

## **SCITUATE PLANNING BOARD    MINUTES    August 8, 2013**

Members Present: William Limbacher, Chairman; Stephen Pritchard, Vice Chairman; Richard Taylor, Clerk; Robert Vogel, Eric Mercer and Robert Greene, Alternate Member.

Members Absent: None.

Others Present: Ms. Laura Harbottle, Town Planner.

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

Location of meeting: Selectmen's Hearing Room, Town Hall.

Chairman Limbacher called the meeting to order at 7:30 P.M. Mr. Mercer arrived at 7:35 pm. The meeting was being audio recorded. The meeting was being recorded for airing on the local cable television station.

### **Documents**

- 8/8/13 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Taylor moved to accept the agenda. Mr. Vogel seconded the motion and the vote was unanimous in favor.

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### **Public Hearing – Accessory Dwelling Special Permit – 37 Otis Road**

**Assessor's Map/Block/Lot 40/05/19**

**Applicant/Owner: Charles P. Welch and Jacqueline E. Boudreau**

### **Documents**

- Request for Continuance from applicants dated 8/1/2013

The applicants were not present and had requested a continuance until September 12. Mr. Taylor moved to accept the applicant's request to continue the Accessory Dwelling Special Permit public hearing for 37 Otis Road until September 12, 2013 at 9:00 pm. Mr. Vogel seconded the motion. Motion was unanimously approved.

Eric Mercer arrived at 7:35 pm. There were no meeting minutes or accounting.

### **Town Planner Report**

Ms. Harbottle reported that a copy of the new FIRMA Maps will be at the library and another web blast will go out. She said there will be information on the bills in Congress for flood insurance reform. Ms. Harbottle indicated that the Biggert Waters Act goes into effect on October 15 and the new maps go into effect next June. She said people may want to consider buying flood insurance now in case they can be grandfathered later.

Ms. Harbottle indicated that she went out to 87 Maple Street with the Conservation Agent, Greg Morse and Attorney Brodsky. A small isolated wetland had been filled and approximately 11,000 sq. ft. of conservation land has been stripped and surfaced with a crusher run/ground asphalt mix. Mr. Morse, who was present at the meeting, indicated he became involved in the project after the work on site was done.

Ms. Harbottle indicated that the mixed use development at 50 Country Way will probably be filed in September. Chris Ford is planning a meeting with the Design Review Committee on August 28.

### **Liaison Reports**

Chairman Limbacher indicated that the Public Facilities Masterplan Committee gave a report to the Selectmen on 8/6/13 on the public buildings and structures. They will be looking at funding costs associated with the buildings for a future meeting this fall with the Selectmen.

### **Public Hearing – Scenic Road Hearing – 61 Border Street**

#### **Assessor's Map/Block/Lot 6-2-B**

#### **Applicant/Owner: Kristen Lilly and Michael Kenny**

### **Documents**

- Scenic Road Application for 61 Border Street received 7/13
- Scenic Road Plan for 61 Border Street dated 6/28/13 by Grady Consulting
- Transmittal to Town Departments dated 7/9/13

Kristen Lilly was present. She indicated that the stone wall was in a high state of disrepair. She said the plan prepared by Grady Consulting shows that they would like to remove a 16' portion of the wall for a driveway and another 3' for a walk and picket fence. She said they would rebuild 19' of stonewall. She indicated there were no trees in the layout for removal. She said there is a cedar tree that is on the bound that she thinks can remain and haven't asked for its removal. Ms. Lilly indicated the stone wall will be a dry laid, round stone farmer's wall typical for this area. Ms. Harbottle indicated she was glad to see the historic stone wall being replaced.

Mr. Taylor moved to close the Scenic Road Act public hearing and to approve the application for removal of approximately 16 linear feet of stonewall in connection with the construction of a proposed driveway and 3 linear feet of stonewall for a walkway and gate for a new single family home at 61 Border Street, Assessor's Parcel 6-2-B, for applicant Kristen Lilly and Michael Kenny. The stones will be reused to build 19 feet of stonewall along the northern edge of the Border Street property line as shown on plan entitled Scenic Road Plan 61 Border Street Scituate, MA by Grady Consulting, L.L.C. dated June 28, 2013. Mr. Pritchard seconded the motion. Motion was unanimously approved.

### **Old Business**

Mr. Vogel inquired if there was going to be any zoning articles at a fall town meeting. He indicated he thought the accessory dwelling bylaw did need to be addressed at some point. Mr. Taylor indicated the subcommittee has been reviewing medical marijuana. He said they have been reviewing zones for possible placement of the cultivation and point of sale facilities. Ms. Harbottle said the 60 Minutes medical marijuana program influenced Westboro in their recent bylaw and it is food for thought. She said it is a cash business as Mr. Mercer has previously pointed out as FDIC checks cannot be used. Mr. Mercer said the use may want to be a special permit so there can be oversight on a case by case basis. Ms. Harbottle indicated that Westboro did that. Mr. Vogel agreed that would be the way to go. Ms. Harbottle said that she recommends talking to the Economic Development Commission and the Chamber of Commerce for input on local business sentiment. The Board indicated that a meeting will need to be held with public safety officials, the schools, the local medical community and others after the Board has had some input into the bylaw. The Board

indicated they want to keep the bylaw simple as the Department of Public Health will highly regulate the facilities. Mr. Mercer indicated that he would like to see accessory dwellings addressed as soon as possible. He thinks the size should be revisited and that graphics will be needed at town meeting.

**Continued Public Hearing and Scenic Road Public Hearing – 305 Country Way  
Flexible Open Space Special Permit & Definitive Subdivision Plan & Scenic Road  
Assessor's Map/Block/Lot 37-2-2 & 37-8-13R  
Applicants/Owners: Douglas Sheerin/Kristen DeGaravilla**

**Documents**

- Waiver Request list dated 6/6/13 by Morse Engineering
- Response to peer review comments by Morse Engineering dated 7/17/13
- 305 Country Way FOSD Drawings dated 7/16/13 sheets 1 – 11
- Conventional Plan Vote filed with the Town Clerk on 7/29/13
- Chessia Consulting Engineers Peer Review Revision 3 dated 7/31/13
- Email from Lance Van Lenten dated 7/26/13 to Laura Harbottle et. al.
- Email from Lisa Bertola dated 7/28/13 to Laura Harbottle et. al.
- Email from Bill Limbacher to Lance Van Lenten dated 7/29/13
- Comment from Bill Krusell dated 8/1/13
- Email from Lisa Bertola to Laura Harbottle dated 8/1/13
- Email from John Chessia dated 8/5/13 in response to B Krusell comment of 8/1
- Revised comment from B Krusell dated 8/4/13
- Morse Engineering response letter dated 8/6/13 to 8/4/13 Krusell letter
- Chessia Consulting response letter dated 8/7/13 to 8/6/13 Morse letter
- Letter dated 8/8/13 from Samantha Woods, North & South River Watershed Association
- Email from Samantha Woods dated 8/8/13

At 8:00 pm, Chairman Limbacher opened the continued public hearing for the Flexible Open Space Special Permit, Definitive Subdivision Plan and Scenic Road/Public Shade Tree hearing from 7/25/13. He indicated the voting members were everybody except Bob Greene. He said the Board approved the Conventional Density Plan for 3 lots on 7/25/13. He indicated that since that meeting, there has been correspondence and misunderstandings about the process and applicable bylaws that will hopefully be resolved tonight. He indicated the meeting would start with a review of the letter received from Mr. Krusell and Van Lenten and then proceed to a discussion on the Flexible Open Space Development (FOSD) Plan. Chairman Limbacher indicated Ms. Harbottle would summarize the requirements for approving a Flexible Open Space Development. Mr. Krusell then would present his letter followed by Mr. Morse and Mr. Chessia's comments. He indicated the Town Planner visited the site and took pictures that will be used in the discussion.

Ms. Harbottle indicated that the Flexible Open Space bylaw allows smaller lots for a development of equivalent density to a conventional subdivision. She indicated open space is preserved and special features of a site are sometimes preserved. She indicated there is a cost savings to the developer in road and development costs; but, the developer must provide a public benefit and the Board must find that a public benefit is made. She said the intent of the bylaw is to preserve historic or cultural features of a site. She indicated Low Impact Development drainage is encouraged to be used where feasible. This includes rain gardens and swales that have less impact on the land than a basin. She indicated the Conventional Density Plan, which sets the maximum density, is approved first by a 4/5 vote. Ms. Harbottle indicated the Board must determine that the FOSD Plan meets the bylaw and it contains a public benefit making the development superior to a conventional plan. She indicated the

benefits must be in the findings. She said the Conventional Plan is separate from the FOSD Plan. It must meet the current subdivision regulations and zoning bylaw.

Lisa Bertola of 52 Elm Street asked if the Board has ever approved a FOSD Plan with fewer lots than the Conventional Plan. Chairman Limbacher indicated not to the best of his knowledge.

Bill Krusell summarized the major points of his letter as follows:

- 1) The Planning Board has the discretionary ability to deny the Conventional Plan as it is part of the Special Permit. It could be denied based on impact to water resources. The Water Resource Committee (WRC) voted not to recommend 3 lots.
- 2) The bylaw states that the decision should be made in conjunction with other Boards. The WRC requested a 2 lot development.
- 3) A variance is needed for alteration of 25% slope.
- 4) A variance is needed from the ZBA for the bottom of the basin to be less than 3 feet from groundwater. Mottling is at 42" so groundwater could be higher.
- 5) A building permit is needed for the retaining wall that holds more than 4' of fill.
- 6) Stormwater from slopes along the western side of the road are being directed to the non-disturbance zone in violation of the bylaw.
- 7) Flow is being taken away from the non-disturbance zone and tributary and re-directed to a stormwater basin. The wetland ecology will be impacted.
- 8) The edge of the tributary must be delineated and surveyed between flags 1B8 and 1B101 in order to properly determine the limit of the 150' no disturb zone.

Mr. Krusell indicated that Planning Board members were told they have no discretion and flexibility for approving a conventional plan with 3 lots if it complied with zoning and subdivision regulations. He indicated other departments should have been consulted before the vote for 3 lots was taken.

Chairman Limbacher read the exact language of item 1 of the Krusell letter. In rebuttal to 1) above, Mr. Morse indicated the Planning Board is the Special Permit granting authority for Section 520.4 of the bylaw which is inapplicable because a single family subdivision is being applied for and a special permit is not required. Mr. Chessia indicated he read the bylaw the same way. A special permit is not needed. Chairman Limbacher summarized. The point is invalid as the application does not require a special permit.

Chairman Limbacher read item 2 from the letter. In comment to 2) above, John Clarkeson of the Water Resources Committee (WRC) said this group reviewed the plan and he attended a previous meeting and watched the tape of the last meeting. He said the Board struggled with 2 versus 3 houses. He said the WRC feels 3 houses is too much for this site. He said the stormwater will be a big impact and concurs with the letter. He said Ms. Harbottle indicated there needed to be a public benefit. He said he heard how much land will be provided for Open Space, but he feels that it will be saved anyway as it is in the no disturb zone. Mr. Clarkeson said he does not see the project benefitting or protecting the community. Mr. Morse went on to begin talking about a chart to show the benefits of the FOSD. Mr. Pritchard indicated that the chart was not relative to the letter and asked to stick to the letter. He said if 520.4 didn't apply to the first it doesn't apply to the second. Chairman Limbacher said Section 520.4C is inapplicable.

Chairman Limbacher read item 3 from the letter. In comment to 3) above, Mr. Clarkeson of the WRC said that there is a stormwater issue with changing the slope. Mr. Morse indicated that the 10' wide by 30' long area exceeding 25% slope shows on the existing conditions plan. He said it was a small area at the edge of the lawn with no significant trees and rocks are sticking up. He said the

area was probably altered and is not a natural slope to be protected by the bylaw. He said this one location is being filled over and the water is not changing direction. Mr. Chessia said he cannot say if the slope is natural or not as he has not been out there for several months. Mr. Pritchard asked if the area was in the WRPD or 150' buffer area. Mr. Chessia indicated it was in the WRPD, but not in the 150' buffer area. Ms. Harbottle said she met Mr. Morse on site today to view the area. She indicated the area was small and was likely disturbed when the lawn was made and showed pictures from her site visit. The Board reviewed and discussed the pictures. Elise Kline of 675 CJC Highway said she is a former member of the WRC and asked if Mr. Morse was a licensed engineer or archaeologist. She indicated there was no scientific evidence presented to show the land was disturbed. Mr. Clarkeson indicated he would feel better if there was restoration of the natural slope. He is concerned that the slope is being built up further in the WRPD. Chairman Limbacher surmised that the slope is not natural, but man made.

Mr. Clarkeson reiterated that the area is not being restored and more fill is being added and the size of the alteration is not a consideration in the bylaw. Mr. Pritchard asked if it would be Mr. Clarkeson's inclination to regrade back to a natural slope. Mr. Clarkeson indicated if there was justification it would be preferable. He said soils analysis would likely provide the answer. Mr. Vogel questioned by what authority would the ZBA need to look at this area. Ms. Harbottle indicated they would have to apply if this provision applies, but the ZBA could grant an exemption. She indicated that based on size and history of projects in Scituate, the Building Commissioner might say it is up to the Planning Board. The process would have to be gone through to determine the outcome. Chairman Limbacher indicated the slope exists now and it does not appear to be a natural slope as it appears to be a disturbed area. Ms. Bertola disagreed with Chairman Limbacher. She indicated the baseline is the present and the slope will be disturbed beyond which the bylaw allows. Chairman Limbacher responded that the bylaw applies to natural slopes and the slope appeared to be disturbed by creation of the lawn. Mr. Morse indicated that the intent of the bylaw was to minimize erosion and sedimentation of natural drainage areas. He indicated the intent of the bylaw is being met as erosion control will be provided preventing erosion from reaching downstream drainage areas. He said no slopes over 25% are being proposed.

Chairman Limbacher read 4) from the Krussell letter. With regards to point 4), Mr. Morse said that originally the basin was designed to be an infiltration basin. He indicated all infiltration credit was removed from the calculations per Mr. Chessia's review so it is not an infiltration basin. Mr. Morse handed out the DEP requirements and indicated Mr. Krusell was correct and he will raise the basin 1' so there is 3 feet of separation from the basin bottom to the groundwater. Mr. Vogel asked where the infiltration was coming from if not in the basin. Mr. Morse indicated from the drywells for the roof runoff. He indicated the basin can be raised 1' to have the 3' separation and proper storage capacity. Mr. Chessia disagreed with Mr. Morse's assessment that the basin was not an infiltration basin as there is a sump that drains water out. He said it was not a wet pond so it was an infiltration basin. Mr. Chessia said he did not use exfiltration out of a storm. He indicated that if the infiltration basin is raised so there is 3' of separation from the bottom to the groundwater then the problem is solved. He said there must be 3' from the absolute bottom. Mr. Clarkeson indicated there is a significant issue with the separation based on scientific evidence; as much separation as possible is desired. Mr. Clarkeson indicated he feels the Board should be talking about the separation for a 2 lot plan. Mr. Morse said he will raise the bottom of the basin to 3' for the FOSD Plan. He said drainage calculations are not required for the conventional plan. Mr. Taylor asked could the Conventional Density Plan be constructed with the 3' of separation as this could impact the density issue. Chairman Limbacher indicated that the issues must be resolved before proceeding. Mr. Chessia indicated the conventional plan did not anticipate 3'. Mr. Pritchard asked if 3' could be

obtained in the conventional plan. Mr. Chessia indicated that the basin would be further down the slope and most of the testing has been uphill of that location, but he said they could probably do it and it may require readjustment to the lots lines. Mr. Morse said that it does not have to be an infiltration basin as the infiltration could be dealt with in other ways on the site. He said it could be a wet pond or constructed wetland and it could absolutely be done. Mr. Chessia said that if another type of design was used, it would likely work. He said the site would be tighter and the lots would be more convoluted. Mrs. Van Lenten asked if the burden of proof was on the developer in the conventional plan to show that it could actually be built. She said she doesn't see that that has been shown if the basin has to be changed. Chairman Limbacher indicated it was and the Board is looking at the capability to do the basin in the conventional plan and the capability to do it is there.

Chairman Limbacher read 5) from the Krusell letter in rebuttal to 5), Mr. Morse indicated that the wall could be moved further east so that it is less than 4' and wouldn't require a building permit. He indicated the lot width of Lot 1 would shrink back down to less than 8' at its tightest point making more of a rat tail for the lot. He indicated they moved the wall to the west so it would be 5' in spots to increase the rattach width in response to concern of the Board. He said a conventional plan does not require a building permit. He indicated that Mr. Chessia said the wall was feasible for construction at the last meeting. Mr. Chessia indicated that for the conventional plan, the discretion lies with the Planning Board. He recommended DPW guidance if the wall was against the road. For the Conventional density plan, the wall is reasonable. If the wall was for a definitive plan, then better details would be provided and feedback from the DPW would be provided and the Building Inspector would need to issue a permit. Chairman Limbacher indicated that no wall has been designed as they are not requesting a wall to be built.

Chairman Limbacher read item 6) from the letter. In response to 6), Mr. Morse indicated that all the water from the site flows in a southerly direction. In the conventional plan where the wall is shown, all the water in the right of way drains to the street and to the stormwater system. Everything is treated prior to discharge which is out of the 150' buffer and DEP Zone A area. Mr. Morse said water will still go on the western side of the wall as it does now. He indicated everything is being routed to a new point of discharge. He said no new discharges are proposed in the 150' zone. Mr. Pritchard indicated that the distribution of flow is changing direction to a point source. Mr. Morse said that DEP requires no new point source unless the discharge treated. He indicated the stormwater is treated. Mr. Chessia indicated there is no definition of discharge in the bylaw. He sees a discharge as a directed flow. It could be through a swale. He said that as shown, there is not a discharge to the undisturbed area. Mr. Pritchard inquired about a subsurface discharge. Mr. Chessia said an example would be a trench drain. He said a discharge would be seen. He indicated all water goes to the reservoir. Mr. Clarkeson indicated stormwater will flow off the street as sheet flow. He said stormwater will end up in the 150' no disturb zone. Chairman Limbacher indicated that water will follow the wall. Mr. Chessia concurred that water will follow the wall flow to the no disturb zone. Chairman Limbacher said a swale will direct the water toward the basin.

In rebuttal to item 7 for non-compliance to the bylaw by taking water away from the tributary, Mr. Morse indicated that all the water in the post and pre-development situation is going to the reservoir. The water is not going to another tributary. He said the release point is changing, but water is still going to the reservoir. He said there is plenty of room for landscaping. Mr. Chessia said the intent of the bylaw is for flow go over lawns and woods and soak in along the way. He indicated that no reduction in flooding would only work in small storms. The preliminary plan talks about filters to reduce nitrogen. Mr. Morse indicated that nitrogen reduction could be done in the swale. The DEP says 50-60% is achieved in a swale. Mr. Clarkeson indicated that whether it is the conventional or

the FOSD Plan, he believes there will be disturbance to the no disturb zone during construction. Mr. Pritchard said that a sheet pile barrier is shown on the conventional plan and questioned if it would work. Mr. Clarkeson does not necessarily think it will work as he thinks the construction footprint will go into the no disturb zone. Mr. Morse disagreed. He said the sheet pile would limit construction disturbance and could be left in place to a height of 3-4 feet. Mr. Clarkeson indicated Mr. Morse's use of the word limit versus prevent.

In response to 8), Mr. Clarkeson suggested that an observation occur during a storm event. Mr. Morse said that the area was reviewed as part of the wetland process. He said at this area there was no definite channel so the bank stops. He said the Conservation Commission and DEP reviewed that in the field. Mr. Morse indicated he showed the 150' buffer from the furthest point so that the limit of work would not be altered. Mr. Chessia indicated the limits should be confirmed. He indicated that Mr. Morse did take the furthest point for placing the buffer line. Mr. Clarkeson asked that the area be reviewed in a storm event to see if it is part of the tributary flowing. Mr. Chessia suggested the best time to view would be in the spring due to the vegetation. He indicated it was a tributary but not a perennial stream. Ms. Harbottle showed pictures from the site near the last wetland flag to help the Board see the condition.

Mr. Pritchard summarized the Boards' findings with respect to the Krusell letter. He indicated:

- 1) Inapplicable
- 2) Inapplicable
- 3) Inapplicable – slope not natural. Plans will comply by using erosion control
- 4) 3' separation needed – questionable if will impact lots on conventional plan
- 5) 4' wall - Board has discretion to approve for conventional plan
- 6) The area is small and questionable if it would have a big impact
- 7) Release point is changed, but it doesn't change the recharge. Everything still goes to the reservoir
- 8) Survey loop should be closed on the tributary

The Board summarized that the open items have to do with the infiltration basin. The Board discussed changing to another type of basin, but Mr. Chessia advised against it as the FOSD Plan has an engineered infiltration basin that was used as a comparison for size for the conventional plan. Lisa Bertola said that it seems the Board is going back to technical issues and how the applicant overcame them to have a viable plan. She asked if the vote on the conventional plan from the last meeting could be rescinded. The Board indicated they would look at the points and see if it was appropriate.

Mr. Taylor said that what the Board voted was just to set the density. He said he's hearing that 3 lots for the conventional density is still a correct decision. He said he will look at the FOSD and look for the public benefit. He indicated a reduction in the number of lots from 3 to 2 could be a public benefit. Mr. Mercer indicated he was the only hold out. He said he is concerned about the community opposition, the project being on the edge, that construction could potentially impact the no disturb area and the commercial versus environmental interest. He said construction is going to the limit and he would like deference paid to the drinking water. He indicated the developer needs to persuade him. Mr. Taylor said that it is within the developer's right to try to obtain the maximum number of lots. He said the maximum is not guaranteed. He said all of the information needs to be evaluated in the special permit process. Mr. Mercer said he is concerned that the applicant thinks they have a right to do 3 lots.

Mr. Vogel indicated he had a background in development and construction and thinks that the plan could be built without disturbance to the wetland if properly monitored. He is not certain though. He said it is important to protect the no disturb zone to protect the drinking water. He indicated the bylaw was made with the advice and consent of the WRC and they came up with the 150'. He said disturbance can occur up to that limit. Mr. Vogel said it is not a dense development and the Rules and Regulations are being adhered to, so he doesn't see any legal grounds to not approve the conventional plan. He said he doesn't like the rat tail or the proximity to the 150' buffer, but it is allowed and the groundwater supply should not be impacted.

Mr. Pritchard indicated he could see the viewpoints of Mr. Mercer and Taylor. He sees the new information obtained as the separation on the infiltration basin, potential disturbance during construction to the 150' buffer and benefits to the Town as items that need to be addressed. He agrees with the 3 lot maximum and would like to move forward.

Chairman Limbacher indicated that the Board has 2 charges. The first is to make sure the conventional plan complies with the Rules and Regulations and shows the maximum density of what could be built. The second is that the special permit allows the Board to say what is best for the property with the FOSD. He indicated that 4 of the Board members think the conventional plan is reasonable. Mr. Vogel said compliant following the Rules and Regulations. 4 members agree the plan is compliant.

Mark Fenton, a former Planning Board member, said he was familiar with the process and suggested that the Board's use of the words reasonable and compliant shows doubt by the Board. He said it is a two step process that shows judgment. He suggested that the Board should listen to the Water Resource Committee and rethink the vote on 3 lots based on new information provided to the Board. Lisa Bertola said that if the benchmark is 3 lots, there is a huge burden on abutters and the community to mitigate details of how the project unfolds. She agreed with Mr. Fenton and is concerned about the future of the project. She said the WRC would not be present if they didn't have serious concerns. She scolded Mr. Taylor for being cavalier about the 2 versus 3 lots and said the abutters found technical arguments for 3 lots to be dismissed and several issues are still unresolved. Chris Van Lenten indicated that people make concessions to builders. She said one house here and there does impact the water quality. Steve Bjorklund said that he has done the most of the FOSD Plans in Town and think the proposed plan is being overly scrutinized. He said the Conventional Density Plan shows 3 lots and the purpose of the FOSD is to have a better plan and to protect the wetlands by moving development away from the buffer. He said the Board should just vote and let the developer do the best job he can in the FOSD.

Mr. Vogel, Mr. Pritchard, Mr. Taylor, Mr. Mercer and Chairman Limbacher all agreed to move forward with the Board's position unchanged. Chairman Limbacher indicated that the applicant could go through the highlights of the FOSD, but the Board would look for a continuance to the next meeting. Mr. Morse said the FOSD plan shows a reduced road length and reduced lot sizes. The lots are 14,000 to 25,000 sq. ft. He said the benefit is the perpetual open space. He said a small piece of the 150' buffer is in the drainage parcel. Mr. Pritchard and Mr. Vogel want none of the 150' buffer on the drainage or homeowner lots. Mr. Morse indicated they will add a stonewall or fence to demarcate the 150' buffer. He said that the orthophoto shows the proposed developed will be similar in character to the neighborhood. He said they are seeking a waiver for the road width to be reduced to 16' from 24'. He indicated that there is a reduction in land alteration and they will have a restriction in the Homeowner's Association to restrict the number of bedrooms to 4 in each dwelling to limit the nitrogen load. Mr. Morse indicated the site is accessible to transportation and



drainage patterns will be maintained with all the water going to the same tributary. He said the WRC study from 2004 recommends drywells which are being provided. He indicated that the 150' buffer area that was grass will be revegetated. He said grass areas normally have 4" of loam and will have 6" as a water conservation measure. He said the closest house is 215' to jurisdictional wetlands and that there is no Conservation Commission jurisdiction on the site. Mr. Morse said the nitrogen loading complies with the EPA standards for drinking water.

Mr. Vogel indicated that the applicant said the preservation of open space is the public benefit. He asked what open space benefits are being provided for the FOSD bylaw that are outside the area that cannot be disturbed. Mr. Morse indicated that it would be the one area that he outlined. Mr. Taylor asked if there was sewer on Country Way or could the sewer be extended to the site. The Board indicated no. Mr. Pritchard asked if they will be providing a construction plan. Mr. Morse indicated there was a full narrative. Mr. Taylor indicated that he would like to see additional public benefit.

Mr. Taylor moved to accept the applicant's request to continue the public hearings for the Definitive Subdivision Plan, Flexible Open Space Special Permit and Scenic Road/Public Shade Tree Hearing for White Ash Farm Lane at 305 Country Way until August 22, 2013 at 8:30 pm and to continue the time for action for the Definitive Subdivision Plan, Flexible Open Space Special Permit and Scenic Road/Public Shade Tree Hearing for White Ash Farm at 305 Country Way until October 18, 2013. Mr. Mercer seconded the motion. Motion was unanimously approved.

## **Old Business and New Business**

### **Documents**

- Continuance for 75 Moorland Road filed with the Town Clerk on 7/29/13
- Continuance for 305 Country Way filed with the Town Clerk on 7/29/13
- Traffic Rules and Regulations Committee Agenda for 8/6/13
- Town Planner recommendations for 8/8/13 meeting dated 8/5/13
- Email from Patrick Gallivan to Laura Harbottle containing Conservation Commission Continuance letter from Aug 5 to Aug 19 for 214 Clapp Road
- Sound test results Be Well Studios
- 3-13-13 Open Meeting Law Guide
- Deer Common Construction Report #2 dated 8-2-13 by Beals & Thomas

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 10:00 p.m. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Richard Taylor, Clerk

9-26-13

Date Approved