

# **Scituate Planning Board, February 23, 2012**

TOWN OF SCITUATE MASSACHUSETTS

SCITUATE PLANNING BOARD

MINUTES

February 23, 2012

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

Members Absent: Mr. Dan 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 7:08 P.M. He announced the meeting was being audio recorded and asked if there were any other recordings being taken. There were none. Mr. Mercer arrived at 7:30 P.M.

Documents

2/23/12 Planning Board Agenda

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

## **Master Plan Discussion**

Selectmen Anthony Vegnani and John Danehey were present for the discussion. Chairman Limbacher invited the present members of the Board of Selectmen to discuss what their vision is in terms of building infrastructure as the Planning Board is reviewing goals and objectives in their review of the Master Plan. Chairman Limbacher would like the Planning Board and Board of Selectmen to be unified in their direction and goals. Selectman Vegnani indicated that several of the Town buildings are old and not efficient. A big picture needs to be put together and presented to the public in hopes of gaining support from the entire Town for a comprehensive plan to address potential changes. Cost will be a key factor in the Town's decision.

The Gates Middle School needs to be replaced. A scenario is to put Gates where the Fire Station, Police Station and Town Hall are presently located, in a new building to create a campus with the High School. Town Hall could then be put in a renovated Gates along with possibly the Recreation Department to take advantage of the gym and perhaps the school administration and possibly a senior center or the library. A combination Police and Fire Station would be proposed to be built in the west end at Mann Lot Rd. and Route 3A. This would provide quicker response times to Minot and the west end as well as a traffic light in the west end. The first step in the process is to get the results of the feasibility study for Gates. This study will tell the Town the structural integrity of the historic Gates School. A new middle school concept would put grades 6-8 together and take the early childhood center out of the high school. The exact details are not known yet, but a \$375,000 feasibility study will be on the Annual Town Meeting Warrant to see if the Town will support this multiple building concept.

The Selectmen indicated that they told the Community Preservation Committee they could not support articles for facilities in the proposed building domain areas until they find out if there is support from the Town to take care of its building infrastructure problems. The financing question is a big issue. 40-50% of a new middle school can hopefully be paid for by the state School Building Assistance program. The cost to replace all the facilities would be approximately 100 million dollars and would need to be a debt exclusion override financed over 20 years. Discussion occurred as to how to keep the plan as a complete package. The Selectmen indicated the package was going to be all or nothing as these issues have plagued the town for 50 to 60 years. The ESCO report indicates that there are 11 – 12 million dollars worth of repairs related to energy efficiency that are needed now.

The Boards discussed the order of replacing the older buildings. The Selectmen indicated the Police and Fire Station would probably be relocated first so that they could be demolished to make room for a new middle school. Dr. Afanasenko was concerned about wealthier residents moving out of Scituate while the school retrofitting was occurring. Selectmen Danehey indicated that if the initiative passes, everyone in Town will be vested in the outcome. It would be ultimately up to the School Committee to decide the school modules.

Mr. Vogel indicated that he works with regularly with the Massachusetts School Building Authority. Their program is very structured and they will reimburse according to their rules. He thinks that Gates is large enough to accommodate the proposed uses except public safety, but he thinks the Town needs to look at the Middle School first before the Fire and Police Stations.

Mr. Taylor understood the Gates study going on now is for the structural integrity of the building and what could go there, and questioned the purpose of a larger feasibility study. Mr. Vegnani and Mr. Danehey indicated the proposed feasibility study would start the whole process of modernization and hopefully provide a solution to the same problems and concepts that have been circulating for years. They indicated that a bold step needs to be taken now.

Dr. Afanasenko clarified to the Selectmen that the Master Plan revisions are not public yet. It is a collaborative effort of the entire Planning Board and the Board wants to finalize the priority list internally prior to sending to Town departments for review and comment. The Feasibility Study is timely to see how it fits in with the Master Plan and where the money is best spent. All Town wish list items need to be considered including a pool and hockey rink as Selectmen Danehey mentioned.

All the Board members present felt money is going to be the chief problem. The Planning Board offered their support to the Selectmen. Mr. Vegnani indicated that the Town is in the queue for School Building Assistance. This is an opportunity for the Town's people to buy into a master plan for all the Town Buildings, not just a new middle school.

Site Plan Administrative Review – New marina building with additional office space  
25 Mill Wharf Plaza, Unit 2B  
Assessor's Map/Block/Lot 50-7-8-E  
Applicant: Ken Duval, Kent Street Corporation

#### Documents

Application for Site Plan Administrative Review for 25 Mill Wharf Plaza dated Jan 30, 2012 with First and Second Floor Plans - Page 1 and 2 and Elevations – Page 3, 4, 5, and 6 by Sarah Foley Designer dated Nov 25, 2011 and Proposed Office Plan Mill Wharf Marina by Nantasket Survey Engineering, LLC dated 12-2-2011

Email from Adam Brodsky to Karen Joseph dated 2/8/12 with colors and materials

Email from Adam Brodsky to Laura Harbottle dated 2/8/12 w/ four pictures of the existing fuel shed

Comment from Director of Public Health dated 1/30/2012

Design Review Committee Comments dated 2/18/2012

Email from Mike McGowan to Adam Brodsky & Sara Foley on 2/18/2012

Email from Jeffrey Dougan of the Commission on Disabilities (COD) to Laura Harbottle dated 2/22/2012

Email from Bill Limbacher to Jeffrey Dougan dated 2/22/2012

Email from Laura Harbottle to Jeffrey Dougan dated 2/22/2012

Email from Jeffrey Dougan to Laura Harbottle dated 2/22/2012

Revised plans by Sara Foley received by email on 2/22/12 entitled Title Sheet T-1, Plans A1.1 and Elevations A2.1

Email from Laura Harbottle to Board dated 2/22/12 with draft conditions and revised plans

Revised plans by Sara Foley received by email 2/23/12 entitled Plans A1.1 rev 2/23/12 and Elevations A2.1 rev 2/23/12

Adam Brodsky introduced his team of Ken Duval-owner, Sara Foley-architect and David Ray-engineer. He indicated the project will be replacement of the existing marina building with a nominally larger building. There will be bathrooms on the first floor for the marina patrons. Any marina business will be transacted on the first floor. The second floor will be a private office for Mr. Duval. The materials proposed are to be similar to the fuel shed.

Sara Foley indicated the first floor has a workshop and 2 bathrooms located off the walk. There will be a stair access to the second floor which will have a deck over the walk below, a private office and a powder room. She reviewed the four elevations and indicated that all the changes the Design Review Committee (DRC) recommended are incorporated. Faux barn doors have been added to the elevation facing the parking lot to make the building more attractive.

Mr. Brodsky reiterated that all the DRC comments had been incorporated, there is no site impact, no more parking is required, no additional traffic is generated, no more impervious surface is added, a sewer connection will be needed, they are not obstructing scenic views and they are not impacting the public walk. Mr. Brodsky confirmed with DEP that they are not interfering with public access.

Town Planner, Laura Harbottle indicated that they must meet the standards in the bylaw. Most don't apply here. Design Review was triggered by the fact that a new building will be erected. It looks like all the DRC comments were included in the revised plans and handicapped access will be available on the first floor and signage that the second floor is private will be prominent. This may need to be a condition of approval. The materials proposed are aesthetically pleasing.

Mike McGowan of the DRC indicated this project received much attention because of its prominent location. The back of the building faces the parking lot. The addition of the faux barn door will be fine. There will be a workshop downstairs. The disability issues have been resolved.

The Board confirmed several issues including the deck overhanging the walk, the first floor showers have no curbs so they are handicap accessible, the first floor will be above the flood elevation and the faux barn door will break up the rear façade.

Chairman Limbacher asked for comments from the public. Steve Bjorklund asked if the building met the rear setback conforming to zoning and if a special permit was required. Mr. Brodsky indicated that he gave the Chapter 91 license to the Building Commissioner who asked for the Site Plan Administrative Review and indicated that the rear setback had been met. Mr. Bjorklund just wants to be sure before the building is torn down.

Dr. Afanasenko moved that the proposed construction shown on the site plan by Nantasket Survey Engineering, LLC dated 12/2/2011, and elevations and floor plans by Sara Foley dated February 23, 2012, meets the Standards of Review of Scituate Zoning Bylaw Section 770.6 to a degree consistent with a reasonable use of the site for the purpose permitted by the regulations of the district in which the land is located, and approve the attached site plan subject to the following conditions:

All construction shall comply with the site plan by Nantasket Survey Engineering, LLC dated 12/2/2011, entitled Proposed Office Plan prepared for Mill Wharf Marina and untitled elevations and floor plans by Sara Foley submitted with this application dated November 25, 2011 except as modified to meet these

conditions;

Signs stating “No Admittance” or “No Public Access” shall be added to all doors used for access to the second floor.

Materials shall be cedar shingles with white trim as described to the Planning Board and Design Review Committee.

Site plan approval shall lapse after two years from the grant thereof if a substantial use or construction thereof has not sooner commenced except for good cause. Such approval, for good cause, may be extended in writing by the Planning Board upon written request of the applicant submitted to the Planning Board at least 60 days prior to the expiration of the two year period.

Laura Harbottle indicated the dates on the elevations need to conform with the current plans dated 2/23/2012 and the second floor should be limited to office space. Mr. Limbacher indicated the first floor bathrooms must be ADA compliant. Dr. Afanasenko re-read the motion adding the dates of 2/23/2012 to the Sara Foley plans, adding condition 4 to be The use of the second floor shall be limited to office and condition 5 that the first floor shall be fully ADA compliant. Mr. Vogel moved to approve the revised motion. Mr. Taylor seconded the motion. Motion was approved unanimously.

Special Permit – change condition – Jacob Hatch Building

Documents

Letter from Joseph Scanzillo dated 1/31/2012 requesting repeal/elimination of condition 8 re: sign from 3/2/2000 Site Plan Special Permit

Email dated 2/21/12 from Joseph Scanzillo requesting a continuance until a March meeting

No discussion occurred as the applicant was unable to meet and requested time on a March meeting.

Discussion and vote – Ava’s Lane and Lauren Lane As-Built – Sam Tilden Farm

Vote – Layouts for Street Acceptance for 2012 Annual Town Meeting

Documents

Roadway Acceptance Plan, Ava’s Lane and Lauren Lane Scituate, MA Drawing No. LO prepared for Sam Tilden Farm LLC by Cavanaro Consulting dated 1/9/12.

Letter from Albert Bangert, Director of Public Works to Planning Board dated 2/8/12 on Laying Out Public Ways Ava’s Lane and Lauren Lane

Chairman Limbacher indicated that the top coat was put on this subdivision and the Street Acceptance Committee voted in favor of accepting the street. Steve Bjorklund was there as the developer. He indicated the as-builts and the road layout are identical. He indicated that he will be replacing the Lauren Lane sign as it was taken and DPW has asked for a STOP sign at Tilden Road. He also may put a stop sign at the “Y” intersection at the request of the residents to slow traffic. He said the catch basins will all be cleaned prior to acceptance. A vote is needed to concur with the street layout. Dr. Afanasenko moved to support at the Annual Town Meeting the roadway layouts of Ava’s Lane and Lauren Lane as public ways. Motion was seconded by Mr. Mercer. Motion was unanimously approved.

Mr. Bjorklund indicated that another motion to accept the as built plans that Amory Associates reviewed. Ms. Harbottle indicated that a letter was received from Amory Associates indicating the as built were acceptable.

Dr. Afanasenko moved to accept the as built for Lauren Lane and Ava’s Lane as submitted. Mr. Vogel seconded the motion. Motion was approved unanimously.

Town Planner Report

Town Planner, Laura Harbottle indicated that the settlement agreement with Travelers for Walnut Tree Hill was in member’s packets. There was input from DPW, John Chessia, Town Counsel and herself in finalizing

the document. The construction timeline is tight, but if all goes well, then the Walnut Hill Tree subdivision streets may be able to be accepted at a fall town meeting. Ms. Harbottle indicated that Town Counsel desires Travelers to sign before the Planning Board and the Selectmen. She is waiting for approval of the Town Administrator prior to sending the agreement to Travelers. If the Board has any comments they will also be incorporated. The Board inquired if Travelers knows this agreement is coming and if the work will be done by next winter. Ms. Harbottle indicated that they know the agreement is coming and the date to complete is Sept 1. There is a penalty clause in the agreement so hopefully the timeline will be met.

#### Minutes

Dr. Afanasenko moved to approve the February 9, 2012 meeting minutes. Mr. Vogel seconded the motion. Motion was approved unanimously.

#### Accounting

P.O. # 12005030 (\$71.82), P.R. # 12005441 (\$24.00), P.O. # 12005062 (\$205.10), P.R. # 12005443 (\$41.06), P.R. # 12005444 (\$49.44), P.R. #12005447 (238.35)

Dr. Afanasenko moved to approve the requisitions for \$71.82 to Kenmark Office Systems for 24 x 36 Savin copy paper, \$24.00 to Jennifer Morrison for reimbursement for Survey Monkey for the EDC, \$205.10 to Laura Harbottle for reimbursement for mileage from 7/1/11 to 2/14/12, \$41.06 to Mario Sindone for refund for money not expended for peer review for the Stormwater Permit for 49 Booth Hill Rd., \$49.44 to Pamela Gray Prescott for refund for money not expended for peer review for 556 – 562 First Parish Rd. Common Driveway and \$238.35 to Christopher Horne of Scituate Racquet and Fitness Club for money not expended for peer review for a Site Plan Waiver for the Club.

Site Plan Administrative Review – Riva Pizzeria – 22-24 Country Way – Parking Question

#### Documents

Letter dated 2/3/12 from Jim Trenz

Chairman Limbacher indicated the Board received a letter from Mr. Trenz regarding lack of No Parking signs in the decision for Riva Pizzeria at 22-24 Country Way. He indicated there was a draft letter from staff on the matter. The Board did discuss the No Parking signs during the public meeting; however, no wording was put in a motion as to signs as the Board thought that the condition on access to the easement was sufficient and signs for public ways are in the domain of the Traffic Rules Committee. The chair will review the draft letter and advise staff.

Form A Plan – 67 Hatherly Road/Minot Light Ave  
Assessor's Map/Block/Lot 39/19/5, 11, 2, 3, 4, 6F  
Applicant/Owner: Howard W. & Ralph H. Cole

#### Documents

Application and Plan of Land at 67 Hatherly Road, Scituate, MA Assessors' Lot 39-19-2, 3, 4, 5, 6F & 11 prepared by mr Surveying, Inc. for Ralph H. Cole dated 1/23/2012

Email from Ralph H Cole dated 2/16/12 asking to withdraw plan dated 1/23/12

Application and plan of Land at 67 Hatherly Road, Scituate, MA Assessors' Lot 39-19-2, 3, 4, 5, 6F & 11 prepared by mr Surveying, Inc for Ralph H. Cole dated 2/15/12.

The applicant was not present as the Board was ahead of schedule. Town Planner, Laura Harbottle indicated that Mr. Cole submitted two plans for the site. He withdrew the first plan and the Board should take a vote to have the first plan officially withdrawn. Dr. Afanasenko moved to allow the Applicant, Ralph H. Cole to withdraw without prejudice the Form A Plan for 67 Hatherly Road, Assessors Map 39-19-2, 3, 4, 5, 6F & 11. Plan prepared by mr Surveying, Inc. dated 1/23/2012. This action was taken in accordance with the attached email from Ralph H. Cole dated February 16, 2012. Mr. Mercer seconded the motion. Motion was approved unanimously.

Town Planner, Laura Harbottle indicated the plan dated 2/15/12 has access and frontage and should be endorsed. Dr. Afansenko moved to endorse, as approval under the Subdivision Control Law Not Required, a plan of land at 67 Hatherly Road Scituate, MA Assessors' Lot 39-19-2, 3, 4, 5, 6F & 11 prepared by mr Surveying, Inc. for applicant/owner Ralph H. Cole dated February 15, 2012. Motion was seconded by Mr. Mercer. Motion was approved unanimously.

Site Plan Administrative Review and Form A – Common Driveway  
277 – 283 Chief Justice Cushing Highway/18 Old Oaken Bucket Rd.  
Assessor's Map # 47-2-22-0-R & 47-2-22-A-R Applicant: EBC Bldg Corp, Jay Ellis

#### Documents

Application and supporting documents for Site Plan Administrative Review dated Jan 12, 2012 and Jan 23, 2012 for a Common Driveway w/letter to Town Departments  
Fire Truck plan dated 1/28/12  
Memo from BOH dated 1/19/12  
Drainage Report dated Nov 30, 2011 prepared by McKenzie Engineering Group, Inc (MEG)  
Jan 17, 2012 letter to Board from MEG  
Comments from Amory Engineers, P.C. dated Feb 1, 2012 for review of drainage calculations  
TP 3 data dated Oct 2011  
2/7/12 MEG response to comments from Amory Engineers, P.C.  
Post Development BMP's  
2/9/12 email from Amory Engineers to Town Planner  
Letter dated 2/9/12 from Al Loomis of MEG requesting a continuance until 2/23/12  
Application and Plan of Land in the Town of Scituate located at 277 -283 Chief Justice Cushing Hwy and 18 Old Oaken Bucket Rd. Parcels 47-2-22 and 47-2-22A prepared by McKenzie Engineering Group, Inc for applicant EBC Building Corporation and property owner Dorothy S. Clapp, Trustee of Bucket Trust dated February 15, 2012.  
Email from Laura Harbottle to Al Loomis on 2/22/12 with comments from Amory and draft conditions  
Memorandum from Fire Chief dated 2/22/12  
Common Driveway agreement emailed from Al Loomis to Laura Harbottle dated 2/23/12  
Common Driveway agreement emailed from Laura Harbottle to Board dated 2/23/12

Al Loomis and Jay Ellis were present for the applicant. Mr. Loomis indicated that there are two parcels – one on Old Oaken Bucket Rd. and one on Chief Justice Cushing Highway. The proposal is for 3 lots – 2 off Chief Justice Cushing Highway and the existing one on Old Oaken Bucket Rd. A common driveway with access, drainage and utility easements is proposed off of Chief Justice Cushing Highway for the 2 lots which meet zoning. An ORAD has been issued by the Conservation Commission.

Chairman Limbacher indicated that everything is dependent on the Form A plan so he suggests the Board discuss that first. Town Planner, Laura Harbottle indicated she had a combined draft motion. There were no comments from the Board on the Form A.

Mr. Loomis proceeded to detail issues of the common driveway. He indicated that the Fire Department has no issues and a turnaround has been provided. He indicated that a swale collects runoff from the driveway preventing it from going onto the abutting property. The swale goes to a trench drain at the bottom of the driveway. The trench drain is piped into a forebay to the water quality basin which will have a permanent pool as there is high groundwater on the site with C and D soils. Weirs control the pre and post development rates of runoff. Roof water will go to an infiltration basin and will recharge into fill which is placed 2 feet above the groundwater so it will dissipate to some extent. The plan is before the Conservation Commission, but was continued so that a wetland mitigation plan for plantings in the 50 foot no disturbance zone could be provided. A second trench drain in the highway layout directs water away from the road. A small portion of the driveway receives no treatment.

Chairman Limbacher asked about drainage and the swale. Mr. Loomis indicated that the swale meets the

comments from peer review engineer Amory Associates. The swale provides recharge to the extent possible. The swale and basin provide some infiltration, but not all of it. Everyday storms will infiltrate. Water will infiltrate in the topsoil before hitting the impermeable soil. Chairman Limbacher asked about septic systems. Mr. Loomis indicated the site will be sewered via a connection to Chief Justice Cushing Highway. He indicated water and other utilities will come through an easement. Mr Loomis indicated that most of the large trees on the site will remain undisturbed due to the 50 foot wetland buffer. The remaining disturbed areas will be lawn and plantings. In response to Mr. Vogel's question about vegetation to the right (east) along the property line, Mr. Loomis indicated they will try to keep some trees.

Town Planner, Laura Harbottle indicated that the applicant has supplied a Common Driveway agreement and Amory is okay with the plans. She indicated she noticed that the water quality basin and the second trench drain are in the state layout of Chief Justice Cushing Highway. Mr. Loomis indicated there is a swale in the highway layout that they are trying to make sure that they were getting the water from the low point. He indicated Mass Highway is usually concerned about dumping water into their layout. Ms. Harbottle asked if it could be written in the Operation and Maintenance agreement that the homeowners were responsible for the trench drain maintenance in the highway layout. After considerable discussion and concern from the Board that the trench drain in the highway layout would not be maintained, Mr. Loomis agreed to pull back the trench drain on the property as well as the water quality basin.

The Board discussed receiving the changes prior to voting on the project, but decided that they could condition the project as the engineer was sure he could address the Board's concerns and keep the proposed volume. Mr. Bjorklund indicated the Board has approved other projects where work is in the road layout including The Glen.

Dr. Afanasenko moved to endorse the plan of 18 Old Oaken Bucket Rd.. and 277 – 283 Chief Justice Cushing Highway (Route 3A) Scituate, Massachusetts by McKenzie Engineering Group dated February 15, 2012 as Approval Under the Subdivision Control Law not required, and to approve the Site Plan Administrative Review for 277-283 Chief Justice Cushing Highway with the following conditions: Construction shall comply with a plan entitled Site Development Plans for 18 Old Oaken Bucket Rd.. and Land off Chief Justice Cushing Highway (Route 3A), Scituate, Massachusetts by McKenzie Engineering Group, Inc., dated November 30, 2011, except as they may be modified to meet the conditions below. Prior to the start of construction a permit for the driveway opening on Route 3A must be obtained from Massachusetts Highway Division.

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).

The water quality basin shall be seeded with New England Wetmix by New England Wetland Plants, Inc., or equal.

A pre-construction conference will be required including a representative of the DPW, site contractor, Town Planner and Conservation Agent.

A plan for erosion control during construction, including access for vehicles and staging areas, shall be submitted to the Planning Board prior to the pre-construction conference.

Site inspections will be required for road and drainage construction and utility installation as indicated by the Subdivision Rules and Regulations. Prior to the pre-construction conference, the applicant shall provide funds to cover the cost of these inspections and attendance at the pre-construction conference by the Town's consulting engineer.

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.

There shall be no parking or idling of vehicles on Chief Justice Cushing Highway during construction.

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 trench drain and detention basin shall be moved onto the property and the maintenance of these structures shall be added to the Operation & Maintenance Plan.

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

A brief discussion of the Master Plan took place. It was decided that individuals would put priorities on their sections and get to Nico. Nico would then send out with a cover page of ranking from high to low. He and Laura would come up with a mission statement and goals and the Board would look at the priorities based on that. Nico agreed that he will help with the Master Plan after he completes his term.

Mr. Vogel moved to adjourn the meeting at 10:15 pm. Mr. Mercer seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Dr. Nico Afanasenko, Clerk