall be distributed

throughout the proposed housing units. There are one 1-bedroom units and one 2-bedroom units in Building 2 and one 1-bedroom unit, one 2-bedroom units and one 3- bedroom units in Building 3. All of the affordable units are reserved for tenants with incomes at or below 80% of Area Median Income (AMI).

44. 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.
45. 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) by the municipality (chief elected official). Assistance will be available from the Planning Office.

Erosion Control and Phasing

46. An Erosion Control Plan with preliminary sequence of construction has been provided. Prior to application for a building permit and the preconstruction conference, a detailed sequence of construction shall be provided including access, parking, and fencing provisions for Building 1 as it is intended to remain occupied during construction; access, fencing, staging and parking provisions for Building 2 and 3 during construction; and a detailed sequence of erosion and sediment control, dewatering methodology so all dewatering stays onsite throughout construction.
47. 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.
48. There can be only 2 acres of disturbance at any one time.
49. There shall be full unimpeded access for the fire truck and ambulance during construction.
50. The Construction Phase Operation & Maintenance Plan Proposed Site Work – During Construction shall be adhered to and added to the plans prior to endorsement.

Environmental Conditions: Noise and Dust

51. 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.
52. 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.
53. The Applicant shall not operate any concrete crushing machinery on the Project Site.
54. A dust control plan must be provided to the Planning Board for review and approval prior to the preconstruction conference.

Landscaping, Site Amenities and Public Realm Improvements:

55. All changes to the proposed plans must be presented to the Town Planner for approval. The Town Planner or the Planning Board's inspector have the authority to approve minor changes or deviations from the approved plans and/or any details needed for lighting, signage, paving

materials, fencing or landscaping. 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.

56. 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 sign must be reviewed by the DRC prior to permitting.
57. All proposed lawns and swale areas shall have a minimum of 6" of clean screened loam. A bill of lading shall be provided to the Town Planner during construction to show that the loam is clean.
58. 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 16 feet. Lighting Fixture details and specifications shall be provided on the plans prior to endorsement.
59. Shrubbery around the condenser units shall be shown on the outside of the fence prior to endorsement.
60. Street trees shall be a minimum of 3" caliper and 10 feet high with branching height above 6 feet.
61. The existing loam stripped for the project shall not be spread back on the site if it contains invasive species i.e. knotweed.
62. All existing shrubs and vines on the state invasive plant list i.e. Japanese barberry shall be removed from the site prior to the first occupancy permit.
63. As a mitigating feature that is critical to the sight line characteristics for the Applicant's proposed driveway design, the Applicant shall install two Radar Speed Feedback signs on Country Way in Scituate in the vicinity of the project in the northbound and southbound directions with the final locations to be approved by the Town Planner and Select Board or designee in consultation with DPW Engineering, the Police Department, and Town's consulting traffic engineers. These Radar Speed Feedback signs shall be installed prior to any occupancy permit on the site and shall be maintained in perpetuity by the Applicant unless otherwise approved by the Town. The Town Planner and DPW Engineering shall review and approve the specific devices ~~units~~ proposed by the Applicant.
64. The Applicant has agreed to contribute the sum of twenty-five thousand dollars (\$25,000.00), to be held in a gift account, to fund pedestrian improvements/studies in the North Scituate area as approved by the Planning Board. The Applicant shall provide such funds as a gift to the Town, given on terms to be reviewed and approved by the Town Planner in advance, prior to the commencement of construction.

Architecture/Design:

65. 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.
66. 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 differ from the approved plans, approval of the changes by the Planning Board will be required.

67. The addition of fencing at the condenser units located to the west of Building 2 and north of Building 3 is required. The fencing shall be the same material as the perimeter fencing with a plan to be approved by the Town Planner prior to endorsement.

The project proposes CertainTeed cedar impressions vinyl siding. The Planning Board requires that the project be detailed within the CertainTeed system. Prior to a building permit being issued, a meeting is required with the DRC and Town Planner to review materials and design details to ensure a level of quality that relates to traditional construction methods with the use of the CertainTeed product. The following details shall include, but are not limited to the following: foundation/water table, typical exterior casing, typical sill, inverted corner and regular corner trim, soffit details, rake board and eave returns. The Zoning Bylaw indicates in Section 750.5 B. 4. Exterior Treatments that synthetic materials “may be appropriate, provided they are applied in combination with proportional architectural elements”. The DRC also noted that the three proposed buildings all meet the setbacks, height and scale requirements of the bylaw. They also indicated the building proportions and façade composition and roof designs meet the intent of the bylaw as do landscaping, lighting, open space and screening. They felt there was insufficient information to determine exterior treatment conformance. ~~If the DRC, after consulting with the Town Planner, cannot recommend the submitted details, then the Town Planner shall advise the Planning Board, and the Planning Board can require other synthetic materials that can meet the detail requirements.~~

Mr. Ohrenberger said there is no problem going back and being consistent with the Design Review Committee because they are going to do exactly what DRC recommended, but it makes the permit void and that is why they proposed different language. Mr. Ohrenberger had issue with the last sentence of the condition.

Ms. Lambert said at the last DRC meeting it was agreed that the DRC would be able to see all materials together.

Mr. Ohrenberger argued that they don't want to go back for an approval, the DRC can't approve something they can only make recommendations and the applicant has already shown the DRC the materials.

Ms. Joseph said the DRC was not shown how it would be put together with the traditional architectural details that is what the condition says and that is what the applicant agreed to at the DRC meeting.

Ms. Lambert also reiterated that they agreed to come back to the DRC and show them how the details of the CertainTeed system would be built and show them the traditional details.

Mr. Ohrenberger said they will do it if that is the intent. Ms. Lambert said that is the intent.

The last sentence was stricken.

68. Low reflectivity glass is required for Building 3 because it faces the street.

69. Any privacy fencing on site is required to be 6 feet tall.

70. There shall be a minimum of seven (7) 8-foot picnic tables located throughout the site which are to be field located during construction with approval of these locations by the Town Planner

71. 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.
72. A certification shall be provided to the Town Planner by the architect prior to obtaining a Certificate of Occupancy that the buildings as constructed are in substantial compliance with the approved plans. This requirement is in addition to what is required from the Building Department.

Required Prior to Scheduling the Pre-Construction Conference

73. As the units are rental units, the Applicant shall provide draft leasing documents for review to include:
 - a. A statement that the driveway, parking areas, drainage system, sewer, landscaping, amenity spaces, and other common areas shall be owned by the Applicant and shall be maintained by the Applicant 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 and Maintenance Plan 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 shall be provided to the Planning Board as a stand-alone document.
74. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
 - a. Copies of the recorded site plan review and stormwater 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, walks, and stormwater management systems, water system, municipal sewage connection and sanitary sewerage line, new curbing, and erosion and dust control measures, 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 performance bond, provided by the Applicant reasonably satisfactory to the Planning Board to cover the satisfactory completion of site and

infrastructure features shown on the site plan including landscaping, parking, utilities, drainage, signs, lighting 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.

Mr. Ohrenberger argued about the timing of the bond prior to the pre-construction conference.

Ms. Lambert and Ms. Joseph said this is a bond for the beginning of the project for all the infrastructure, etc. this is done on all projects.

- 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

- 75. 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.
- 76. The property lines of the subject Property shall be marked or flagged in the field under the direction of a licensed 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.
- 77. 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

- 78. 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.
- 79. 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.
- 80. 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 always ensure the maintenance and management of all stormwater control measures during construction, to ensure there are no increases in stormwater flow, velocity, or volume to abutting properties at any time.

81. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
82. No sediment (including silty water) shall be allowed to leave the site during construction.
83. No parking or unloading on Country 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.
84. All construction parking shall be on site unless otherwise approved by the Planning Board.
85. 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.
86. 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 on weekdays or 8:00 AM on Saturday. Police details may be required for construction access or work within the layout of Country Way.
87. The Applicant shall provide the Town with the route(s) construction traffic will use to reach the project site. If, in the Town's determination, any identified route will create a safety hazard or material disruption of the public way, a police detail shall be obtained by the Applicant at its expense.
88. 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.
89. 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.
90. 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.
91. Blasting, if necessary, shall be conducted according to all necessary permits and meet all of the requirements of the Scituate Fire Department.
92. Snow cannot be stored on subsurface stormwater or leaching areas. Snow stockpiles must remain on paved areas. This condition survives in perpetuity.
93. No dewatering water shall leave the site. It shall remain totally on site.

Required Prior to Issuance of Occupancy Permits

94. No Certificate of Occupancy shall be issued until the Planning Board 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 stormwater permit.
95. 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.
96. 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 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 affordable rental units to the applicable rental amounts for units at or below 80% of the AMI according to the EOHLC 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 EOHLC. 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 EOHLC 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

97. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
98. This Site Plan Review and Stormwater 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 granted by the Planning Board following approval of this Permit. The Applicant shall provide proof that the Permit was recorded to the Planning Board.
99. The Planning Board may at its discretion waive or modify conditions of this Site Plan Review 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~~ *Site Plan Review* decision or is otherwise warranted.
100. This Site Plan Review and Stormwater 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.
101. All plan sheets of the Site Plan Review and Stormwater Permit shall be recorded at the Registry of Deeds.
102. 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.
103. Any condition contained herein that varies from the plan supersedes the plan where different.

Ms. Lewis seconded the motion for discussion;

Ms. Joseph added a condition that in the landscaping area that all landscaping on the north side of the property should be on the inside of the fence, somewhere between 62 and 63.

Ms. Burbine seconded the motion as amended; a roll call vote was taken and was unanimously in favor.

Ms. Lambert -yes

Ms. Lewis – yes

Ms. Burbine – yes

Mr. Pritchard - yes

Public Hearing – Stormwater Permit – 606 Chief Justice Cushing Highway – Tennis Courts Assessor's Map/Block/Lot

Applicant: Nick Lombardo, Recreation Department

Owner: Town of Scituate

Documents

- PDF 0-23-054_PB Transmittal
- PDF 1-stormwater permit application 10-16
- PDF 2 – 23054-stormwater report
- PDF 3 – 23054 – SWPPP
- PDF 4 – 23054-Scituate Tennis Permit Set – 2024-03-05
- PDF 24-105 PB Stormwater Review, Tennis Court Ren0 03.20.24
- PDF TC File Posting - Tennis Courts – 606 CJC Hwy
- PDF Transmittal
- Email dated 2.29.24 with Test Pit info
- Doc DRAFT Motion form 1st continuance

Attendees: Mark Novak, Activitas; Meg Buczynski, Activitas

Ms. Burbine read the posted legal ad into the record.

Mr. Novak gave a brief presentation to the Board, SEE ATTACHED.

Mr. Novak indicated they had been before the Select Board the other evening. They had previously done a design study with community engagement to look at the existing courts and how they could potentially be renovated. He reviewed the condition of the existing courts, currently there are 4 asphalt courts with a galvanized chain-link fence around them; all the courts are cracking, the pitch is out of tolerance for matches, surfacing is failing, fence posts are all cracking.

Mr. Novak reviewed the site plan,

- Increasing from 4 courts to 5 courts
 - 5 courts are necessary for high school matches to occur.
- Roughly 6' retaining wall along the southern and eastern edge of the courts
- Spectator seating area at both the eastern and western sides of the site
- Two storage areas/storage units like the ones at the track and field
- Handicapped accessible walkways coming off the existing walkway
- Area controlled with 10' black chain-link fence on northern and southern sides

- Fence steps down to 4' in front of the spectator areas
- Adding 4 light poles
 - Poles are 70' high
 - Illuminating to maintain 15-foot candles, can achieve 0 foot-candle cutoff
 - Lighting is to allow community use
- Will be replacing vegetation where they have to cut into the slope
 - Will be native plants
 - Combination of deciduous trees, evergreens and under canopy things
- Located in Zone II
- Stormwater
 - Infiltration basin collecting water off the tennis courts, channel drains from ADA walkway
 - Discharge point is the wetlands at the other end of the track and field area
 - No increase in rate or volume from what is going there now
 - Test pits done
 - Area near test pit #1 is best place for infiltration
 - Soil evaluation done by licensed soil evaluator of MA
 - Ground water is 4' below the bottom of the basin
 - Reviewed by Merrill Engineering
 - Nothing major in comments
 - Working on response

Mr. Pritchard asked what the change in water flow will be where the retaining wall is being installed. Ms. Buczynski explained the flow of the water, it currently goes across the courts and collects in the drains that are in the drive that collects into the drain line that eventually goes to the wetlands. The proposed condition has a swale so water does not collect behind the retaining wall and flows down to the new catch basin #1 near the infiltration basin. The retaining wall slopes down to the swale.

Mr. Pritchard asked if the discharge area to the wetlands has rip rap or a level spreader; Ms. Buczynski indicated it is existing and they are not touching it, there is an existing 18' RCP pipe that they are tying their system into. She said there is no increase in volumetric flow into the discharge point. Mr. Novak indicated there is rip rap that was installed as part of the new track/field project.

There was discussion about how the courts drain; Mr. Novak indicated the slope is .9% and the courts are post tension concrete so they can have very low pitch tolerances and will meet regulations for competitions.

Ms. Lambert indicated this proposal is up for vote under CPC at Town Meeting.

Mr. Pritchard asked about the construction period; Mr. Novak said the goal is to start in July once funding becomes available if all goes well at Town Meeting, construction would take about 4 months, they hope to wrap up completely by the end of October. The challenge will be the paint and stripping of the courts because it is temperature sensitive. Tennis court installers don't like to do the paint after October 15th so it is a race to hit that timeline. A construction erosion control plan was submitted.

Ms. Joseph indicated revised materials were submitted the other day; Merrill anticipates it will be no problem getting the drainage to work, she can attest that the soils are good, she was present when the test pits were done where the drainage is proposed. Ms. Joseph indicated everything meets the standards of the WRPD.

Public Comments:

Ms. Kristine Chochrek resident at 57 Cedarwood said she wanted to understand more about the lights. It has not been discussed with the Town or Recreation if the lights will be on a timer; Mr. Novak said they wouldn't be on any longer than the track/field lights, but that is his assumption. Mr. Novak said the lights are not really under discussion here because this is a Stormwater Permit, but he noted the lighting was done with the same engineer that did the track/field/baseball/softball fields. When the design is done they make sure there is a good consistent light level on the court, but they can also determine light spill and they can confirm that light spill will end before any abutter's property lines; when they do that study, it is done on a flat plain without any vegetation. He said since it is uphill and there is vegetation it should reduce it even more and they will confirm the light spill over levels after it is installed.

Ms. Lambert acknowledged the comment, but said this is really just about stormwater.

Ms. Joan Gibbons resident at 35 Cedarwood also commented about the lights, saying the basketball lights were supposed to be put on a timer and they are not. She said they are on all night long, kids are there 1-2 in morning, all the ledge in the neighborhood makes your house shake from the basketballs. She said tonight it is pouring and all the lights are on, it is supposed to stop at the tree line she said it doesn't.

Ms. Lambert said it is really a question to discuss with Recreation.

Mr. Novak said he will also mention it to Recreation.

The Board suggested Ms. Gibbons bring it up at Town Meeting.

Mr. Pritchard asked about and operations and management plan for the stormwater system; Mr. Novak indicated there is a plan, it is town owned property that is operated by the Recreation Department. The DPW will be responsible of maintaining the stormwater.

Motion:

Ms. Burbine moved to accept the applicant's request to continue the public meeting for the Stormwater Permit for 606 Chief Justice Cushing Highway – Town of Scituate, Scituate High School Tennis Courts Renovation until April 25, 2024 at 8:30 pm. and to continue the time for action for filing with the Town Clerk until May 10, 2024.

Ms. Lewis seconded the motion; a roll call vote was taken and was unanimously in favor.

Ms. Lambert -yes

Ms. Lewis – yes

Ms. Burbine – yes

Mr. Niebauer – yes

Mr. Pritchard - yes

Liaison Reports

No reports

Planning and Development – reported by Ms. Joseph:

- MBTA Communities – Section 3A Compliance
 - Waiting to hear about pre-adoption review of MBTA Communities Compliance
 - Heard back from MLU (Municipal Law Unit) review
 - Town Counsel has spoken with Margaret Hurley
 - One small change for the motion for Town Meeting
 - Missing one small word

Documents

- Email to the Board from Shari Young dated 3.22.24 with meeting agenda 3.28.24.
- Email to the Board from Karen Joseph dated 3.22.24 with meeting materials for 817 Country Way, 27 Brook Street, 606 Chief Justice Cushing Highway and DRAFT Meeting Minutes 3.14.24.
- Email to the Board from Karen Joseph dated 3.28.24 with meeting materials for 817 Country Way.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 10:19 p.m. Ms. Lewis seconded the motion; a roll call vote was taken and was unanimously in favor.

Ms. Lambert -yes

Ms. Lewis – yes

Ms. Burbine – yes

Mr. Niebauer – yes

Mr. Pritchard - yes

Respectfully submitted,

Shari Young

Planning Board Administrative Assistant

Ann Burbine, Clerk

Date Approved: April 29, 2024

TOWN OF SCITUATE

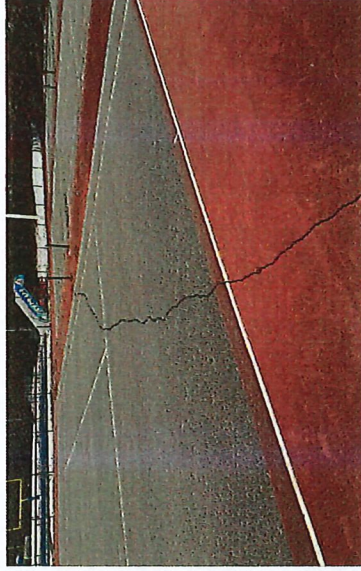
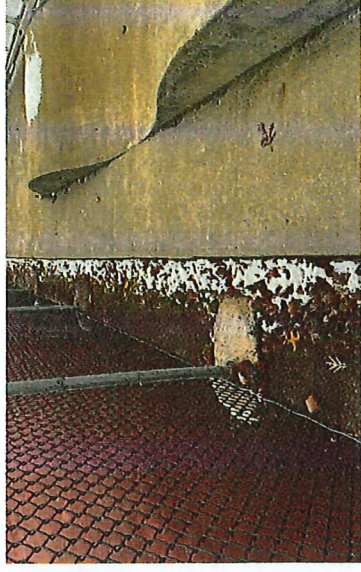
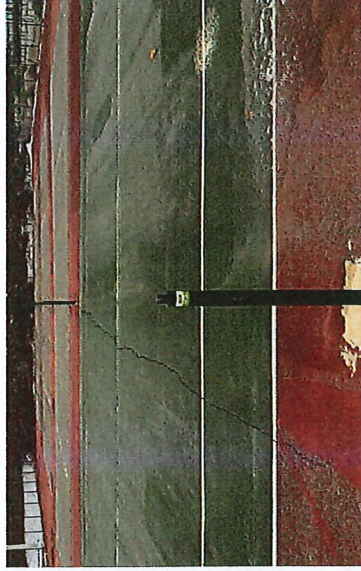
Scituate High School Tennis Court Renovations | Planning Board Hearing
March 28, 2024



ACTIVITAS
landscape architecture | civil engineering

Town of Scituate

Scituate High School Tennis Court Renovations | Planning Board Hearing | March 28, 2024

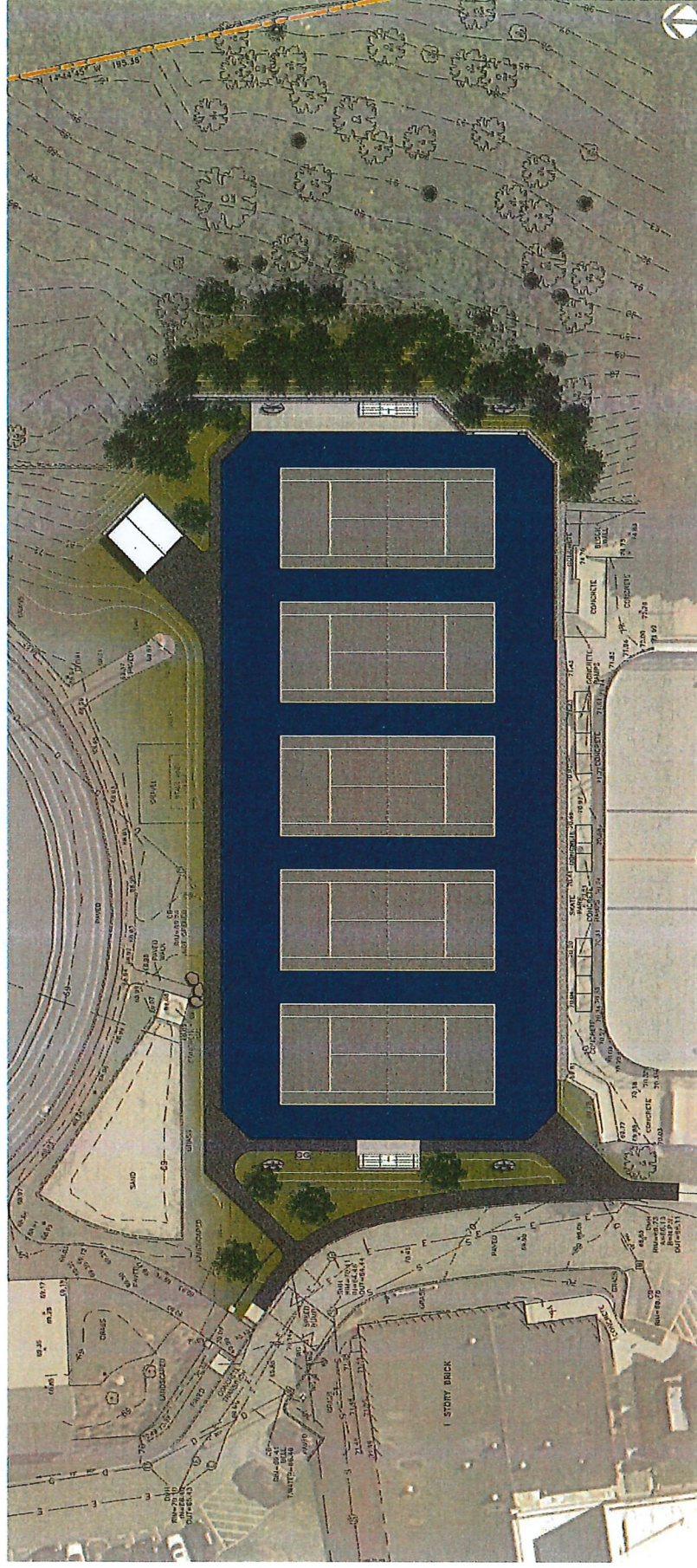


EXISTING CONDITIONS

ACTIVITAS

Town of Scituate

Scituate High School Tennis Court Renovations | Planning Board Hearing | March 28, 2024



PROPOSED DESIGN

ACTIVITAS

Town of Scituate

Scituate High School Tennis Court Renovations | Planning Board Hearing | March 28, 2024



WATER RESOURCE PROTECTION DISTRICT

ACTIVITAS

