

Scituate Planning Board, June 14, 2012

TOWN OF SCITUATE MASSACHUSETTS

SCITUATE PLANNING BOARD

MINUTES

June 14, 2012

Members Present: Mr. William Limbacher, Chairman, Eric Mercer, Robert Vogel and Richard Taylor.

Members Absent: Daniel Monger.

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

Mr. Limbacher called the meeting to order at 7:30PM. He announced the meeting was being audio recorded and asked if there were any other recordings being taken. The meeting was being taped for broadcasting on the local cable television channel.

Documents

6/14/12 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chairman Limbacher asked for a motion to approve the agenda. Mr. Taylor moved to accept the agenda. Mr. Mercer seconded the motion and the vote was unanimous in favor.

Informal Discussion, 50 Country Way, Proposed Mixed Use Development

Assessor's Map/Block/Lot

Applicant/Owner: Chris Ford

Documents

50 Country Way Mixed-Use Development Draft for Design Review 5/30/12 consisting of 7 plan sheets

Transmittal to town departments from Laura Harbottle dated 5/21/12

Comment from Director of Public Health dated 5/22/12

Portions of a feasibility study entitled Suburban TOD Feasibility Analysis & Design by Paul Ford dated Dec 2010 submitted for Doctor of Architecture at University of Hawaii

6/9/12 letter from Mike McGowan on Design Review Committee comments for informal review of the 50 Country Way proposal

Easement deed recorded Oct 4, 2001

Easement Plan dated 10/3/2001

Access easement dated 10/3/2001

50 Country Way Mixed-Use Development proposal colored drawings consisting of 7 plan sheets received at the 5-30-12 Design Review Committee meeting

DCR meeting notes from 5-30-12

8 ½ by 11 fact sheet and rendering handed out at meeting by Morse Engineering

Chairman Limbacher opened the discussion about 50 Country Way Proposed Mixed Use Development by indicating it was an informal discussion. There has been no formal submittal to the Planning Board. There has also been a question raised about the zoning bylaw on the Village Business Overlay District (VBOD). This aspect will not be talked about tonight. The Planning Board will work with the Zoning Enforcement Officer on the interpretation. Chairman Limbacher would like to talk around the zoning issue and see how it fits into the existing bylaw.

Chris Ford was present along with his engineer, Greg Morse; his Architect; Paul Ford; and his Architectural Advisor, Herb Kuendig.

Mr. Ford indicated that he has owned the site for 20 years. It is next door to Morning Glories. This is the third time he has been before the Planning Board since 2007 and this is where he wants to be as the developer. This proposal has a modest retail component and preserves the historic building. The historic building is approximately 130 years old and requires much maintenance, but the Town values the building so it will be made into a showplace. There will be retail in the front and in the back for at least 4 commercial spaces. There will be 25 new residential units to augment the existing 5 for a total of 30 residential units.

Greg Morse passed around for the audience a fact sheet and small site plan. He indicated that the site is 61,391 sf or approximately 1 ½ acres and is all upland. It is zoned business and is also in the VBOD for Greenbush. The existing building has 5 rental units with parking in the front and back. There is municipal water and sewer to the site. The property is "L" shaped with Morning Glories, Reynolds store and the commuter rail surrounding the site.

The proposal will be phased and take into account the VBOD Overlay District. Phase I will be the 1 story commercial building at the front – approximately 1783 sf. Phase II will be the residential building "B" with 6 - 1 bedroom and 4 - 2 bedroom apartments. Phase III will be the mixed use commercial (approx. 2363 sf) and residential with 2 studio, 11 - 1 bedroom and 2-2 bedroom apartments. Public water and sewer will be extended to the site. The water will be looped internally or offsite. 57 parking spaces are proposed. 49-56 spaces are required. There will be landscaping in the parking area with no more than 8 spaces in a row without a landscaped island. The drainage will all be subsurface under the parking lot as the soil is good for infiltration. The site is mostly flat with a slope up to the "T" tracks at the rear of the site.

The entrance will be upgraded. It is shared with Morning Glories. Mr. Ford has an access and utility easement over the entrance. A traffic engineer has been engaged to ensure public safety at the entrance as it is near several major thoroughfares. A public benefit will be to improve the public walkway system by bringing it onto the site. The site has 29% open space which is above the 20% required. It is hoped that a formal proposal can be submitted in 1 to 3 months time. Hopefully zoning and traffic can be addressed by then. Mr. Morse indicated that the applicant is willing to work with the town.

Chairman Limbacher reiterated to the audience that the Board does not have an application in front of them. This meeting today is an informal discussion due to the complexity and density of the project so that input can be received by everyone.

Town Planner, Laura Harbottle, indicated that sewerage of the project will be required. The proposal has been reviewed for the 4th time by the Design Review Committee and has been forwarded to Department heads for review. The Town sees that some type of development will happen on this site. The site is in the Water Resource Protection District and will require a higher standard for drainage suspended solid removal. Ms. Harbottle indicated that the VBOD bylaw is intended for mixed use. This proposal is somewhat out of the intent as it only has 1 proposed building that is truly mixed use. The Board may want to address that point. She indicated that there is a zoning issue that is unresolved and would recommend that an application not be formally filed until the issue is resolved.

Ms. Harbottle indicated that the architecture of the project has improved significantly and there are standards for architecture in the bylaw. There are standards for roof pitch that maintain the traditional feel of the town. The Board may want to follow up on the issue. She indicated that the density base without public benefits is 24 residential units. With a meaningful public benefit, the density on the site can go up to 30 units. She indicated that looping the water is good, but required. The public benefit may need to be increased to something the Town really wants.

Ms. Harbottle indicated she was glad to hear a traffic engineer will be on board. Morning Glories and this property share an entry with Mr. Ford's property having an access easement. She said the owners need to talk to make sure parking will work and that the pavement on the Morning Glories site must be shown.

Consideration must be given to the access and the how the drive through fits in and the full picture must be shown.

Laura DeLong of the Design Review Committee indicated they met with Mr. Ford. This new design is a vast improvement for Scituate. She inquired about a suggested perspective from Stockbridge Road which was indicated to be present. In the next steps going forward, The Design Review Committee will focus on refining issues already identified as well as color, lighting, architectural details etc.

Chris Ford indicated that the benefits they are proposing in exchange for additional units are 120 feet of a lighted paved walkway through the site; retaining the existing historic building – the small retail building in front won't block the existing building and it is an economic sacrifice; there will be 30 units of low density housing with studio, 1 bedroom and 2 bedroom apartments; and they will all be rental units versus condominium so that they can count toward the Town's 10% goal. Mr. Ford thinks this is a wise economic decision for the Town.

Chairman Limbacher indicated that the Board will not make any decisions about public benefits at this point. The Board is very interested in neighbor comments.

Cathy O'Leary indicated she has worked at Morning Glories for 20 years. She indicated they were not informed about this meeting. She said Mr. Tacaes is an integral part of the loop as owner of Morning Glories and he has not been involved to date. She believes the set up of the site will choke the bakery parking. She can't see shared parking as usually a tenant has a space with a rental unit. She indicated that the bakery suffered due to the "T". There was a lack of business due to construction and the construction of the sewer lines in Country Way impacted business as well. The proposed set up of the site will cause flow problems for the customers of the bakery. If customers cannot get to the parking they will drive by. She indicated that she spoke with Deputy Fire Chief Murphy who indicated there is enough space for 2 vehicles to be side by side, but is concerned about the drive though as it is an essential part of the business. She was concerned for the safety of bakery customers if they had to park in the rear and walk to the front with 2 way traffic. She believes the efficiency, safety and the bakery parking will be compromised and the customers will go elsewhere.

Todd Williams of 45 Country Way indicated he lives across the street from the bakery. Last Sunday he counted 300 cars between 7 am and 1 pm. He thinks a parking analysis, traffic study and peak hour study needs to be done. He is not in favor of the density being above 24. He thinks the proposed development will put Morning Glories out of business.

Chick Fagan of 60 Country Way is concerned about the Phase I building and parking where cars are backing out into the drive. He thought if Phase I doesn't work the others will have real problems.

Chris Ford indicated that he made an unsuccessful attempt to contact Morning Glories. He thought that notices were going to be sent to people. He indicated there will be no assigned parking and the residents will be gone all day so that there should be plenty of parking for the bakery. He indicated he will have Greg Morse meet with the owner of Morning Glories, Elcio Tacaes. Mr. Ford will discourage his people from using the drive through and the traffic study will include the drive through at his expense. Mr. Ford believes 24 new units and construction workers from the development will provide more customers for Morning Glories. Mr. Ford indicated construction will not be disruptive to Morning Glories. He will move the parking first so it will be mutually beneficial.

Chairman Limbacher asked for additional public comment. Elcio Tacaes, of Morning Glories, indicated that there is no guarantee the residents won't leave their cars and take the train to work. There would be no guarantee that the lot won't be filled and that parking will be available during the day. Renters can still park their cars there in the day.

Mr. Taylor praised Morning Glories for its offerings and unique business.

Cathy O'Leary indicated that history has shown that business for the bakery will be lost during construction. Customers did come back, but it will be hard for the business to overcome another slump if construction hinders access to the bakery.

Mr. Taylor indicated he agrees with the Design Review Committee comments and likes the balconies. He likes the retail component out front. He is concerned about the parking between the mixed use building and the existing residential building being dead ended. It is hard to back out then turn around and find another space. He likes that the historic structure will be preserved. This iteration is better than the others, but there still are many issues to resolve.

Mr. Vogel agreed with Mr. Taylor. He indicated that it seems like the commercial space might want to go into the existing building so that parking doesn't penetrate the residential area. A courtyard could connect the areas. He concurs and sympathizes with Morning Glories and would require their circulation shown on the plan. He would like the existing and post development number of spaces shown for Morning Glories and the requirements per zoning. He concurs with the Town Planner that to build to a density of 30 there will need to be substantial public benefit that he isn't seeing at this point. He believes more public benefit is required. He indicated that landscaping and plant material will be important and a detailed landscape plan will be required. He agreed that this iteration is a huge improvement, but it needs to be done right and that will take time, energy and money.

Mr. Mercer echos everything that has been mentioned so far. He is a fan of Morning Glories and a fan of affordable rental housing for younger families. He questioned if there was a gap with providing mostly 1 bedroom units. He questioned why there were no three bedroom apartments. Mr. Ford indicated that there was a market study done and it showed a need for 1 bedroom apartments. It was strictly an economic decision to go with the mix shown and that they thought there were 3 bedroom homes to rent in the area.

Chairman Limbacher expressed his concerns. The first was access. He is very concerned with backing out with 2 points of conflict, the access drive and Country Way. He wants the entire site looked at with a traffic study and Morning Glories should not be negatively impacted. He is concerned about the traffic circulation on site and thinks that the commercial in front and the residential in the rear may be appropriate. His second point of concern is the size and scope. Coming down from Stockbridge this proposal would be 8 feet taller than Chick Fagan's barn. He views this as a negative response. His third concern is benefit to the Town is key to getting additional units. Cost is not a benefit. The fourth concern is mixed use. The intent of the overlay bylaw was to have an integrated use of commercial and residential. His final concern is that the neighbors be consulted and have input and their issues resolved prior to an application being filed. Chairman Limbacher also wanted it noted that he was not sure what impact the changes to the 40 B on Stockbridge Road would have on the need for apartments as Stockbridge Rd is looking to change to more rental apartments.

Chairman Limbacher indicated that when an official application is filed there will be public notification. Public notification is not required for an informal discussion, but if emails are left the Planning Board office will try to notify you.

Mr. Vogel indicated to the audience that something will be built on this site as nothing stays the same. It needs to be the right type of development. Mr. Taylor echoed the sentiment by indicating there is synergy in working together.

Chris Ford indicated he will get people together to discuss the proposal and he will buy the coffee at Morning Glories. He will take all the input received under advisement. He indicated he is not an outside developer, but their neighbor. Chairman Limbacher indicated that in all likelihood the earliest that the zoning will be addressed is the annual town meeting in the spring. It is not known if there will be a special town meeting this fall.

Steve Bjorklund indicated that the past few subdivisions he worked on, he collected abutters' emails and notified them by web blasts. He urged Chris Ford to do this as well.

Special Permit – Accessory Dwelling Unit – 8 Claymore Terrace
Assessor's Map/Block/Lot 45/2/48
Applicant/Owner: Joan Wilson

Documents

Application and supporting documents for Special Permit for an Accessory Dwelling Unit with transmittal to departments dated 5/15/12

Memo from Director of Public Health dated 4/17 /12

Water Dept comment from Jim DeBarros

Joan Wilson was present. She indicated that she would like to convert the garage in back of her land to an accessory dwelling.

Town Planner, Laura Harbottle indicated that it is a small structure of less than 600 sq ft. She indicated that Joan has signed an affidavit that she will live there. Ms. Harbottle indicated there is a fence between the paved driveway and gravel parking area to the rear by the accessory dwelling. She indicated that there could be a condition that if more parking was needed there could be a connection between the paved and unpaved driveway portions. Ms. Wilson indicated it was for her dog. Mr. Vogel asked about emergency access. Ms. Harbottle indicated that if the Fire Department needed to get there, they would knock down the fence. Ms. Harbottle indicated that the proposed accessory dwelling was a separate building and met all the required setbacks. She indicated that everyone within 300 feet was notified as it is a formal special permit.

Ms. Harbottle also indicated that several people had been in inquiring about the sewer connection and where it would be. She said that Ms. Wilson had previously indicated that there had been an emergency connection to the sewer. Ms. Harbottle indicated that this connection is not on the formal sewer map. Ms. Wilson indicated that she had talked with Al Bangert who had no issues. The Planning Board indicated that the sewer was not their issue, but that they can require that the sewer connection must meet all DPW requirements.

Mr. Taylor had no questions. Mr. Vogel indicated that the sewer issue was no different than adding a master bedroom suite to a main house. Mr. Limbacher indicated that Ms. Wilson is moving one bedroom from the main house to the accessory dwelling. Mr. Mercer had no issues.

Bill Sullivan of 11 Claymore Terrace, which is across the street, said sewer is near and dear to his heart. He said there are three single spaghetti pipes from his house, Joan's house and the house by Beaver Dam that go a common connection on Beaver Dam and then to the Town sewer at Hazel Ave. His concern is that there are three pumps – 3 environmental one pumps- if there needs to be additional capacity then the pumps will need to be re-engineered. If they can connect into the existing pump and the capacity is there, then he is fine with the project. If not then, there is an issue.

He also asked about the affidavit. Ms. Harbottle indicated that one of the requirements is that the owner of the property must live in one of the units and the Planning Board obtains an affidavit from the owner to make sure this will happen. She indicated that both units cannot be rented and it is transferable. The speakers concern was that it is a quiet cul de sac that he has lived on for 50 years and he's not sure why the housing density needs to be increased.

Mr. Bertien Westerveld of 12 Harborview was also concerned about the sewerage. He also wanted to know what happens when the property is divided.

Chairman Limbacher indicated that the property cannot be divided. It is one property with a primary dwelling and the footprint is what is there now and that will become the accessory dwelling unit.

Town Planner, Laura Harbottle, indicated that it may make sense to send DPW a memo. All concurred that the Building Inspector will not be able to issue a permit if the sewer won't work.

Mr. Taylor moved to make the following findings of fact for the Accessory Dwelling Special Permit:

On May 11, 2012, the applicant/owner of the property applied for a special permit for an accessory dwelling.

The plans submitted with the application are entitled Floor Plans of Carriage House for Wilson 8 Claymore Terrace dated 5/11/12 and Existing Conditions Plan Showing House location prepared by Morse Engineering Co., Inc. dated 4/9/12.

The property is located in the Residential R-3 zoning district. The side setback is 11.4' and the rear setback is 20.9'. The carriage house complies with all setbacks, building height and yard requirements for a single family house in that district.

The plan shows a proposed accessory dwelling of no greater floor area than 600 sq. ft.

The site plan by Morse Engineering Co. and Surveying, Inc. shows an existing paved driveway. There is also a gravel driveway separated by a fence from the paved driveway which could be easily connected to it. This would provide ample parking for both dwelling units.

The applicant has submitted a signed, notarized statement that she will live at 8 Claymore Terrace.

The application meets the standards of Scituate Zoning Bylaw Section 530 for an Accessory Dwelling Special Permit.

Motion was seconded by Mr. Mercer. Motion was unanimously approved.

Decision: Mr. Vogel moved to approve the Accessory Dwelling Special Permit for 8 Claymore Terrace with the following conditions:

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.

The property at 8 Claymore Terrace shall contain a maximum of two dwelling units, the existing dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage shall not be increased without prior approval of the Planning Board.

The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.

Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Floor Plans of Carriage House and House for Wilson: 8 Claymore Terrace dated 5/11/12 and Existing Conditions Plan Showing House location prepared by Morse Engineering Co, Inc. dated 4/9/12.

Connection to sewer shall be per DPW regulations.

No on-street parking shall be permitted. If additional parking is required, the applicant shall provide a connection between the existing paved and gravel parking areas.

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.

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.

Motion was seconded by Mr. Mercer. Motion was unanimously approved.

Request to reduce surety for Tilden Estates subdivision from \$162,000 to \$102,388
Assessor's Map/Block/Lot 44-2-13 & 14

Applicant/Owner: Tilden Woods LLC Approved: June 9, 2011

Documents

Letter dated 6/4/12 from Mike Hayes to reduce surety by \$34,240

Cost to Complete estimate from Amory dated 6/7/12

Letter dated 6/7/12 from Mike Hayes to reduce surety to \$102,388

Steve Bjorklund was present for the applicant. He indicated he was looking to reduce to reduce surety to what the engineer recommended.

Town Planner, Laura Harbottle, indicated that she had been to the site and concurred with the engineer's recommendations.

Mr. Mercer moved to approve a reduction in the amount of surety being held by the Planning Board for completion of the Tilden Estates Subdivision from \$162,000 to \$102,338 as the underground electric/telephone/CATV conduits have been installed, the BMP swale along the rear of Lots 12-15 has been constructed and is in use, and the trash racks have been installed on the headwalls and the reduction is consistent with the engineer's recommendations. Mr. Vogel seconded the motion. Motion was unanimously approved.

Extend deadline for construction for The Glen in the Planning Board Covenant from 8/13/2012 to 8/13/2014

Documents

Letter dated 5/18/2012 from Beals and Thomas for applicant The Hennessey 1998 Nominee Trust asking for covenant extension to 8/13/14

Mary-Ann Bailey was present for the applicant. She indicated that the covenant was due to expire in August. She would like to extend the deadline.

Town Planner, Laura Harbottle, indicated that there is a lot of work to do on the site and the deadline will not work. Extending the deadline fits in with the Permit Extension Act of 2010.

Mr. Taylor moved to approve the extension of time for completion of road and water infrastructure in the Definitive Plan Covenant for The Glenn from August 13, 2012 to August 13, 2014 as it has been infeasible for the applicant to meet the timeframe. Mr. Vogel seconded the motion. Motion was unanimously approved.

Minutes

Mr. Taylor moved to approve the May 24, 2012 meeting minutes. Mr. Vogel seconded the motion. Motion was approved unanimously.

Accounting

Documents

P.O. # 12007264 (\$78.38), P.O. # 12007324(\$49.24), P.R. # 12008096(\$ 108.54), P.O. # 12007549(\$54.40), P.O. # 12007550(\$294.52), P.R. # 12008264(\$441.25)

Mr. Taylor moved to approve the requisitions of \$78.38 and \$49.24 to WB Mason for office supplies, for \$108.54 to Community Newspaper Co for legal advertising for 8 Claymore Terrace, for \$54.40 for Laura Harbottle for mileage for May – June 2012, for \$294.52 for Laura Harbottle for hotel expenses for the MAPD conference and for \$441.25 for Amory Engineers for Zoning Map Update Services. Mr. Vogel seconded the motion. Motion was unanimously approved.

Town Planner Report

Ms. Harbottle indicated that she met with Barry Kempard of MAPC who would like the Town to identify areas

where development and preservation should occur. He will be coming to a meeting in August or September to discuss this matter. She also indicated that she is working on a grant application for the Higgins-McAlister property. An issue with the walkway from Kimberly Road to Pyramid Lane has been raised by an abutter. The walkway was installed as part of the Kimberly Road Subdivision which the Planning Board is still holding surety on. Ms. Harbottle indicated she has been unable to resolve the situation with the developer and most recently has been unable to contact him. The Board may need to go after the surety.

She indicated that the Planning Staff are exploring some options for Scenic Road signs for the Town of Scituate. This may be able to be put into a signage package that the Town Administrator is putting together for the CPC. The Board would like to see a coordinated color for all the signs.

Modifications to the Comprehensive Permit for Stockbridge Woods are before the Design Review Committee on June 20 and before the ZBA on June 21. The Selectmen's Public Facilities Master Plan meeting is June 18. Chairman Limbacher indicated the Board will wait a bit on filling the Alternate Board Member's seat. There was a brief discussion on the Riverway's condominiums and the schedule for constructing a walk and other improvements that were part of their permit. It was decided the Board should send a letter asking for a response.

Mr. Vogel moved to adjourn the meeting at 9:05 pm. Mr. Mercer seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor
Clerk