

**SCITUATE PLANNING BOARD    MINUTES    September 12, 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. The meeting was being audio recorded. The meeting was being recorded for airing on the local cable television station.

**Documents**

- 9/12/13 Planning Board Agenda as amended

ACCEPTANCE OF AGENDA: Mr. Mercer moved to accept the amended agenda. Mr. Pritchard seconded the motion and the vote was unanimous in favor.

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**Public Hearing and Scenic Road Public Hearing – 214 Thomas Clapp Road  
Flexible Open Space Special Permit & Definitive Subdivision Plan & Scenic Road  
Assessor's Map/Block/Lot 18/1/2  
Applicants/Owners: Fern Properties, LLC**

**Documents**

- Comment from Board of Health dated 8/16/13
- Letter from Division of Fisheries and Wildlife dated 8/22/13 NHESP File No 06-20814
- Application for Definitive Plan with Waiver list, Figures, Traffic Memorandum, Soils Explorations, Drainage Calculations, Operation & Maintenance Plan, Conventional Density Sketch Plan and Flexible Open Space Definitive Drawings 1-16 dated 7/25/13. Application for Flexible Open Space Development and Scenic Road Hearing dated 7/25/13
- Intersection Sight Distance Memorandum dated 8/16/13
- Email from DPW Town Engineer dated 9/4/13
- Comment from DPW Water Division dated 9/4/13
- Engineering Review 9-9-13 by Beals and Thomas
- SK-1 Fire Truck Turning Sketch dated 9-10-13 by MEG
- Email from Patrice Metro, 223 Clapp Road dated 9/12/13
- Email from Laura Harbottle to Karen Joseph containing 9/9/13 email from John Niland
- Email from L. Harbottle to David Anderson replying to Anderson email to her dated 9/11/13
- Comment from Traffic Rules and Regulations Committee dated 9/12/13

Chairman Limbacher opened the public hearings for the Flexible Open Space Special Permit, Definitive Subdivision Plan and Scenic Road/Public Shade Tree hearing for 214 Clapp Road. He indicated that the purpose of a Flexible Open Space Development is to preserve natural and cultural resources which contribute to the Town's history and character, to discourage development sprawl and to maximize flexibility and creativity in design of single family residences permitting greater preservation of open space. He indicated that the applicant would make a presentation, followed by

the Town's consulting engineer, followed by the Town Planner then the Board. Public input would then be sought.

Chairman Limbacher said the Flexible Open Space Development (FOSD) and Conventional Density Plan requires a 4/5 vote of the Board. He said the Board must find that the FOSD plan is superior to the Conventional Plan. He indicated that the Board had 3 pre-application meetings this spring and supported the FOSD approach with a maximum of 9 lots and almost 9 acres of open space to be permanently preserved and deeded to the Town. Chairman Limbacher indicated that no formal vote was taken as input from the Natural Heritage and Endangered Species Program (NHESP) was needed as habitat for a state listed species and a certified vernal pool are both present on the site. He noted the members hearing the application will be himself, Stephen Pritchard, Richard Taylor, Bob Vogel and Eric Mercer. He noted the correspondence received as noted in the documents above.

Matthew Watsky, the applicant's attorney, indicated he would provide a few comments before the project engineer, Deb Keller, made a presentation. Mr. Watsky said there had been some informal meetings with the Planning Board to review the FOSD concept and see if the applicant should pursue the FOSD or a conventional subdivision for this site. Both would be 9 lots with the Conventional Plan dividing the rear acreage among the lots. Mr. Watsky said that Amory Engineers reviewed the plan and indicated it met all the regulations of the Board so they were legally entitled to 9 lots. He indicated the applicant prefers the FOSD approach and is aware of the conservation land and open space surrounding the property and will convey or conservation restrict the back land as a public benefit. Mr. Watsky said the FOSD plan has the same number of lots that the applicant is legally entitled to with variable lot sizes. Mr. Watsky said that the benefits of the project include more than half, or nearly 8.9 acres, of the site will be preserved as open space. He also indicated that the existing house, or the historic homestead of Benjamin Studley owner in the 1600's, would be preserved in the FOSD Plan, but not the conventional. He said the house will be lifted off its foundation and set higher to eliminate need for a sump pump. Mr. Watsky indicated they will be integrating the existing Town open space and trails surrounding the parcel to be preserved with the proposed open space. He also said they will be making some off-site improvements to the drainage on Clapp Road including a culvert and catch basin replacement. He indicated that the FOSD Plan reduces impacts during construction, reduces impervious surface and clearing and can use Low Impact Development (LID) strategies for stormwater management.

Mr. Watsky indicated they were proceeding with wetlands' permitting. He said they will review details of the stormwater management with the Conservation Commission and focus with the Planning Board on the amount of drainage. He indicated he hopes the Conservation Commission will focus on the green side of the development including types of vegetation and enhancement of drainage. He said they have met with the Conservation Commission on August 16 and are meeting again on September 16. Mr. Watsky said the wetland resources areas have been determined by a superseding order of resource area delineation. He indicated they have a mitigation proposal to NHESP that has been deemed acceptable. He said the rear parcel to be preserved would be a large piece of the mitigation as well as a monetary payment to the Heritage Program or a fund that NHESP approves. Mr. Watsky said that their wildlife consultant, Dan Wells, will explain this to the Conservation Commission on 9/16/13. Mr. Watsky said they have received comments from the Board of Health, DPW, Fire, Police and Traffic Rules. He said the comments were favorable so far and traffic concerns were satisfied.

Ms. Keller said that the existing conditions for the 17.6 acre property included a home at the front of the property with most of the site being wooded. She said that the rear parcel of 8.9 acres will be the

project's open space and will be used for conservation land. She said the piece is greater than 50% of the parcel area. She indicated that existing drainage for the site generally flows in a south to southeast direction toward Clapp Road and incorporates drainage from offsite to the north. She indicated the project will try to improve the existing drainage in the road by collecting the water through 2 sets of 12" pipes instead of having it flow overland and flow through a negatively sloped pipe or clogged pipe. She said the 9 lot plan, with 8 new homes and the existing home, will be consistent with the Conservation Commission agreement and the site will benefit from the pocket wetland design.

Ms. Keller indicated that the proposed road will be 589 feet long which is under the 600 foot requirement in the subdivision regulations. She said the road is proposed as 20 feet wide instead of 24 feet to reduce impervious coverage and there would be drainage mitigation in the center of the cul-de-sac for a softer look. She said there will be an 18" cape cod berm on both sides of the road and a sidewalk on one side which would tie into the trails and walk to be coordinated with the Town property and Conway School study. She indicated they are seeking several waivers including margins of the sheets to comply with registry standards, use of cape cod berm throughout and the road width of 20 feet instead of 24 feet.

Ms. Keller indicated that the biggest design component of the site was drainage. She said she has tried to reduce impervious surface. She indicated that 28 acres was analyzed including some offsite area in addition to the portion of the site to be developed. She said the rear portion of the parcel was not analyzed as it will be unaltered and it is a separate watershed. She indicated the central wetland flows north to south across the property and exits to abutting properties. Mr. Watsky asked Ms. Keller to explain the 3 stormwater features designed for the property and if there would be a change in the flow path and an increase in the rate of flow. Ms. Keller said the features are in the low points of the property and follow the existing drainage paths. She indicated that proposed stormwater basin 2 flows away from the basin in the same area as the current flow. She indicated watershed areas are delineated, soils are evaluated and models are built for storm events. She said peak rates based on state regulations and volume based on local regulations is addressed for the 3 areas. She indicated the constructed wetland at the south by Clapp Road will take water that flows there now and it will be designed to comply with the Conservation Commission superseding order. The outlet will go to an improved repaired drainage system in Clapp Road so that water will go through the pipes instead of over the road. She indicated rate and volume would be controlled by an inlet control structure. Both roadway locations will have twin 12" pipes. The second ponding area by Clapp Road will be mitigation for the roadway drainage. The third is basin 2. For the proposed condition, the outer limits of the watershed are the same, but stormwater is routed through the 3 facilities.

Ms. Keller indicated that to the west at the road by the Metro/Car property, they would like to replace the pipe to correct its flow direction meeting peak rate and volume of runoff as the pocket wetland links to the road drainage. They would like to install a sediment trap at the outlet allowing sediment to settle before it goes to the wetland. This would reduce the velocity and erosion in the wetland and benefit the Town. Ms. Keller indicated DPW, Conservation Commission and the property owner's input are needed.

Mr. Watsky asked Ms. Keller to talk about the MS4. Ms. Keller said that the Town needs to treat road drainage to eliminate sediments, contaminants and road salts as a federal requirement. She indicated that at Design Point 2 – the isolated wetland, there is a reduction of volume and peak rate because the area of the watershed is reduced. She said the third point, mid to rear of the site, captures the upper portion of Lot 4-7. Water is routed through the rain garden to the basin. The

backyards flow by surface runoff and the peak rate and volume is attenuated. She said most of the site goes to the front pocket wetland. Ms. Keller indicated that in the 2 Year storm in basin 2 is infiltrated; the flow out as surface runoff is 4% of the total of the watershed or 1 cfs versus 23cfs that comes across the site. She said the 100 year storm is attenuated. Mr. Vogel said that this area of the site and the flow crossing to the abutting properties is a critical juncture in the project development.

Ms. Keller reviewed the pre and post development drainage conditions. She said that 26.55 cfs exists and is spread to the corner point where it flows off the site. This will be reduced to 23.75 cfs. She said that only .93 cfs is coming out of the basin which is a net reduction of peak rate and volume. She indicated the outlet for basin 2 has been moved into the site as much as possible to allow for overland flow like currently exists for a longer duration on the property. Ms. Keller said that 4 catch basins collect the roadway runoff in the pocket wetland and they will look to add more rain gardens to provide more infiltration. Ms. Keller reviewed the 10 DEP standards for Stormwater Management as indicated below:

1. There are no new untreated discharges. All discharges on the site are treated.
2. Peak rates of runoff for 2, 10 and 100 year storms are less than pre-development rates.
3. Groundwater recharge occurs in the rain gardens, pocket wetland and basin. Only the Basin has been counted.
4. Water Quality volume is based on an impervious area of approximately 5,000 cf. 15,000 Cf. is being treated in the basins, wetlands and rain gardens.
5. Not a redevelopment project
8. Operation and Maintenance Plan has been provided.
9. There are no illicit discharges and none are anticipated.

Ms. Keller indicated that prior to construction the Storm Water Pollution Prevention Plan and EPA General Construction Permit would be filed. She indicated that the focus for erosion control will be the south property line and Clapp Road. She said a silt sock will surround the limit of work and protect the basin areas from siltation and extraneous disturbance by the contractor. Ms. Keller said there would be 2 temporary sedimentation basins – 1 is in the forebay area of the constructed wetland and the second is up hill of basin 2. She indicated that staging areas are shown on the drawings and that the limit of work will be minimized during road construction so that lot clearing is limited to lots that have been sold. Ms. Keller indicated the Board of Health approved the plan and would like the final plans and Operation and Maintenance Plan. She said the Traffic Rules and Regulations approved the plan provided that the applicant provides a stamped plan for the site distances.

Mr. Watsky asked Ms. Keller to review site distance. Ms. Keller indicated they did an analysis along Clapp Road by looking at the posted speed and then also adding 5 mph to the posted speed. These are the AASHTO and Town requirements for site distance. She said that a vehicle waiting to exit the new road, 15' back from the road edge with a driver 3 feet up is used to figure how far down the road the driver can see. She indicated this is visually taped in the field along with areas for additional clearing for site distance. She said the proposed road clearing would be adequate for the posted and design speeds. She said there was over 250 feet of sight distance in both directions including the grade change going up to the left. She said to the right was flat. She said the Town requires 350 feet. Ms. Keller indicated that to the left 367 feet is provided and sight is lost at the bend in the road. She indicated the other direction has 470 feet of site distance.

As for other utilities, Ms. Keller said that the water line will be an internally looped 8" main with 2 hydrants whose locations were approved by fire and police at the Traffic Rules Committee meeting

on 9/10/13. Ms. Keller indicated that street lights will be located at the road entry and bend. The dark sky standard light shield will be used. She said that cable and electric will be underground. She said all the drain lines will be Class V reinforced concrete pipe instead of HDPE and she will be meeting with the DPW on site tomorrow to review the cross culverts and road drainage.

David Johnson of Beals and Thomas, the peer review engineer for the project, indicated he walked the site with Ms. Harbottle and Ms. Keller last week. He indicated they discussed the open space plan, the site drainage and the status of the NHESP. Mr. Johnson indicated that without the NHESP sign off he was concerned that the road and lot layout might change. He said that Ms. Keller indicated that they are proceeding with a mitigation plan through a financial contribution for the eastern box turtle and did not anticipate any plan changes. Mr. Pritchard asked if that was in writing. Mr. Johnson said that they had in writing that there was a take, but no mitigation commitments. Mr. Johnson said the plans are generally complete and minor housekeeping issues need to be addressed, including ADA ramps, on revised plans. He indicated that the use of LID drainage was limited on the site to the rain garden in the cul-de-sac and constructed wetland. He suggests more LID measures be incorporated into the site, particularly in the drainage easement between Lots 2 and 3 where a series of connected rain gardens could replace the closed drainage system. He indicated this would help with increased pollution and stormwater attenuation. Mr. Johnson indicated that the applicant's engineer said they would look at the issue. Mr. Johnson noted that the proposed walking trail is also located in the easement. He asked for more LID swales along the property line to attenuate runoff, particularly Lots 7 and 8. Mr. Johnson said he would like to see the right side of the road entering the subdivision kept in its natural state as a visual barrier and a vegetated buffer for drainage.

Mr. Johnson indicated that the requested waivers were nothing out of the ordinary. He said he reviewed the stormwater design assumptions and models. He said the applicant has met the requirements for peak rate of runoff and volume. He questioned the infiltration rate in the basin and indicated the applicant used a different rate, but has confirmed that the volume will work with a revised rate. He indicated that some pipes have less than 2.5 feet of cover and all the pipes should be Class V reinforced concrete pipe. Mr. Johnson reviewed the detention basin freeboard or area above the 100 year storm. He said he originally thought there was 7" where 12" is required; however, they have provided 100 year storage calling it the 100 year flood event. The calculations assume the outlet is blocked, so there is 5" above the 7" so the 12" of freeboard is obtained. He said that the wetland plantings in the rain garden are consistent with DEP requirements and he suggested limited deicing to avoid impacts to the rain garden.

Ms. Harbottle indicated that the project's public benefit starts with the open space and preserving the historical house. She said the applicant will be working with the Maxwell Trust and Conservation Commission to connect the trails from the Conway Study. She said that the vernal pools and sensitive areas will need a Conservation Management Permit from the Heritage Program. She said that before the density can be set she recommends the Board wait to hear from the Conservation Commission as they have the ability to require buffers up to 250' from vernal pools. Ms. Harbottle said she agrees with Mr. Johnson on asking the applicant to use more LID drainage as it will have a nicer appearance, be better for infiltration and the regulations call its use. She said DPW needs to be contacted about drainage in the road and its locations. She said easements and property owner permission must be obtained. Ms. Harbottle agreed with Mr. Johnson's comment about leaving the area on Lot 9 on the northerly side of the road as natural land to help preserve the streetscape. She indicated that possibly some understory planting may need to be added to create a real buffer. She favors a Landscape Plan with a Landscape Architect's stamp as required by the regulations for

buffer plantings and the other required plantings. She indicated the waiver requests are not extreme and favors the roadway width reduction as long as the structural requirements of the road are met. She said she would like to see stockpiles on the erosion control plan and how they will be handled and what erosion control will actually be used. She said she would like the sedimentation basins sized correctly.

Pat Gallivan, Conservation Agent, indicated the Conservation Commission likes the Open Space Residential Design. He indicated he agreed with Mr. Johnson on the LID. He said that it sounds like the Commission will be provided with information from the Heritage Program at their meeting. He expressed some concern about the stormwater structures on the right side of the road being in the wetland and with the culvert. He indicated that page 8 of the peer review report talk about additional soil testing. He said he was in favor of the additional testing recommended. He indicated the Conservation Commission will review each of the 10 stormwater standards in detail at a future meeting, and he would write up a summary of his concerns for the Board.

Mr. Taylor commended the presentation. He was very much in favor of rain gardens and LID. Mr. Taylor inquired what happens at the end of the trail. Ms. Keller confirmed that they are working with the Maxwell Trust to address trail connections. Mr. Pritchard asked if the trail locations would be impacted by Heritage Program requirements. Mr. Watsky said he did not anticipate a problem. Mr. Taylor indicated he liked the location of the trail by basin 2 as shown further into the property and asked if they had explored connecting basin 2 to the pocket wetland. Ms. Keller said that more of the roadway drainage goes to the pocket wetland thus the upper basin has been reduced in size and flow. Mr. Mercer had no specific questions or comments.

Mr. Vogel asked if it would be better to use granite curbing rather than berm for the areas where the road abuts the rain garden. Mr. Johnson said that spot grades are needed for verification that rain reaches the location and it may be necessary to eliminate the berm. Mr. Vogel inquired if the basins were wet or dry. Ms. Keller said the constructed wetland in the front will have 3 micro pools and the rest of the area will dry out. She said the upper basin in an infiltration basin that will drain between storms. Mr. Vogel asked how much of a buffer there is from Basin 2 to the abutter in horizontal and vertical dimensions. Ms. Keller said that there is a minimum of 20 feet to the Niland property with the distance generally 20 to 30 feet. She indicated vertically it is 4.25 feet above existing grade and 5.5 above proposed grade. He indicated a landscape plan with screening provided is critical for the project.

Mr. Pritchard inquired how the existing house remains preserved in the future. Ms. Keller and Mr. Watsky both concurred that the existing house will be renovated and preserved as a single family house; but it is not listed on the National Register of Historic Places so there is no permanent protection. Mr. Pritchard indicated he was weighing the cultural value of the project and how the integration of the open space fits with the Town. Mr. Watsky said that they have not had discussions with the Maxwell Trust yet, but will be prepared for the next meeting. Mr. Taylor asked that trail signage be included. Mr. Greene asked for clarification on the existing culvert on the right (west) side of the property going to Clapp Road. Mr. Watsky indicated it was 1/2 to 1/3 full of sediment. Chairman Limbacher inquired how long will water stand in the basin in the 100 year storm. Ms. Keller indicated that the calculations show 20 hours which is less than the required 72 hours. She said it may go up with the minor calculation adjustments needed.

John Niland of 232 Clapp Road clarified the locations of the existing watersheds and what goes into each basin with Ms. Keller. He was concerned about the flow going to the isolated wetland and was

happy that the proposed trail will be located further from his property line. He inquired about sheet flow and if the flow from Lots 4, 5, 6 and 7 go to Basin 2. He indicated that the flow to Basin 2 is increased. Ms. Keller concurred and indicated that the basin is designed to attenuate increased flows. Mr. Niland questioned the measuring point of 15' back for the sight distance as it would be hard for a car in the road to see a car that far back. Ms. Keller said that the sight distance is provided and the driveway is on the outer portion of the curve so there will be visibility.

Nancy Bartlett of 274 Clapp Road was concerned that coming around the corner, a car won't have time to stop if a car is stopped trying to go into the development's driveway. She expressed concern about displacing the wildlife such as deer and coyotes in addition to the box turtles if the lots were going to be clear cut. She said water is filtered by the trees now and it will take wildlife a long time to thrive in a new environment.

Shan Morrissey of 238 Clapp Road confirmed with Chairman Limbacher that the conventional plan has not been accepted by the Board yet. He concurred. Ms. Morrissey said that the Board previously stated in the pre-application meetings that the density of the development and rattails were a problem and did not fit with the spirit of the bylaw. She indicated that a Landscape Architect and LID drainage were very important and questioned if the drainage from Basin 2 was not discharging to a vernal pool. Ms. Keller confirmed the drainage was not discharging to the vernal pool. Ms. Morrissey expressed appreciation for the trail at the basin being located further in the site away from Mr. Niland's property.

Chairman Limbacher indicated the public hearing would need to be continued. Mr. Pritchard and Mr. Vogel inquired when they were going to hear from the Heritage Program. Ms. Keller indicated that Heritage Program said it was a take and there was no adverse impact from the proposed flexible development. Mr. Pritchard said he would like to see information from DPW and more from Heritage Program with regards to the mitigation. Mr. Watsky read from the letter from Heritage Program that the project will qualify for a Conservation Management Permit. He said the applicant will file for the permit and can expect a predictable outcome based on the letter. The Board indicated this issue will be discussed at the next meeting.

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 Benjamin Studley Farm at 214 Clapp Road until October 10, 2013 at 7:30 pm. Mr. Pritchard seconded the motion. Motion was unanimously approved.

### **Continued 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 a continuance by the applicant for the public hearing for an accessory dwelling special permit dated 9/3/13

Chairman Limbacher indicated that the applicant has asked for a continuance until October 24. He indicated that Eric Mercer has filed a Mullin Rule Certification and will be eligible to vote at the hearing. Mr. Taylor moved to accept the applicant's request to continue the Accessory Dwelling Special Permit public hearing for 37 Otis Road until October 24, 2013 at 7:30 pm. Motion was seconded by Mr. Pritchard. Motion was unanimously approved.

### **Lot 3 Greenfield Estates – 12 Salt Marsh Hill Drive – Minor Modification**

#### **Documents**

- Site Plan with setbacks prepared by OCO Architects dated 4/10/13 submitted with application for accessory dwelling
- Septic as-built by James Engineering dated 3/12/2006 for Lot 3 Salt Marsh Hill
- Excerpt from 8/26/2003 endorsed Grading plan for Greenfield Estates

Ms. Harbottle indicated that the applicant has asked for a setback waiver for the front setback as the Building Commissioner cannot issue a building permit with the current setbacks for Lot 3 as the approved accessory dwelling is in the rear setback. She indicated that he would be amenable to a waiver. Ms. Harbottle showed the plan that the Board received for the accessory dwelling which shows the front and rear yards erroneously.

Mr. Taylor moved to make a minor modification to the Flexible Open Space Development Special Permit for Greenfield Estates with respect to Lot 3 based on the following findings of fact:

1. According to Town of Scituate Assessor's records, the property known as Lot 3 – 12 Salt Marsh Hill is owned by Susan and Gregory Smith. The lot is located in the Residential R-2 zoning district.
2. A Flexible Open Space Special permit approved by the Planning Board for Greenfield Estates and filed with the Town Clerk on October 7, 2003 indicated that lot sizes and front setbacks could be varied but the side and rear setbacks would conform to zoning. A 30' rear setback for 12 Salt Marsh Hill was indicated by conventional zoning.
3. An accessory dwelling for 12 Salt Marsh Hill was approved by the Planning Board on June 27, 2013 and filed with the town Clerk on July 9, 2013. There were no appeals to the special permit which has been filed at the Plymouth County Registry of Deeds on 7/31/13.
4. The dwelling on Lot 3 is situated on the lot so that the west side of the garage abuts Salt Marsh Hill with approximately 21 feet to the front lot line at its closest point. The front of the house faces the south property line with approximately 43.53 feet setback at its closest point. The side setback to the east currently exceeds 30 feet.
5. The proposed accessory dwelling, to be located on the east side of the house, appears to fall within the 30' setback, but exceeds a distance of 20 feet to the property line as scaled from the drawing L-100 by OCO Architects dated 4/10/13.
6. The Flexible Open Space Special Permit for Greenfield Estates was modified in a decision by the Planning Board dated July 9, 2013. Support of the accessory dwelling was indicated at this meeting, with the only concern being that the height be not more than 25 feet so that views are not impacted. No concern as to the location of the dwelling and its proposed accessory structure was expressed.
7. A waiver of the rear setback from 30 to 18 feet on Lot 3 would not derogate from the intent of the flexible open space bylaw as 30 feet exists on 2 sides of the dwelling which are perceived to be its front and rear yards and over 15 feet will then exist to the areas perceived to be the side yard.

Based on the above findings of fact, the Planning Board unanimously approved to approve a minor modification to Condition 1 of the Flexible Open Space Special Permit for Greenfield Estates filed with the Town Clerk on October 7, 2003 to add the following sentence to this condition to read:



The requirement for a 30' rear setback for Lot 3 shall be waived to permit construction of an accessory dwelling, but in no case shall be less than 18'. A plot plan stamped by a Professional Land Surveyor must be provided to the Building and Planning Departments prior to obtaining a building permit.

Mr. Vogel seconded the motion. Mr. Pritchard asked for clarification on which was the front yard. Ms. Harbottle indicated the front yard was by Salt March Hill Drive and not the south property line as indicated on the plan filed with the application. Motion was unanimously approved.

Ms. Harbottle indicated that the Fall Town Meeting is likely to be November 4. Mr. Taylor asked if there would be a benefit in having the Medical marijuana bylaw would be ready for the meeting. Ms. Harbottle suggested they keep that for the spring to seek community input and the moratorium is effective until then as well. The Board decided to postpone discussion of draft goals for 2014 until the next meeting. Mr. Vogel suggested making GIS more user friendly on the website for the public. Chairman Limbacher asked Ms. Harbottle for correspondence on how the Board previously initiated appointments for the Design Review Committee.

## **Accounting**

### **Documents**

- PO # 1401347 (\$729.88), PO # 1401630 (\$557.50)

Mr. Taylor moved to approve the requisition of \$729.88 to Beals and Thomas for construction observation for July 2013 for Deer Common and for \$557.50 to Chessia Consulting Services for engineering peer review for August 2013 for 305 Country Way. Mr. Pritchard seconded the motion. Motion was unanimously approved.

**Minutes** - There were no minutes to approve.

**Liaison Reports** – None.

## **Town Planner Report**

Ms. Harbottle indicated that the Planning Department has been inundated with people asking about the new flood zones. She indicated there is a big issue with the new rates impacting home values and marketability of these homes. She indicated she is currently working on 15 Flood Elevation Grants. Ms. Harbottle said the Economic Development Commission is making good progress on their market study and there is a survey on the town web site for the Open Space Plan.

Chairman Limbacher indicated that the Board received 1 reply for a hydro geologist for 305 Country Way to define the tributary location. Horsley Whitten submitted a proposal, but the applicant is unwilling to pay the price of approximately \$5,200. He asked Ms. Harbottle if defining the tributary would be a requirement for a conventional subdivision. Ms. Harbottle indicated that the applicant's engineer said they wouldn't need it for a conventional plan. She said they mentioned 40B again. Ms. Harbottle indicated that with a 40 B zoning can be relaxed. She said DEP requirements would still apply, thus there may not be the 150 foot tributary buffer, but the 200 foot setback for a septic system would apply. She said she could try to find some other consultants to send the RFP to.

## **Old Business and New Business**

**Documents**

- Town Planner recommendations dated 9/9/13 for meeting 9/12/13
- 40 B workshop application
- Construction report #4 from Beals and Thomas for Deer Common
- Medical marijuana Bylaw draft 2 dated 9-9-13
- Revised Section 200 of the Zoning Bylaw
- Construction report #3 from Beals and Thomas for Deer Common
- Construction report #5 from Beals and Thomas for Deer Common
- ZBA Amended agenda for 9-19-13

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

10/24/13  
Date Approved