

SCITUATE PLANNING BOARD MINUTES August 14, 2014

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

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, Scituate, MA.

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

Documents

- 8/14/14 Planning Board Agenda

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

Continued Public Hearing – Definitive Subdivision Plan – 50 Country Way Assessor's Map/Block/Lot 53-5-3 and 3B Applicant/Owner: 50 Country Way Trust, C. Christopher Ford Trustee

Documents

- Revised waiver list dated 8/6/14 from Morse Engineering
- Revised Subdivision Plan and Grading and Utility Plan received 8/6/14 for discussion only
- 6/3/14 Engineering Peer Review from Chessia Consulting Services LLC
- Memorandum on Landscape Plan dated 7-29-14

Continued Public Hearing – Mixed Use Special Permit in the Village Business Overlay District - 50 Country Way Assessor's Map/Block/Lot 53-5-3 and 3B Applicant/Owner: 50 Country Way Trust, C. Christopher Ford Trustee

Documents

- Stormwater Report & Calculations for Proposed Mixed-Use Development 50 Country Way revised 7/11/14
- Revised Plan Set Sheets 1-12 w/ Cover - Sheet 1 and Grading and Utilities - Sheet 4 revised dated 7/11/14, other sheets dated 6/18/14
- 6/26/14 memo from the Water Resources Committee
- Memorandum on the Landscape Plan dated 8/5/14
- Chessia review revision 4 dated 7/16/14
- Letter dated 4/17/14 from Planning Board to Chris Ford on density and public benefit
- Email dated 7/14/14 from Laura Harbottle to Chris Ford on Historic Preservation Consultant
- Recommendations for Historic Consultant dated 7/11/14
- 8-11-14 Summary of Issues by Chessia Consulting for 50 Country Way

Greg Morse, Steve Guard and Chris Ford were present for the continued public hearing for the Definitive Subdivision Plan and Mixed Use Special Permit. Chairman Limbacher indicated he

would like the applicant to bring the Board up to date on what has happened since the last meeting and specifically with regards to the letter from the Water Resources Committee, the building preservation and discussions with Morning Glories as these items play into both decisions. Mr. Morse indicated that there has been progress on all three of those issues, a set of discussion plans have been prepared for the Definitive Plan and new plans for the Special Permit have been done and reviewed by John Chessia in mid-July.

Mr. Morse indicated that he attended a meeting of the Water Resources Committee where Chairman Limbacher and Ms. Harbottle were also in attendance. He said that the re-use of the leaching catch basins at the front end of the site was discussed. He indicated they were taking credit for the re-use of the basins as the water quality was going to be improved, less water and impervious area would be going to the basin and water would be filtered before going to the basin in the Zone A. He said that DEP and the Town Stormwater Regulations were reviewed and the Water Resource Committee agreed that the re-use of the catch basin with filters and reduction in impervious flow to the basin was preferred over tying into the Town system or reducing groundwater separation at the rear of the site. He said it is physically impossible to get the groundwater separation from the front of the site to the rear of the site due to the existing grades in Country Way.

Mr. Morse said that Jim Sandell, an architect with Carr Lynch Sandell and a mover have both said that the building could be moved. He said that the applicant will accept a condition that the building will be moved.

Mr. Morse indicated that they have met with Morning Glories with regards to the Special Permit. He indicated they are in agreement on the installation of curbing to the side and rear to create defined travel lanes. He said they are working on a legal agreement. Mr. Morse said that they have discussed the leaching catch basin with Morning Glories and it was agreed that 50 Country Way would take over operations and maintenance of the catch basin. He said that a revised parking plan on the Morning Glories property was discussed. He indicated that they tried to provide a designated drive through lane with an island and green space, a separate by-pass lane and additional parking in the rear. Mr. Morse said that Morning Glories would like two parallel spaces on the side of their building and they were concerned about loading and want a loading zone.

Chairman Limbacher read the memorandum from the Water Resource Committee. He indicated that all of the items will be addressed in a legal document between the two parties that will be provided. Ms. Harbottle indicated that John Chessia was unsure if additional stormwater can go into the Zone A. Mr. Morse said he sent a letter to DEP on this topic, but has not heard from them yet. He believes it will be acceptable as it is a redevelopment project and stormwater is not increasing. He will provide documentation when it becomes available.

Ms. Harbottle brought up the preservation of the building. She said that if it is part of the public benefit, would it be enough benefit if it was replica. She said the Board wants the building preserved and feels an objective opinion should be obtained for the feasibility of preserving it. She said she got the names of several preservation architects and forwarded them to Mr. Ford. She indicated that the applicant's team mentioned that Mr. Sandell gave an opinion; however she pointed out that he is connected with the project. Mr. Guard said that they are willing to preserve the building and will guarantee it so a study seems academic. Mr. Ford said that a building mover said it can be done as well as Mr. Sandell. He said the building will be moved and the exterior maintained while the interior will be redone. Ms. Harbottle asked about cost to accomplish the task as in the future someone could come in and ask for the condition to be waived due to cost as Mr. Ford could sell the

project and the Board is concerned about the long term final product. Mr. Guard asked why cost was relevant. Chairman Limbacher said the relocation of the building is the “hinge pin” of the project. Mr. Ford said if he runs into problems he may come back and ask for the building to remain in its location. He said only the front 1/3 of the building will remain and be a historic presence. He said that he was comfortable that this could be done. Mr. Pritchard said if they accept the condition to preserve the building, why any alternatives would be needed. He said his alternative plan would be to start over. Mr. Ford said he will preserve the building. Mr. Guard said that if an alternative plan had to be done, the Board could condition that another public another benefits would be necessary. Mr. Pritchard asked about the cost to preserve the building. Mr. Ford said the building is small at about 2500 sq. ft. and there would not be much required to bring it up to code. Chairman Limbacher said he is interested in one plan and not backups. Mr. Vogel said that the Board could say no to a waiver of the condition in the future if the building was not going to be preserved as the condition would be binding. Chairman Limbacher said the timing of the rehabilitation of the building should be up front. Mr. Ford said that he wanted to not disrupt his current tenants. Mr. Guard said that they would like to do one residential building prior to the front building. He said the Board would have some ability to leverage that. The Board discussed that if preservation is a condition of the project, the project depends on it and it does seem doable and not an undue burden on the developer. Mr. Pritchard said that the permit conditions must also reflect that the mixed use building is built.

Ms. Harbottle said that another concern of Town officials is traffic. She said that there is concern with Morning Glories and the proposed development that more congestion will occur. She said that she was concerned about two parallel parking spaces adjacent to the travel lanes as it is a little bit of a free for all now. She said any parking changes would need to be reviewed by a traffic engineer. Mr. Morse said that people now park along the fire lane for Morning Glories and they have requested the spaces. He said they have indicated that the eleven new spaces by the office building would not be restricted and the bakery customers could use them. Mr. Greene thought that if parking improvements were done to the rear of the bakery that people would be encouraged to use the proposed walk along the building to the front. Mr. Morse said that Morning Glories peak traffic times are 7-9 am and the office hours probably would be 9 am so most of the peak traffic would be gone. Mr. Ford said the residents will have left by then and there is parking behind the building as well. Mr. Guard said that the traffic engineer would probably not recommend the parallel spaces, but they committed to investigating the possibility. He thought that if the back bakery parking area was redone more cars could be accommodated and the traffic flow will be more organized. Mr. Guard said there will be signage provided to direct people to parking spaces. Chairman Limbacher was concerned that if the 11 spots up front are frequented by bakery customers, that the retail parking could be a problem. Mr. Guard indicated that Morning Glories are amenable to making things work.

Mr. Vogel was concern about the timing to make sure the mixed use building is built and if the timing would be a bondable condition. The Board concurred timing was an issue and it would be bondable. Mr. Taylor asked about the trail to be constructed as part of the public benefit on the MBTA property. He asked who would be responsible for maintenance. Mr. Morse said that he understands that the DPW has ownership of the trail maintenance and he has sent a letter to the MBTA regarding the path development and is awaiting their final approval.

Mr. Morse indicated that special permit drawings have been revised in accordance with John Chessia's July 16th letter. In response his concerns on Sections 560.2, 3 and 4 of the bylaw, Mr. Guard said that the bylaw allows for a mixed use building and separate residential buildings. He believes as long as the lot has mixed use it complies with the bylaw due to the underlying business

zoning and Village Business Overlay District. He said the bylaw could be clarified in the future and the purpose section of the Village Business Overlay District provides for the project. Ms. Harbottle said that the April 2014 Town meeting changed the wording. Mr. Guard said that Mr. Chessia focusses on it as an issue. The Board determined it was not an issue. Mr. Morse said Mr. Chessia was concerned about access to the dumpster, he confirmed a truck would need to back up for either access/egress to the dumpsters. He said it is only 120 feet and not a problem. Mr. Vogel said that most drivers are trained for this movement. Mr. Morse said that trash disposal will be internal in Building C. Mr. Pritchard was concerned about a trash truck backing up over the public path through the site.

Mr. Morse asked about the lot width issue for dwelling units. He said 100 feet is required which is obtainable from Stockbridge Road, but not Country Way. Mr. Morse said the frontage could be measured along Stockbridge Road for this project according to the Building Inspector. Chairman Limbacher said the Board has nothing in writing from the Building Inspector on this issue, but did hear him say that.

Mr. Morse brought up the leaching catch basin issue. He said the Stormwater bylaw has a definition of redevelopment and it is tied to the DEP Stormwater Standards which allow redevelopment projects. Mr. Morse said this provides the basis for re-use of the leaching catch basins and he wished Mr. Chessia was here to discuss the matter. Chairman Limbacher said he didn't think they would get this far tonight, so he directed Mr. Chessia not to be present.

Mr. Taylor moved to accept the applicant's request to continue the public hearing for the for the Definitive Subdivision Plan for Greenbush Park at 50 Country Way and Mixed Use Special Permit in the Village Business Overlay District for 50 Country Way until September 25, 2014 at 8:00 p.m. and extend the time to file for the Definitive Plan to October 31, 2014. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Public Hearing – Stormwater Permit – 12 Moorland Road
Assessor's Map/Block/Lot 64-10-3
Applicant/Owner: James Gallivan

Documents

- Stormwater Permit Application and Report dated 7/11/14 with revisions through 7/16/14, Stormwater Permit Site Plan and Stormwater Permit Plan Site Details for 12 Moorland Road, Erosion Control Site Plan and Erosion Control Details Plan 12 Moorland Road in Scituate MA dated 7/11/14 with revisions through 7/16/14 by Ross Engineering Company, Inc.
- Watershed Plan for 12 Moorland dated 5/12/14
- Transmittal to departments dated 7/17/14
- 7/16/14 BMP information 12 Moorland
- Draft decision dated 8/7/14
- Email from John Clarkeson dated 7/25/14 on 12 Moorland
- 8/5/14 memo from DPW Engineering to Planning Board

Greg Tansey of Ross Engineering was present for the applicant. He indicated that the site plan proposes disturbing more than 1,000 sq. ft. of 15% slopes and thus the Stormwater Regulations require a public hearing. He said that the Water Resource Protection District cuts through the site and slopes cannot exceed 4:1 in that district so the plan meets that performance standard. He

indicated that there will be a pea stone driveway to reduce impervious surface and there will be recharge chambers for roof runoff. He said that the Water Resource Committee and DPW Engineering had reviewed the application and were satisfied.

Ms. Harbottle said that the standards for the Water Resource Protection District have been met. She concurred that the Water Resource Committee, DPW and Planning staff had reviewed the application. Mr. Taylor asked about the removal of the existing driveway. Mr. Tansey said it will be removed near the end of the project and the calculations assumed pavement would be on site for a conservative estimate. He said access to homes on Parker Ave. comes from the driveway so it may be relocated into the roadway right of way. He indicated there was no easement for the driveway on the property. Alex Paine of 28 Moorland Road indicated that the shared driveway on the property is technically Parker Ave. He inquired about the Water Resource Protection District and confirmed that the new house will be larger and drainage structures are underground.

Mr. Taylor moved I move to approve the Stormwater Permit for 12 Moorland Road dated 7/ 11 /14 with revisions through 7/16/14 with the conditions noted below:

1. Construction shall comply with the Stormwater Permit Application and Report dated 7/11/14 with revisions through 7/16/14, Stormwater Permit Site Plan and Stormwater Permit Plan Site Details for 12 Moorland Road, Erosion Control Site Plan and Erosion Control Details Plan 12 Moorland Road in Scituate MA dated 7/11/14 with revisions through 7/16/14 by Ross Engineering Company, Inc. except as may be modified to conform to the conditions below.
2. Subsurface runoff recharge systems are proposed to provide infiltration and filtering. The drainage system results in post development runoff characteristics including peak flow, total volume and water quality equal to or less than the pre-development runoff characteristics according to the engineer's certification. 90% TSS removal is provided, the first inch of roof runoff is recharged, there is greater than 3 feet of separation to groundwater from leaching chambers, no slopes over 25% have been disturbed and no finished grade slopes over 25% are proposed in the site area in the Water Resource Protection District. The bioretention areas shall be protected from compaction during construction.
3. The applicant shall meet all of the requirements of the Building Dept., Board of Health, Conservation Commission, DPW, Fire Department and other town agencies as well as all state and federal regulations.
4. Prior to obtaining a foundation permit and any land disturbance the site shall be staked to show the house and drainage improvements shown on the plan. The Town Planner shall be notified 48 hours in advance of any permit being requested so an inspection can occur.
5. The new driveway is proposed as pervious pea stone. Any change from the proposed materials shall result in a permit modification through the Planning Board. Any and all occupants of the home should be advised of this condition
6. In order to ensure proper long term maintenance of the stormwater management

system a signed Single Family Home Homeowner's Agreement re. Operation and Maintenance of a Stormwater Management System shall be provided to the Planning Board within ten days of the approval of this permit, and prior to the issuance of a building permit.

7. The existing bituminous concrete driveway and a stabilized construction entrance shall be required and installed prior to any work on the site. The stabilized construction entrance shall be as shown on the plan and it shall be maintained throughout construction to prevent sediment from reaching the road. All erosion control and the construction sequencing and operations shall be as shown on the plan and maintained throughout construction. Additional erosion control, such as silt fence and/or haybales placed prior to a precipitation event, may be needed to prevent sediment from reaching the road, adjacent properties or downstream wetland resources during construction.
8. No on-street parking or loading or unloading of construction equipment or vehicles shall be permitted during construction.
9. Construction inspections will be provided as follows:
 - a. All inspections for the Town shall be performed by the Town Planner. All inspections shall be documented with written reports that describe compliance with the approved plan(s) and supporting application documents and construction specifications. Any variations shall be noted.
 - b. The Town Planner will be notified 48 hours prior to staking, installation of the drainage system, removal of the erosion control for removal of the existing driveway and installation of the proposed pea stone circular driveway and finish grading for the purpose of inspecting work.
 - c. The Town Planner shall be notified upon completion for an inspection to determine compliance with the conditions prior to issuing a Certificate of Completion (COC) indicating that the project has been completed in compliance with the conditions set forth in the Storm water Permit and Bylaw.
 - d. Any plan changes or changes from the proposed materials shall be submitted to the Planning Board to determine if the changes are insignificant or require a permit modification through the Planning Board. The stormwater management system approved shall not be changed without the prior written approval of the issuing authority.
10. An As-Built Plan stamped by a registered surveyor and registered professional engineer who designed the system shall be submitted to the Planning Board within thirty days of completion of the work. This plan shall include the construction conditions of the stormwater management system, grading, house and driveway. The As-Built Plan must be submitted prior to obtaining a Certificate of Completion and Certificate of Occupancy.

11. The homeowners are encouraged to use organic pesticides, herbicides and fertilizers. These may be found through the Northeast Organic Farming Association (NOFA) list of certified landscape professionals, available on the website <http://nofa.organiclandcare.net/aolcp-search> or similar. Pesticides and herbicides shall be used sparingly as directed. If professional application is used, pesticides shall be applied by a professional applicator licensed under the Massachusetts Department of Agriculture. Fertilizers, herbicides, pesticides and hazardous materials should be stored inside, on an impervious surface, in quantities no greater than necessary for household use. Where outside storage is necessary, covered containers must be used.
12. As noted in the Single Family Home Homeowner's Agreement, prior to the transfer of the property, the owner shall provide to the subsequent owner and the Planning Board an inspection report certified by a Professional Engineer as described above showing compliance with the Operation and Maintenance Plan.

Mr. Pritchard seconded the motion. Mr. Mirabito asked that in condition 4 for the words “and any land disturbance” to be removed as the existing house and foundation must be removed prior to the new construction. The Board agreed and Mr. Taylor moved to amend the motion with the words removed. Mr. Pritchard seconded the motion. Motion was unanimously approved.

**Continued Public Hearing – Accessory Dwelling Special Permit – 345 Hatherly Road
Assessor's Map/Block/Lot 28-23-1-0-R**

Applicant: Mike Ahern General Contracting

Owner: Michael and Kristen Ahern

Documents

- Accessory Dwelling Special Permit application and supporting documents
- Existing Dwelling Floor Plans for 345 Hatherly Road
- Accessory Dwelling Floor Plans for 345 Hatherly Road with photograph of proposed dwelling
- Draft 345 Hatherly Road approval with a revision

Chairman Limbacher opened the continued hearing. He indicated that Ms. Harbottle heard from the applicant today. Ms. Harbottle said that Mr. Ahern had a death in the family and would not be present, but he was amenable to the revised findings and conditions sent to him. Mr. Taylor asked if the Board was going to require the trusses in the “bonus room” as briefly discussed at the last meeting. The Board concurred that draft condition 3 addresses the situation. The Board asked for a change in wording for the deed restriction to be provided before a Certificate of Occupancy is granted. Mr. Pritchard asked that Findings 8, 10 and 11 be changed to take out the word “appears”. The Board also asked that a sentence be added that the applicant provided information that the lot coverage of the primary and accessory dwelling is approximately 5% of the lot. They asked that the sentence be placed in Finding 5 prior to the subordinate sentence so all the items would combine to make the accessory dwelling subordinate.

Mr. Taylor moved to make the following Findings of Facts concerning the accessory dwelling at 345 Hatherly Road:

1. According to Town of Scituate Assessor's records, the property at 345 Hatherly Road is owned by Michael E. and Kristen Ahern. The property is located in the Residential R-2 zoning district on a lot of 53,579 sq. ft. according to the stamped surveyed site plan.
 2. On May 13, 2014, Mike Ahern General Contracting applied for a special permit for a detached accessory dwelling on property at 345 Hatherly Road.
 3. According to the plan and Assessor's Records, the floor area of the primary dwelling is 4,368 sq. ft. The floor area of the accessory dwelling as shown on the plan is approximately 1,520 sq. ft. The floor area of the accessory dwelling will be 34.8% of the living area of the primary dwelling which is less than the 40% maximum in the bylaw. It meets the size requirements of 530.2F for accessory dwellings.
 4. The detached accessory dwelling will blend with the architectural style and be of similar materials to the existing primary dwelling.
 5. The accessory dwelling will be located behind the existing primary dwelling with a 230' front setback. The side setbacks will be approximately 32' and 34', well in excess of the 8' setbacks required in this zoning district. The applicant provided information showing the lot coverage of primary and accessory dwellings will be approximately 5% of the entire lot. The location of the accessory dwelling behind and to the side of the existing home, its size and location on the lot, smaller footprint and mass, and fewer bedrooms combine to make the accessory dwelling subordinate to the primary dwelling.
 6. The site plan and architectural drawings show the detached accessory dwelling to have a 2 car garage. Outside the garage the detached accessory dwelling has 2 parking spaces in the driveway. The primary dwelling has a separate garage and driveway for the house. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.
 7. The property is for sale. The applicant has submitted a signed, notarized statement that he will live on the property in the smaller dwelling unit (accessory dwelling) and rent out the larger one. The special permit will be recorded.
 8. The Board of Health has indicated they have no concerns about the project. The site is on town sewer.
 9. One accessory dwelling unit is contained on the lot in a detached structure. It will be a separate housekeeping unit.
 10. The detached accessory dwelling complies with all required setback, building height and yard requirements for the primary structure according to the information provided.
 11. No exterior stairs are shown on the plan.
 12. The application meets the standards of Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.
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Mr. Pritchard seconded the motion. Motion was unanimously approved.

Decision: Mr. Taylor moved to approve the Accessory Dwelling Special Permit for 345 Hatherly Road with the following conditions:

1. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department and other town agencies.
2. Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled:
 - a. Site Plan at 345 Hatherly Road Scituate, MA prepared for Michael Ahern by Spath Engineering Inc., dated 10/28/13.
 - b. As Built/Existing Conditions 345 Hatherly Road Scituate, MA by JAKKA Architecture dated May 12, 2014 sheets 3-5, First, Second and Third Floor Plans.
 - c. Proposed Home Plan for 345 Hatherly Road, Scituate, MA including a picture with specifications, elevation and main level and second level footprint.
3. The property at 345 Hatherly Road shall contain a maximum of two dwelling units, the existing dwelling and the detached accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage of the accessory dwelling shall not be increased without prior approval of the Planning Board. The number of bedrooms in the detached accessory dwelling is limited to 3 in the location and size indicated on the 2nd level plan submitted with the application and attached herein. The “bonus room” cannot ever become habitable space. All plans shall replace the label “bonus room” with “Storage Only – not to be used as habitable space.” A deed restriction shall be provided and recorded by the applicant noting the bedroom and “bonus room – storage only” conditions before a Certificate of Occupancy is granted. A full basement will not be provided.
4. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit. Any prospective buyers of the property shall be advised of this condition.
5. The Planning Board will require an on-site inspection for conformance to the approved plans and these conditions prior to a Certificate of Occupancy being issued for the accessory dwelling.
6. No on-street parking shall be permitted at any time. Construction vehicles/equipment shall not be parked, stored, loaded or unloaded in the street.
7. Pavement is limited to that shown on the site plan by Spath Engineering Inc. dated 10/28/13. The additional driveway for the accessory dwelling will be a pervious natural material and not bituminous concrete.
8. This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The owner shall provide proof of this recording to the Planning Board.

9. This Special 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 MGL Chapter 40A, Section 9.
10. Future purchasers shall be notified at the signing of purchase and sale of the requirements of Zoning Bylaw Section 530, including the requirement that they live on the site and this special permit and its conditions. The Planning Board shall be provided with an affidavit from the owners stating that they will live on the property within one week of the closing.
11. The Planning Board reserves the right to review compliance with this special permit at any time. At the request of the Planning Board, an affidavit shall be provided that either the primary or accessory unit is owner occupied.
12. At each transfer of ownership of the property, a new affidavit that the owner resides on the property shall be provided to the Planning Board.
13. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

Mr. Pritchard seconded the motion. Motion was unanimously approved.

Form A – 26 Mordecai Lincoln Road
Assessor's Map/Block/Lot: 13/2/29
Applicant: Scott R. Anderson
Owner: Scott R. & Laura J. Anderson

Documents

- Form A application and Plan of Land in the Town of Scituate, MA 26 Mordecai Lincoln Road prepared by Ross Engineering Co., Inc. dated 7/28/14
- Transmittal to departments dated 8/4/14

Chairman Limbacher said he was an abutter to intended purchaser of the land and would recuse himself.

Ms. Harbottle said that this was a transfer of land from one party to another and does not change the access or frontage of either so the plan can be endorsed.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in the Town of Scituate, MA 26 Mordecai Lincoln Road prepared by Ross Engineering Co., Inc. for applicant Scott R. and Laura J. Anderson dated 7-28-14 as the division of land is not a subdivision because it shows a change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw. Mr. Greene seconded the motion. Motion was unanimously approved 4-0 with Chairman Limbacher having recused himself.

Minutes

Mr. Taylor moved to approve the meeting minutes of 7/10/14. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Accounting

Documents

- PO # 1500622 (\$24.59), PO # 1500995(\$1,092.50), PO # 1500996(\$178.50), PO # 1500979 (\$41.80), PO # 1500997(\$209.04)

Mr. Taylor moved to approve the requisition of \$24.59 to WB Mason for office supplies, for \$1,092.50 to Chessia Consulting Services, LLC for engineering peer review on 50 Country Way Mixed Use Special Permit, for \$178.50 to Chessia Consulting Services, LLC for construction inspections on The Glen, for \$41.80 to WB Mason for office supplies and for \$209.50 to Gatehouse Media for legal advertising in the Scituate Mariner. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Town Planner Report

Ms. Harbottle reported that the Scituate Art Association would like to have Scituate Harbor designated a Cultural District. The Board asked what the Town would receive for the designation. Ms. Harbottle said that there are no restrictions. She said no money is available now, but there may be money in the future to help market the Town for tourism. She said that a final draft of the housing plan is nearly complete. Ms. Harbottle indicated that she is putting together a request for proposal for engineering peer review for the Toll Brothers future proposal. She said the Town Administrator wants all review for all departments to be from one firm. She indicated that the contracts are nearly all signed for Merrill and Environmental Partners to be on board with Chessia and Amory for peer review engineers.

Ms. Harbottle said that there is a change of heart from the applicant on 305 Country Way about where his is going with the approved subdivision. She said that a building permit has been requested for one house in the location of the farthest house from the road. Ms. Harbottle expressed concern about the stormwater as the location was near the tributary to the water supply. She said how stormwater is being handled should be on a plan. She told the Board she did not sign off on the Building Permit for that reason. Mr. Vogel said he believes the applicant intends to build the subdivision, but just needs a head start as his daughter needs a house. He indicated that it would be all one lot until the Special Permit was recorded. Mr. Pritchard thought that it was subverting the idea of the Subdivision Control Law. Mr. Vogel said that there would be frontage on Country Way. Ms. Harbottle reiterated her concern with stormwater as the site is in the Water Resource Protection District where 90% TSS is required along with several other requirements. She said that she believes there should be a bond put up for the road and a lot release then given. Chairman Limbacher said he would look into the matter.

Ms. Harbottle said that The Riverway developer has been contacted and asked to come in on September 25 to explain conformance to the special permit.

Mr. Taylor requested that Board members drive through some of the subdivisions like Tilden Estates to review the no granite curb/granite curb appearances.

Old Business and New Business

Documents

- Staff report for 8/14/14

- Memo and contract for EDC Phase III (zoning recommendations)

These items were distributed to the Board electronically.

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

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk

8-28-14
Date Approved