



Town of Scituate  
Planning Board

**Site Plan Special Permit – 780 Chief Justice Cushing Highway**

Decision: **APPROVED with Conditions**  
Date: October 10, 2008  
Owner/Applicant: Friends of Scituate Shelter, Inc.  
Location: Assessor Parcel 25-2-9B  
Plans: Scituate Animal Shelter Site Development Plan in Scituate, Massachusetts, by McKenzie Engineering Group, Inc. (Civil Engineers), Aaberg Associates (Land Surveyor) and Artisan Architecture dated September 3, 2008

Members Hearing Special Permit: Donald Walter, Chairman; William Limbacher, Donna Chisholm, Robert Vogel and Patricia Brennan-Finnie.

**Background:** The property contains approximately 4 acres. It is located in the Residence A-1 Zoning District and the Water Resource Protection District and is vacant. The applicant is the Friends of the Scituate Shelter, Inc. who also owns the property. They are seeking a Site Plan Special Permit for construction of an animal shelter. The building will have a footprint of 3,485 sq. ft. An elevation and floor plan were submitted with the application. The applicant met with the Design Review Committee informally, and for a formal review.

Section 770 of the Zoning Bylaw, Site Plan Special Permit, provides for review of new land uses of a size that may have significant impacts on neighborhoods or the town, to ensure they meet established standards and the Goals and Objectives of the Master Plan. The applicant requested a Site Plan Special Permit under Section 770 of the Scituate Zoning Bylaw.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on September 9, 2008. A Public Hearing before the Planning Board was duly advertised and notices sent to all abutters in accordance with MGL Chapter 40A. The hearing was opened October 9, 2008, at which time the hearing was closed and the Special Permit was approved with conditions.

**Hearing Summary:** Attorney Brian Sullivan, Engineer Deb Keller and Architect Alan McLeod presented the plans to the Planning Board. Nancy Testa, President of the Friends, was also present. She and her organization want to build a new animal shelter. The old shelter on the Driftway does not have space for the animals it serves.

Dave Nyman, P.E. of C.E.I. had reviewed the drainage plans and was present at the Public Hearing. There was discussion of the way the drainage would function and the value of the applicant's low impact approach. The applicant was very close to achieving containment of the 100-year storm on the site, and the engineer will continue to work with Dave to reach that goal. Mike McGowan, Chairman of the Design Review Committee, provided comments on the architectural design of the

building. The Design Review Committee was not requesting any changes. Overflow parking could be provided as needed beside the driveway, but would not be constructed. Pervious pavement could be used in the parking area to help reduce stormwater runoff. The building would be buffered with landscaping and berms behind the dog runs to help absorb sound.

**Public Comment:** Joseph Cerilli of 117 Mann Lot Rd. questioned whether the soundproofing was adequate. He asked if additional fencing could be provided to help buffer his property from the noise of barking dogs. The applicant said that dogs would only be outside during limited hours of the day, and never at night. Mr. Cerilli also asked about trash disposal. Mrs. Kim Stewart, the Town of Scituate Animal Control Officer, said that garbage would be picked up once or twice a week and this would be sufficient to control odors and debris.

**Findings of fact:** Based on the testimony given during the Public Hearing on this Special Permit, the Planning Board unanimously found the following Findings of Fact:

1. The present animal shelter is inadequate. The applicant has demonstrated the need for a new animal shelter.
2. The applicant has identified and secured this property for the proposed use. They have completed extensive design, engineering and analysis necessary to construct the shelter in this location.
3. The design is well thought out, and includes low impact development drainage techniques. The drainage will utilize the natural topography and will be "grade neutral," i.e. where fill is required, soil from the site will be used.
4. The applicant has obtained a Special Permit from the Zoning Board of Appeals under Section 420.2 k.) to allow a public use which is necessary for the vicinity or requires a location within the district for reasons of space or function.
5. The proposal will include twelve parking spaces and potential additional overflow spaces along the driveway.
6. The proposal meets the Standards of Review of Section 770 including protection of adjoining premises, traffic safety, access for service and emergency vehicles, adequacy of utilities and infrastructure, including sewage and solid waste disposal, water distribution, and surface drainage.

**Decision:** Based upon the information presented to the Board, a motion was duly made and seconded to approve the Special Permit with the following terms and conditions:

1. All construction including infrastructure and emergency access shall comply with all requirements of the Board of Health, Department of Public Works, Fire Department, Water Department and Building Department, and all applicable local, state and federal regulations.
2. Except as amendments may be necessary to comply with these conditions, all construction shall comply with the Scituate Animal Shelter Site Development Plan in Scituate, Massachusetts, by McKenzie Engineering Group, Inc. (Civil Engineers), Aaberg Associates (Land Surveyor) and Artisan Architecture dated September 3, 2008.
3. Prior to construction, overflow parking shall be indicated on the plans in the area along the driveway on the north side.
4. The applicant's engineer shall work to achieve containment of the 100 year storm and shall request a confirming e-mail from Dave Nyman, the town's consulting engineer that the drainage is adequate for this level of major storm.

5. All lighting shall be shielded to avoid light overflow on adjacent properties.
6. The Planning Board shall accept a 2' separation to groundwater beneath the infiltration depression and rain gardens, since these differ from the larger infiltration basins and trenches described in the Zoning Bylaw.
7. The applicant shall explore the use of pervious paving in the parking area.
8. A Landscape Plan will be provided to the Planning Board prior to the start of construction.
9. If funding is available, fencing shall be provided as requested by the abutter at 117 Mann Lot Rd.
10. The hours of construction shall be limited to 7 AM to 7 PM weekdays and 8AM to 4 PM Saturdays, with no work to occur on Sundays, holidays or Heritage Days.
11. Noise mitigation and proper dust controls shall be used, with clean-up of all areas of the site as needed, and there shall be no truck idling on the site or adjacent streets.

The Vote was as follows: All members voted in favor of granting the Special Permit with conditions.