

## **Scituate Planning Board, April 18, 2013**

### **SCITUATE PLANNING BOARD**

#### **MINUTES**

April 18, 2013

Members Present: William Limbacher, Chairman; Daniel Monger, Vice Chairman; Robert Vogel and Stephen Pritchard, Alternate Member.

Members Absent: Richard Taylor and Eric Mercer.

Others Present: Ms. Laura Harbottle, Town Planner.

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

Location of meeting: WPA Building, 7 Henry Turner Bailey Road, Scituate.

Chairman Limbacher called the meeting to order at 7:40 P.M.

#### **Documents**

- 4/18/13 Planning Board Agenda

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

Public Meeting – Common Driveway Administrative Review – 543 & 543R Country Way

Assessor's Map/Block/Lot 26/2/6 & 26/2/6B

Applicant/Owner: Silas Peirce Realty Trust

#### **Documents**

- Transmittal to Town Depts. on Common Drive
- Application and supporting materials for Common Driveway Site Plan Administrative Review
- Letter from Fire Chief dated 4-10-13
- Letter from Historical Society dated 4-11-13
- Common Driveway Agreement dated 4/16/13
- Letter from Water Division dated 4/16/13
- Revised plan dated 4/18/13
- Peer review engineer, Amory Engineers, P.C. letters dated 4/9/13 and 4/17/13

Frank Snow and Janet Bristol were present for the applicant. Mr. Snow showed some historic photographs of the house to the Board. He indicated that in keeping with the nature of the house, he thought one driveway would be better for the location and thus is seeking a common driveway. Mr. Snow indicated there is an existing stone wall adjacent to Country Way that he is protecting. The proposed access will be in the current driveway location which slopes toward Country Way. Mr. Snow indicated there will be a couple of drainage basins on the south side of the driveway for drainage purposes. He indicated that the drainage calculations were prepared by Barbara Thissell with surveying services by mr Surveying, Inc.

Mr. Snow indicated that he hasn't located where the house on the back lot will be. The plan shows a hammerhead turnaround for a fire truck. Mr. Snow indicated he will go back to the Fire Chief and Town Planner when he finalizes the location of the hammerhead based on the future house location. He indicated that the easement area includes the two drainage basins.

Mr. Vogel indicated that all the engineering points seem to be satisfied. Mr. Snow indicated the hill of the site has a lot of coarse gravel and sand and is good for septic systems. Mr. Vogel indicated he would like to

see a small hammerhead area for the first house so that there is room to back up and then drive forward down the drive to Country Way. Mr. Vogel indicated that backing out to Country Way could be a problem. Mr. Snow had no problem with that and asked if the driveway could be kept in the base coarse condition until the second home was completed. He indicated that the base may be a bit thicker in the end. Ms. Harbottle indicated that it could be and inspections would be required during the construction. She also indicated the Board would hold some money to make sure the project was built and cleaned up per the plans. Mr. Vogel concurred with the arrangements.

Ms. Harbottle indicated that the plan was straight-forward and it was better for the Town to have one driveway to Country Way which carries much traffic. She indicated that Pat Brennan of Amory Engineers reviewed the plan and asked for a couple of administrative changes. She indicated that the Fire Department has reviewed the plan and is happy and the Historical Society is happy too. Mr. Snow indicated that the Historical Society and Commission have both been involved with the project since its beginning.

Mr. Pritchard moved to approve the Site Plan Administrative Review for a Common Driveway for 543 and 543 R Country Way for Silas Peirce Realty Trust with the following conditions:

1. Construction shall comply with a plan entitled Proposed Common Driveway Plan at 543 Country Way prepared by mr Surveying, Inc. for survey services and by Barbara J Thissell for engineering services, dated March 25, 2013 with revisions through April 18, 2013, except as they may be modified to meet the conditions below.
2. The applicant shall meet all the requirements of the Building Department, Board of Health, Conservation Commission, DPW, Fire Department and other town agencies as well as all state and federal regulations.
3. The water quality basin and grass-lined swale shall be constructed and fully vegetated before stormwater is directed toward them (i.e. before driveway paving).
4. The water quality basin shall be seeded with New England Wetmix by New England Wetland Plants, Inc., or equal.
5. A pre-construction conference will be required including the Planning Board's consulting engineer, the site contractor and Town Planner.
6. Prior to scheduling the pre-construction conference, a plan for erosion control during construction, including access for vehicles and staging areas, shall be submitted to the Planning Board. A crushed stone construction entrance shall be required and maintained throughout construction to prevent sediment from reaching the road. The Town Planner shall be notified when erosion control measures are in place.
7. Prior to scheduling the pre-construction conference, a schedule of construction activities shall be given to the Town Planner. The Town Planner is to be notified when construction begins and when construction is completed.
8. Inspections will be required for staking of limits of drainage basins and roadway limits prior to clearing and grubbing; grading of drainage basins; placement and compaction of gravel subbase; placement of base/binder; and placement of the top course of the common driveway.
9. Prior to the pre-construction conference, the applicant shall provide funds to cover the cost of inspections and attendance at the pre-construction conference by the Town's consulting engineer.
10. The applicant will provide a deposit of \$5,000 prior to the pre-construction conference to guarantee initial maintenance of the drainage basin and cleanup of the site.
11. There shall be no parking or idling of vehicles on Country Way during construction.
12. A copy of the Operation & Maintenance Plan for the stormwater management system will be provided to realtors marketing the lots shown on the plan with the intent to insure prospective purchasers of both homes receive information on maintenance responsibilities prior to purchase. The Stormwater system shall be maintained in good condition in accordance with the approved plans and calculations.
13. If the plan must be modified, it shall be submitted to the Planning Board for a determination of a need for permit modification.
14. The application has been reviewed for compliance to the Town of Scituate Stormwater Bylaw and Regulations. The Board finds that the application and plans reflect that the proposed drainage system can be expected to result in post-development rate of runoff being less than or equal to pre-development rate of runoff for the 2, 10, and 100 year 24 hours events as the engineer has stamped and certified.

15. The Board is to be notified upon completion of construction. As built plans depicting the construction conditions of the common driveway, its utilities and stormwater facilities are required to ensure construction conforms to the approved plans.

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

Lot Release from first covenant dated 7/12/11 – 6 Evangeline Drive

#### Documents

- Draft Lot Release from Ronald J. Smith for Lot 2, 6 Evangeline Drive dated 3/26/13

Town Planner, Laura Harbottle, indicated that an attorney doing the closing for Lot 2, 6 Evangeline Drive would like a lot release from the first covenant for Tilden Estates. The first covenant was with the original owner before Mr. Bjorklund and Mr. Winchester officially acquired the property. After they acquired the property there was a second covenant which has been released in exchange for cash surety to complete the road improvements. Mr. Monger moved to accept Attorney Ronald J. Smith's LLC request to Release Lot 2 on Plan 294 of 2011 in Plan Book 56 Page 743 of the Tilden Estates Subdivision approved by the Board on 6/10/11 with revisions dated 6/20/11 from the covenant dated 7/12/11 recorded in the Plymouth County Registry of Deeds Book 40135 Page 331 as the applicant provided the Planning Board with surety as provided in Mass. General Laws, Section 81U.

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

#### Annual Town Meeting Follow up Discussion

The Board indicated they were pleased that the medical marijuana moratorium and the minor change to the Flexible Open Space bylaw passed. The Board surmised that the Accessory Dwelling bylaw did not pass due to concerns over the annual certification process and changes to the size requirement. Mr. Monger said that the annual certification can be softened, but he believes much bigger than 750 feet is not really an apartment but a house. Mr. Monger feels that in areas of town like Sand Hills and other areas where lot sizes are smaller, accessory dwellings should be smaller. Ms. Harbottle indicated that the Board looked at lot coverage a few years ago and the people didn't want it as they were afraid of loss of property rights. Mr. Monger indicated that a power point presentation might have been helpful to show the Board's ideas.

Chairman Limbacher felt that there seemed to be a negative sense for town meeting overall. Ms. Harbottle indicated that a transfer of an accessory dwelling could be handled in the special permit's conditions. Chairman Limbacher indicated the affordability portions of the accessory dwelling bylaw can remain as is.

The Board as a whole indicated they were surprised by the Village Business Overlay District frontage bylaw change being voted down when there was no discussion from the floor on the matter and the selectmen had voted to support the bylaw change. Chairman Limbacher indicated that frontage remains a concern in Greenbush. Ms. Harbottle indicated that she has had conversations with some interested parties about expanding the Village Business Overlay District to the south side of Driftway and would like the Board to think about the concept.

The Board briefly discussed the wind turbine. The Board indicated that a noise study was required and the Board basically adopted the state model bylaw which Town Meeting approved several years ago. Mr. Pritchard asked if flicker requirements were in the Special Permit. Mr. Monger indicated they were not as there were no national flicker standards.

#### Old Business and New Business

#### Documents

- Background and staff recommendations dated 4/12/13 for the meeting on 4/18/13
- ZBA notification of meeting for Special Permit for request to dredge in the South River
- Complaint regarding uses 17 New Driftway – letter to Mr. Burwick

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 8:52 pm. Mr. Monger seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Richard Taylor, Clerk