

Scituate Planning Board, May 23, 2013

TOWN OF SCITUATE MASSACHUSETTS

SCITUATE PLANNING BOARD

MINUTES

May 23, 2013

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

Members Absent: Robert Greene, Alternate Member.

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. He announced the meeting was being audio recorded and asked if there were any other recordings being taken. The meeting was being recorded for airing on the local cable television station.

Documents

- 5/23/13 Planning Board Agenda

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

Continued Public Hearing – Flexible Open Space Special Permit & Definitive Subdivision Plan – 305 Country Way

Assessor's Map/Block/Lot 37/2/2 & 37-8-13R

Applicant/Owner: Douglass Sheerin & Kristen deGaravilla

Documents

- Revised waiver list from Morse Engineering dated 3/25/13
- Chessia Consulting Services LLC 5/15/13 Engineering Review Letter
- List of Comments Received dated 5/16/13
- Water Resources Committee letter 5/14/13
- Traffic Rules Comment 3/13/13 and Water Dept Comment 4/16/13
- Comment from Lisa Bertola, Sustainable Scituate dated 5/15/13 w WRC Map 3/8/07
- Comment from Lance Van Lenten dated 5/17/13
- Background/Staff Recommendations by L. Harbottle for 5/23/13 Planning Board meeting
- Email from Karen Joseph to Board and L. Bertola and B. Krussell containing 5-13-13 revised plans of Conventional Density, Grading/Utilities FOSD & lot Layout FOSD and MHC file sheet on 305 Country Way
- Comment from Board of Health 5-21-13
- Comment from Conservation Commission 5-21-13
- Comment from DPW dated 5/23/13

Chairman Limbacher indicated that this was the continuation of a public hearing that was opened and immediately continued from 4/25/13. Greg Morse, a registered engineer, was present along with the applicant, Doug Sheerin and his attorney, Mike Hayes. Mr. Morse indicated they were prepared to talk about the project and the cease construction letter that was issued by the Board.

Mr. Morse indicated he was before the Board in the fall of 2012 for a pre-application meeting as required in the bylaw. He indicated soil testing has been completed, the wetland line confirmed and plans developed. He indicated he received the DPW comments today and would submit revised plans to address the peer

review comments. Mr. Morse indicated the site is on a scenic road, Country Way. The site is 8.5 acres with 4.25 acres of upland. The site has a single family house on it and is located in the R-1 and R-2 district as well as the Water Resource Protection District. He said the rear of the site is in the Floodplain and Watershed Protection District.

Mr. Morse indicated that the bordering vegetated wetlands were approved and there is a 100 foot buffer zone to them. He said there is an intermittent stream in the wetlands which discharges to the Town reservoir. He indicated that the feed to the stream is a tributary that is non-jurisdictional under the Wetlands Protection Act and Town wetlands bylaw. He said there is a 150 foot no disturb zone under the zoning bylaw to the tributary. He indicated Title 5 restricts septic systems to not within 200 feet of a Zone A.

Mr. Morse said the first step in a flexible open space development is to do a by right plan that respects current zoning. He said that under this plan, the site can be developed into 3 lots each with 100 feet of frontage, except for 60 feet on the cul de sac. He indicated the lots all comply with the upland area and have frontage and all of them perc. He said the Board of Health endorsed the plans in their memo. He indicated the Flexible Open Space Development Plan (FOSD) allows for reduction in lot area, frontage and width and a reduced road way width. As proposed, Lot 1 has 14,000 sq. ft. and Lots 2 & 3 have 31,000 sq. ft. Mr. Morse indicated the purpose of the Flexible Open Space bylaw is to preserve cultural resources and save open space. He indicated 6 acres of open space will be deeded to the Town and only 2.5 are required. He said that no work will occur in the 100 foot buffer zone of wetlands so there is no further Conservation Commission jurisdiction.

Mr. Morse indicated 3 new homes will have access over a new road that waivers are being sought for. Natural drainage patterns are being maintained. He indicated each lot will have its own septic system and water will be looped by bringing the line up and down the street as a connection to Williamsburg Lane is unfeasible. He indicated they will meet with the Fire Chief to review placement of hydrants. Mr. Morse indicated the waivers include reducing the pavement width to 16 feet, eliminating granite curb and substituting it with a 12" bituminous berm and reducing the pavement section to 3 1/2 inches thick to reduce runoff by reducing the impervious surface. He indicated that these are the requirements for a common driveway which can serve as adequate access for 3 houses in the zoning bylaw.

Mr. Morse indicated that with regards to the 3 concerns of the Traffic Rules Committee, he said the proposed road intersection angle is between 60 and 90 degrees and it is opposite Black Beech Lane. With regards to the road width, a waiver is being sought. Sight distance with sight triangles will be shown. The existing driveway will be used and there will be a sight distance easement on Country Way. Mr. Morse indicated they are not proposing work in the 150 foot buffer to the tributary in response to the Water Resources Committee letter. Mr. Morse explained the history of the tributary, which is a man-made drainage channel, and indicated the buffer has been shown to correspond with DEP correspondence. Ms. Harbottle indicated that the tributary did come up as a big issue, but she is comfortable with the plan received this week that the buffer is being shown correctly.

Ms. Harbottle indicated that the FOSD plan shows a great bit of land on Lot 3 in the 150 foot buffer of the tributary. This land can't be touched and she recommends some consideration be given to having it with the protected land and not part of a lot. Ms. Harbottle also said some work has been performed on the site. She had asked that the 150' buffer be staked to prevent alteration of the area. Mr. Morse indicated that no construction associated with the subdivision has been done. He said that the existing house with its barn and part of its lawn is in the 150' buffer and the applicant received a demolition permit for the barn and fill was brought in to fill the hole. Extra fill was also brought in for the house which will be demolished. A silt sock was put in the 150' buffer as erosion control for the house demolition. Mr. Morse indicated he measured 150' from the wetland buffer to the stake with a tape. Ms. Harbottle also indicated that she talked with Doug Smith of the Historical Commission. The Historical Commission is not sure of the age of the house and they would like to be able to document the house for the records for historical purposes prior to its demolition.

Ms. Harbottle also indicated that the memorandum for the DPW evaluates some of the waiver requests.

DPW doesn't recommend some of them. Ms. Harbottle indicated that this is a roadway subdivision and not a common driveway. She said if there was a sidewalk in the subdivision it could connect to the new walk that will be built on Country Way. Ms. Harbottle said site distance is a concern that John Chessia and the DPW and Traffic Rules had issues with. She said it is tricky to pull in and back out of the site. She indicated that trimming small vegetation to measure the sight distance does not require a scenic road hearing. Ms. Harbottle said that both stopping sight distance and intersection site distance should be provided. She indicated that looping of the water should be addressed as well as discussing the hammerhead with the fire chief. She indicated Mr. Morse would like to meet with Mr. Chessia and herself to review the comments so that revised drawings can be submitted for a continued hearing on June 27.

Mr. Taylor concurred with Ms. Harbottle on the waivers and indicated it was a road not a common driveway. He expressed concern about the road width and hammerhead and was not happy the house is to be demolished. Mr. Taylor did not like the layout of the houses as it is not aesthetically pleasing. The front yard of the house in the rear faces the backyard of the second house and the rear of the first house will face Country Way. He indicated he would like a sidewalk as CPC funds are being used to build one on Country Way. Mr. Taylor indicated that the FOSD is to provide a public benefit and he didn't see much except the open space and indicated he concurred with Ms. Harbottle that too much of Lot 3 is in the no disturb area. He was also concerned that the septic system for Lot 2 on the conventional plan was a paved area.

Mr. Mercer was concerned about the roadway pavement and thickness and wants to make sure the Fire Department can get apparatus in and turn around. He was amenable to cape cod berm and agrees with Mr. Taylor's comments and looks forward to a revised plan. Mr. Morse indicated that the road will be private and maintained by a Homeowner's Association. Ms. Harbottle said there is no way to guarantee that the road will be private as residents can petition for acceptance.

Mr. Vogel said that it was incremental to go to the full pavement section. He doesn't believe granite is necessary and he doesn't see a need for a sidewalk. He concurs with Ms. Harbottle that much of Lot 3 is unusable and said this applies to Lot 2 as well. He inquired about the offsets from the tributary and Mr. Morse told him he was on point with what the Conservation Commission consultant indicated.

Mr. Pritchard said there were a lot of comments from the departments and consulting engineer and he would like to withhold judgment until issues are resolved. He concurred with Ms. Harbottle about Lot 3 and asked how the 150' zone would remain undisturbed during construction as the limit of work is right up to it with considerable earthwork and grading. Mr. Morse said there is 12' and it will be staked and a wall may be required. More detail will be provided in the next submittal.

Chairman Limbacher inquired about the elevation of the hammerhead. Mr. Morse indicated it is currently elevation 85 and will be 88. Chairman Limbacher expressed concerned about the hydrant distances, the site triangles, how construction will be phased, Lot 3 and the common driveway approach. He indicated he would really need to think about the last issue. He was also concerned about buffers to the neighbors. Mr. Morse indicated that the septic system on Lot 1 would be 10 feet and there are trees. He said a driveway 8 feet off the wall will be adjacent to the Krusell property.

Bruce LeClair of 289 Country Way asked where the septic systems were located. Mr. Morse indicated they were all outside of the 200 feet of the Zone A. Jay Gerbis of 295 Country Way asked if the septic system for Lot 1 was 10 feet from her property line. Mr. Morse indicated it was and it meets the setbacks so it was in compliance. Lisa Bertola of 52 Elm Street indicated the setback from the tributary looked like it was under control, but she wanted to know if any consideration had been given to determine if the density was reasonable. Chairman Limbacher indicated the Board can determine that and it was not very dense. Ms. Bertola indicated that if the land that is protected is eliminated from the equation, then the development is dense. She said Mr. Krusell is only allowed 1 house on 8 acres and this will be 3 homes on 8 acres which seems dense and there will be environmental impacts associated with asphalt, lawns, fertilizer and other environmental impacts. She wanted her concern noted for the record. She also indicated there should be public access for the FOSD. She said the Krusell land is in trust so that children can learn. Ms. Bertola expressed concern that the level of the reservoir has already dropped 2' and increased population will use

more water. She reiterated that the project was too dense.

Mr. Morse indicated that regardless of how the project was designed, the conventional plan allows for 3 homes. He indicated they will be giving back open space and there is potential for paths to connect to the public access on Country Way. He indicated the property has been marked for 3 lots for a long time. Mr. LeClair asked for additional buffering adjacent to his property. Michael Hayes indicated the applicant would talk to abutters.

Chairman Limbacher asked about access to the existing old house on the property. Mr. Sheerin indicated that he has spoken with Steve Litchfield and gave him permission to take pictures. He indicated that Frank Snow passed on rebuilding the house. Chairman Limbacher asked Ms. Harbottle to follow up with the Historical Commission. Chairman Limbacher then followed up on the construction work on the site. Mr. Sheerin indicated he had access to some gravel so he put it there for filling in the hole after the house is torn down. He indicated no work would be done until the project is approved. Mr. Pritchard inquired if the 150' zone was marked. Mr. Morse indicated it was, but access is needed around the house to demolish it thus the silt fence.

Ms. Gerbis indicated that traffic will be an issue. She said it is hard to see and hear traffic there on Country Way. She said she will initially be inconvenienced by the noise during construction and won't be able to hear traffic to know when it is safe to back out of her drive. She said it was hard for her to be happy, but the applicant has a right to build.

Chairman Limbacher asked if the hearing could be continued. Mr. Morse indicated he could have revised drawings by June 6 which would give Mr. Chessia 2 weeks for review and the Board 1 week for review. Mr. Hayes asked the Board if they were satisfied that all the work done on site is for the home demolition. Ms. Bertola asked when the home would be demolished and if there would be time for the historical recording the home. Mr. Sheerin indicated he would give Mr. Litchfield a week notice before the home is demolished.

Mr. Taylor moved to accept the applicant's request to continue the public hearing for the Definitive Subdivision Plan and Flexible Open Space Special Permit for Fred's Way at 305 Country Way until June 27, 2013 at 7:30 pm. Motion was seconded by Mr. Mercer. Motion was unanimously approved. Chairman Limbacher indicated he would like to see the benefits listed for the waivers requested.

Public Hearing – Accessory Dwelling Special Permit – 12 Salt Marsh Hill Drive
Assessor's Map/Block/Lot 55/2/3B
Applicants/Owners: Susan and Gregory Smith

Documents

- Transmittal to Town Depts. on Accessory Dwelling Special Permit 12 Salt Marsh Hill Drive
- Application and supporting materials for Accessory Dwelling for 12 Salt Marsh Hill Drive
- Floor Plans and Architecturals for 12 Salt Marsh Hill
- Conservation Commission Comment
- Board of Health Comment

Greg Smith and Eileen Scotti were present. Mr. Smith indicated he would like to add an accessory dwelling for his mother in law, Eileen Scotti. He said he wants to add a small addition to his house going to the right. He said the roof line will be lower than the main house. Mr. Smith said he is changing an existing bedroom to a work space and over the accessory dwelling he will be adding a bedroom for his daughters. He said there will be a mudroom on the first floor for both the accessory dwelling and the primary dwelling.

Ms. Harbottle indicated that the accessory dwelling of 939 sq. ft. will be 24% of the dwelling. She said there was a question yesterday when the original developer had concerns about the height of the proposal. She indicated the proposed accessory dwelling is not higher than the original dwelling, but the subdivision special permit had a restriction of 2,800 sq. ft. on the size of the homes. She said 2 homes already exceed the square footage and this would be the third. Ms. Harbottle indicated that the subdivision special permit

could be modified to amend this condition with advertisement and abutter notification. Chairman Limbacher asked the Board if they would support the accessory dwelling. Mr. Vogel asked to see the plot plan and the Board reviewed the approved subdivision drawings.

Ms. Harbottle indicated it appears the deed restriction was not recorded. She indicated the applicants lived uphill from the site and wanted water views. The Board concurred they would be amenable to the accessory dwelling. Board members asked a few more questions regarding the basement, secondary means of egress and parking and confirmed that with the new addition the accessory dwelling was 24% of the floor area of the primary dwelling.

Mr. Taylor moved to accept the applicant's request to continue the public hearing for the Accessory Dwelling Special to June 27, 2013 at 8:30 pm. Mr. Mercer seconded the motion. Motion was unanimously approved.

Accounting

Documents

- PO # 13007315 (\$2,242.50), PO # 13007327 (\$253.26), PO # 1300727 (\$11.50)

Mr. Taylor moved to approve the requisition of \$2,242.50 to Chessia Consulting for engineering peer review for 305 Country Way, for \$253.26 to Gatehouse Media MA for legal ads for 7 Pennycress Road and \$11.50 to Schwaab Inc for a nameplate for Bob Greene. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Minutes – There were no meeting minutes to approve.

Liaison Reports

Mr. Taylor asked about the Sea Level Rise meeting. Ms. Harbottle indicated it was well attended and that the slides and power point presentation are available on the Town website. Ms. Harbottle indicated that modeling on wave action would need to be done. Mr. Pritchard concurred.

Town Planner Report

Town Planner, Laura Harbottle, indicated that the Open Space Plan updating is underway. The Town has a good amount of upland that is protected. Much of the protected land is managed by the Conservation Commission with uses varying according to the deed restriction for the property. Ms. Harbottle indicated that the Economic Development Commission (EDC) study will also be using the open space information. She asked the Board for their comments on changing the EDC to a 5 member versus 7 member board. She indicated the Board is now down to 4 members so that at least one member must be appointed. Chairman Limbacher offered that he talked with Sean Harris and indicated the Planning Board would be happy to help with interviews for the EDC.

Public Hearing – Accessory Dwelling Special Permit – 147 Border Street

Assessor's Map/Block/Lot 6/2/9

Applicants/Owners: R. Stephen & Kristen Lilly

Documents

- Transmittal to Town Depts. on Accessory Dwelling Special Permit – 147 Border Street
- Application and supporting materials for Accessory Dwelling for 147 Border Street
- Site and Building Plans
- Conservation Commission Comment
- Board of Health Comment

Attorney Steven Guard and Kristen Lilly were present for the applicant. Attorney Guard indicated the application is to legitimize an accessory dwelling on the second floor of a detached garage/carriage house

at 147 Border Street. He indicated the accessory dwelling would be approximately 784 sq. ft. with 547 of that area being living space with headroom of at least 7'-4" and 237 sq. ft. in the eaves space. The primary dwelling is 4,032 sq. ft. Based on the floor area with height of 7'4" or greater, the floor area of the accessory dwelling will be 13.6% of the living area of the primary dwelling which is less than the 40% maximum in the bylaw. An application to the Board of Health is pending for an upgrade from a 4 bedroom septic system to a 5 bedroom system. Ample parking exists on site in the driveway and carriage house. The carriage house was built in 2000 and met code at the time; however a second means of egress is needed for the accessory dwelling. A deck and stairs are being added in the rear and side. The accessory dwelling will have one bedroom, bathroom, living room and galley kitchen. The owners are aware they are required to live in either the primary or accessory dwelling and a new certification needs to be filed with the Board if there is a change in ownership. The property is serviced by well water. Attorney Guard indicated that he has spoken with the Conservation Agent and the septic work will be in the Riverfront area and not in the buffer zone so a Request for Determination will likely be required. Attorney Guard indicated the owners would just like to legitimize the unit.

Ms. Harbottle indicated that this is the kind of structure that should be preserved. The Town is aware of the Riverfront area and septic system issues, there is enough parking and the 13.5% is based on the living space being habitable space. The Board said they were amenable to the permit.

Mr. Taylor moved to make the following Findings of Fact concerning the accessory dwelling at 147 Border Street.

1. According to Town of Scituate Assessor's records, the property as 147 Border Street is owned by R. Stephen and Kristen Lilly.

2. On April 30, 2013, R Stephen and Kristen Lilly applied for a special permit for an accessory dwelling through their attorney Steven M. Guard as their authorized representative. The application proposes an accessory dwelling unit on the second story of a detached three car garage/carriage house at 147 Border Street.

3. According to the Assessor's Records, the floor area of the primary dwelling is 4,032 sq. ft. The floor area of the accessory dwelling as shown on the plan is approximately 784 sq. ft. There is 547 sq. ft. of living space with headroom of at least 7'-4" and 237 sq. ft. in the eaves area space. The floor area of the accessory dwelling will be 13.5% of the living area of the primary dwelling which is less than the 40% maximum in the bylaw. It meets the requirements of 530.2F for accessory dwellings.

4. The site plan shows the 3 car garage/carriage house and circular driveway for the house. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.

5. The property is located in the Residential R-2 zoning district on a lot of approximately 135,000 sq. ft.

6. The applicant has submitted a signed, notarized statement that he will live on the property.

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

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

Mr. Taylor moved approve the Accessory Dwelling Special Permit for 147 Border Street 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 Site & Sewage "Carriage House" #147 Border Street in Scituate, Sheet 1 of 5, Sheet 2 of 5, Sheet

5 of 5 prepared for applicant/owner R. Stephen Lilly dated 4/15/13 by EAS Survey, Inc., 141 RT. 6A PO Box 1729 Sandwich, MA 02563; Photo page Carriage House 147 Border Street dated 3/25/13; First Floor Plan Sht. 1 of 4, Second Floor Plan Sht. 2 of 4, Second Floor Area Plan Sht. 3 of 4, Second Floor Egress Plan Sht. 4 of 4 Carriage House 147 Border Street dated 3/25/13 prepared by EAS survey, Inc.

3.The property at 147 Border Street 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.

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

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.

7.The applicant will be required to upgrade the septic system to comply with Title V per the Board of Health requirements.

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.The Planning Board reserves the right to review compliance with this special permit at any time. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

11.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.

Mr. Pritchard seconded the motion. Mr. Mercer inquired if condition 9 was applicable. Mr. Vogel indicated it was as a deck and stairs will be constructed. Motion was unanimously approved.

Approve Terms of Clarification of Condition 4 – Flexible Open Space Special Permit for The Glen, The Hennessey 1998 Nominee Trust

Town Planner, Laura Harbottle indicated that the Planning Board has been requested to approve the terms of the letter of May 16, 2013 James Toomey, Esq., Town Counsel to Peter Feuerbach, Esq. re The Glen, Flexible Open Space Development Special Permit and Subdivision. She indicated that the Selectmen have approved their portion. Mr. Mercer moved to approve the terms of the letter of May 16, 2013 from James Toomey, Esq., Town Counsel, to Peter Feuerbach, Esq. including that the land conveyance referenced in Condition 4 of the Flexible Open Space Development special permit shall not occur, the water connection fees shall be reduced to \$2,500.00, the water main shall be looped and shall be constructed of ductile iron pipe. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Approve minor modification to Deer Common Flexible Open Space Special Permit
530 Chief Justice Cushing Highway
Documents

- 5/9/13 proposal from Beals and Thomas for construction inspectional services
- 5/16/2013 Letter form Deer Common II, LLC

Terry Tedeschi, Mark McSharry and Attorney Gene Blanchard were present. Mr. Tedeschi indicated that he

and Mr. McSharry are the managers of Deer Common II, LLC and they are beginning to develop the Deer Common Flexible Open Space Development that was approved by the Board in 2008. Mr. Tedeschi indicated that they have been going through pre-construction issues and the \$33,000 contribution to the sidewalk fund is outstanding.

Mr. Tedeschi indicated he has been working with the abutter, Mr. Yunits, to see if an easement could be acquired to loop the water main through his property. Mr. Tedeschi said he has been unsuccessful to date. He indicated the DPW now is requiring the water main to be ductile iron instead of PVC and it has to be looped which add approximately \$60,000 to the project. Mr. Tedeschi indicated he would like a waiver of the contribution to the sidewalk fund seeing that all the water main work is now required and not part of the original decision and the Town has not obtained the easement to loop the water per conditions 6 and 16 of the original decision.

Ms. Harbottle indicated that the DPW requirements are standard among most towns. She said the Town has spent a lot of money upgrading the water system for the future and they are using ductile iron pipe too. Ms. Harbottle indicated the condition was unique in that the Town was going to obtain the easement and the applicant was going to bring the water to the site bounds and supply materials and labor for installation of the water. She indicated that it is the applicant's project and the looping and ductile iron pipe are absolutely required. Ms. Harbottle said that the Department of Revenue was opposed to sidewalk funds because they considered it an extraction. She said the money could go to the General Fund, but the Board would have no control of the money. She indicated the money could be put into a stabilization fund like that which was just created for Economic Development. Ms. Harbottle said the state would need to give approval for a walk on Route 3A. She indicated the Town would then need to support the walk, then a fund could be created through Town Meeting, then the money could be obtained from the developer at a later date.

Chairman Limbacher indicated the Board was looking to build sidewalks and thus made the condition at the time. Mr. Pritchard and Mr. Vogel agreed that the conditions should be tied to the subdivision mitigation. Ms. Harbottle indicated the subdivision regulations were changed in 2010 with regards to water materials and the water supervisor also changed. She said town counsel determined the water supervisor can overrule the Planning Board on water requirements. Mr. Mercer indicated it sounded like the town changed the rules. Mr. Tedeschi indicated the governor also has signed permit extension act legislation during this time period. He indicated the DPW was involved in reviewing the plans originally. Mr. Tedeschi indicated he thinks the condition is not really fair and would like the condition removed, but he wants to be cooperative.

Mr. Taylor confirmed with Mr. Tedeschi that there will be a sidewalk on one side of the proposed road. There was consensus among the Board that due to changes in policy of the DPW Water Division, the developer will now be required both to loop the water main and to use ductile iron pipe at a considerably greater expense than would have been required for the water system shown on the approved plan, which justified removal of the requirement for the contribution to a sidewalk fund as identified in conditions 6 and 16. Mr. Tedeschi asked about stopping the waterline before the open space adjacent to Christopher Wren Road. The Board agreed that there should be an easement, but the pipe shouldn't be installed. Ms. Harbottle confirmed with the Board that they would like to eliminate conditions 6 and 16. Mr. Pritchard moved to eliminate conditions 6 and 16 from the Deer Common Flexible Open Space Special Permit. Mr. Mercer seconded the motion. The motion was unanimously approved.

Mr. Tedeschi indicated that they are close to setting up the preconstruction meeting and they would like to start in a few weeks with the road and septic system. He indicated SLT is going to do the construction and they may want so lot releases early. He indicated his project team is okay with the Beals and Thomas estimate for construction inspection services.

Old Business and New Business Documents

- Background and staff recommendations for the meeting on 5/23/13
- 4/25/13 Draft Regulations from State for Dam & Seawall Repair or Removal Funding
- Brodsky response to 85 Maple Street

- Letter to Duval with attachments 85 Maple Street
- Petrini Associates Update on Environmental and Land Use Case Law
- Email from K. Joseph to Board on proposed cell tower at 361 Tilden
- Emails from K. Joseph to Board containing letter from Janet Tooker and availability in office of Citizens of Alternative Wireless binder
- Sustainable Preservation Meeting Announcement
- Zoning Board Agenda for 6/12/13
- Making Defensible Decisions
- Roles and Responsibilities Part I 10/16/11

These items were distributed to the Board electronically.

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

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk