

Scituate Planning Board, February 9, 2012

TOWN OF SCITUATE MASSACHUSETTS

SCITUATE PLANNING BOARD

MINUTES

February 9, 2012

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

Members Absent: None.

Others Present: Ms. Laura Harbottle, Town Planner

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

Location of meeting: Selectmen's Hearing Room, Town Hall

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. There were none. Dr. Afanasenko arrived at 7:35 pm.

Documents

2/9/12 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.

Site Plan Administrative Review – 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 Depts

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

Chairman Limbacher opened the meeting and turned it over to Town Planner, Laura Harbottle. Ms. Harbottle indicated that the project requires a Form A Plan and a Common Driveway agreement. She discussed these items prior to the meeting with the applicant's representative who sent a letter asking for a continuance until February 23, 2012.

Mr. Monger moved to continue the Planning Board's discussion of the Site Plan Administrative Review for 277 – 283 Chief Justice Cushing Highway to February 23 at the applicant's request.

Motion was seconded by Mr. Mercer. Motion was unanimously approved. (Dr. Afanasenko was not present at the time).

Form A Plan – 89 Edward Foster Road
Assessor's Map/Block/Lot 51/3/2
Applicant/Owner: MaryAnn Doherty
Owner's Representative: Ross Engineering Co., Inc.

Documents

Application and Plan of Land in the Town of Scituate, MA 89 Edward Foster Road prepared by Ross Engineering Co., Inc. for MaryAnn Doherty dated 1/16/2012

The Planning Board took up this matter without an applicant present. Town Planner, Laura Harbottle indicated that most of the property is in the floodplain district, but for this application the proposed lot has frontage and access. Chairman Limbacher indicated the application is straight forward.

Mr. Vogel moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in the Town of Scituate at 89 Edward Foster Road prepared by Ross Engineering Co., Inc. for applicant/owner MaryAnn Doherty dated 1/16/2012. Mr. Mercer seconded the motion. Motion was approved unanimously with Dr. Afanasenko not present at the vote.

Form A Plan – 210, 214 & 218 First Parish Road
Assessor's Map/Block/Lot 44/01/13 A, B, C
Applicant: McSharry Bros., Inc
Owner: A.T. & P. Matthews, Gail Lynch, Laura Coons
Owner's Representative: Stenbeck & Taylor, Inc.

Documents

Application and Plan of Land in the Town of Scituate, MA Showing a Re-Division of Parcels 44-01-013-A, B, & C 210, 214 & 218 First Parish Road prepared by Stenbeck & Taylor, Inc. for applicant McSharry Bros., Inc. dated 11/07/2011

The Planning Board took up this matter without the applicant present. Town Planner, Laura Harbottle indicated that this is the same plan which was previously filed, but withdrawn. An agreement to pay the back taxes has been made with the Town Treasurer. Chairman Limbacher indicated the lot has access and frontage.

Mr. Monger moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in the Town of Scituate Showing a Re-Division of Parcels 44-01-013-A, B, & C located at 210, 214 & 218 First Parish Road prepared by Stenbeck & Taylor, Inc. for applicant McSharry Bros., Inc. and owners A.T. & P. Matthews, Gail Lynch and Laura Coons dated 11/7/2011. Dr. Afanasenko seconded the motion. Motion was approved unanimously.

Accounting

Documents

P.O. # 12004588 (\$35.33), P.O. # 12004857 (\$96.00), P.R. # 12005172 (\$25.73), P.R. # 12005233 (\$977.50)

Dr. Afanasenko moved to approve the requisition for \$35.33 to WB Mason for storage boxes, \$96.00 to Jennifer Morrison for reimbursement for the Economic Development Commission survey, \$25.73 to WB

Mason for storage boxes and \$977.50 to Chessia Consulting Services for peer review for the Stormwater Permit for 8 Border St. Mr. Monger seconded the motion. Motion was unanimously approved.

Minutes

Dr. Afanasenko moved to approve the January 26, 2012 meeting minutes. Mr. Mercer seconded the motion. Motion was approved unanimously.

Town Planner Report

Town Planner, Laura Harbottle, indicated that the EDC is going forward with the request for a \$30,000 MAPC grant and the item will be on the Selectmen's agenda next Wednesday night. The Board can attend the meeting and write letters of support. Ms. Harbottle will draft a letter for the chair's signature. The proposal is for \$39,600 and the Town needs to come up with \$10,000. Mr. Vogel confirmed that the ultimate goal is for possible zoning changes to be proposed for Town Meeting in 2013 that would support economic development.

The Board discussed the Building Study being proposed at Town Meeting. The Selectmen have been invited to the Planning Board meeting on February 23, 2012 to discuss the building scenario as the Board is in the process of revising the Master Plan.

Public Meeting - Stormwater Permit – 8 Border Street formerly 172 Gannett Road
Public Hearing – Scenic Road Public Hearing 8 Border Street
Assessor' Map/Block/Lot 7-8-2-D-R

Documents

8 Border Street Drainage Report by Grady Consulting dated 12-29-11
8 Border Street Tributary Area Plan by Grady Consulting dated 12/28/11
8 Border Street Subsurface Sewage Disposal Plans Sheet 1 of 4 dated 12/28/11 and Sheets 2, 3 and 4 of 4 dated 8/23/11
Chessia Consulting Services, LLC letter dated 1/23/12 to Town Planner reviewing Grady drawings and drainage report of 12/11
Grady response of 1/24/12 to Chessia letter
8 Border Street Landscape Plan by Seoane Landscape Design, Inc. dated Feb 1, 2012.
8 Border Street Subsurface Sewage Disposal System with Erosion Control shown as Sheet 5 of 5 dated 8/23/11
8 Border Street Subsurface Sewage Disposal System by Grady Consulting Sheets 1 -5 revised dated 2/1/12
Supplemental Engineering Review by Chessia Consulting dated 2/9/12

Chairman Limbacher indicated that this is a continued hearing for a Scenic Road and a public meeting for a Stormwater Permit. Attorney Ohrenberger introduced Luis Seoane, Jane Seoane, Pete Hubbell, Bob Falconi and Rick Grady as members of the project team. He indicated that the Conservation Commission has closed their hearing on their application to do work in the public way. They are awaiting an Order of Conditions and completion of its appeal period so it will be at least a month before work can begin. He indicated the Planning Board needs to issue a Certificate of Completion when the work is done for the Stormwater Permit. He indicated putting up a cash bond as the draft conditions propose puts undue pressure and a burden on the on the applicant as the money would need to come out of pocket now. He indicated that all the other conditions are okay.

Town Planner, Laura Harbottle indicated that she met with Mr. Seoane and Mr. Grady last week. They talked about construction impacts from the site and came up with the conditions proposed. The site will need to be kept contained and organized. She indicated that the drainage work in Border Street will need permission from the Board of Selectmen. As far as the bond goes, she indicated that work on the site can

take a long time and she wants to make sure the drainage work gets done, especially in Border Street as it is critical to the project. The Town proposed the solution of tying into the Border Street drainage as a way to get the project done. This work would be similar to drainage for a common driveway. Ms. Harbottle indicated she talked with the Building Commissioner and Town Engineer and both thought that a bond made sense as they want to ensure that all the drainage is completed.

Mr. Monger inquired as to the amount of the proposed bond. Ms. Harbottle suggested \$15,000 based on a ballpark cost to complete the off-site drainage work in the road. Attorney Ohrenberger indicated that a bond is a nightmare. Mr. Monger questioned the alternatives and indicated that a \$15,000 bond does not seem much. Attorney Ohrenberger indicated it is easier to bring in a cash bond taken out of pocket prior to doing the work.

Chairman Limbacher asked John Chessia, who was in attendance for Walnut Tree Hill, if he was satisfied with all the changes and redesign of the plan and he indicated he was. Mr. Seoane asked if he could set a finish construction date. He is willing to get in there as soon as he can. Mr. Vogel indicated that his concern would be that if the construction was abandoned and all the work is not done completely especially the drainage. Chairman Limbacher concurred because there could be a worse condition for Border Street. Mr. Monger indicated that the risk can't be shifted to the Town. Mr. Seoane asked if he would get the money back as soon as the job was done. It was indicated yes. Mr. Grady confirmed that \$15,000 was the amount that the Board was looking for. He also indicated that the closing needs to occur before financing is obtained. Could the wording be changed so that the bond is posted prior to doing work in Border Street. A building permit is needed prior to closing. Ms. Harbottle inquired how would a building permit be obtained without access. They said they can get a building permit without the driveway being completed. She indicated that the Planning Board does not get a sign off before a building permit is issued and the Building Commissioner does not like conditions tied to occupancy. It doesn't make sense to the Planning Board to have a condition that is tied into after the building permit is obtained.

Chairman Limbacher indicated that the vote could include the surety now and if the applicant comes up with a better scenario the public meeting could be reopened. Mr. Seoane indicated he wants to do the blasting first. Mr. Monger reiterated his position that the applicant cannot be accommodated here without the Town being put at risk. Attorney Ohrenberger indicated that they can't start for a month due to Conservation, but it doesn't look like the Board can accommodate the applicant so the Board should just move on. Chairman Limbacher asked for public comment and there was none.

Dr. Afanasenko moved to close the public hearing for work subject to the Scenic Road Act, and to approve work within a Scenic Road and approve the Stormwater Permit for 8 Border Street with the following conditions:

Construction shall comply with a Scenic Road Plan by Grady Consulting, LLC dated November 30, 2011 and a plan entitled revised Subsurface Sewage Disposal Plan (Sheets 1-5) by Grady Consulting, LLC dated 8/23/11 with revisions through 2/1/12, and a Landscape Plan by Seoane Landscape Design, Inc dated February 1, 2012.

Access for construction shall be from Gannett Rd. to the greatest extent possible. Access from Border Street shall be subject to the applicant obtaining a street opening permit from the DPW.

There shall be no stockpiling of material within 75 feet of Border Street.

Debris from blasting will be removed from the site at the end of each day.

Drainage Improvements shall be subject to approval of the Conservation Commission.

A copy of the Operation & Maintenance Plan for the stormwater management system will be provided to the first occupant of the home at the time of purchase.

All work shall be completed, including drainage work in Border St., prior to the occupant obtaining a c/o for the new home.

The applicant will obtain permission of the Board of Selectmen for performing work in a public way and provide a bond or deposit in the amount of \$15,000 to cover the cost of installing drainage in Border Street prior to obtaining the first building permit.

The Conservation Commission will review the Erosion & Sedimentation Plan prior to the start of work. A pre-construction conference will be required including a representative of DPW, the site contractor, the blasting contractor, a representative of the Fire Department if desired by the Chief, the Town Planner and the Conservation agent. Information on the numbers and spacing of rain garden plants shall be provided to the Planning Board prior to or at the pre-construction conference.

Attorney Ohrenberger indicated conditions 5 and 9 should be taken out as the Conservation Commission issues the Order of Conditions and he doesn't want to see two avenues. The Board consented. He doesn't like condition 8 as he doesn't want to go to the Board of Selectmen if the Town Administrator could approve the action. The Board agreed to change the wording to the appropriate permission from the Town and a \$15,000 bond or deposit. The wording on Condition 3 and 4 was questioned as not all of the stone and rock is being removed. Some is being used on site for rip rap and walls. The wording was agreed to be changed so that debris from blasting that will not be used on site will be removed from the site or removed 75 feet from the public way at the end of each day.

Motion was re-read with 3 and 4 combined, 5 eliminated, 8 changed and 9 eliminated.

Motion was seconded by Mr. Mercer. Motion was unanimously approved. The public hearing on work under the Scenic Road Act was closed.

Walnut Tree Hill – Discussion

Documents

11/15/2008 Dwg 1 of 1 Water Main As Built Connection to Old Oaken Bucket Road with colored marking recommendations

Subdrain detail for Old Oaken Bucket easement

6/12/2008 Dwg 1 of 1 Street As Built Plan Greenbriar Way with colored marking recommendations in cul de sac

Proposed roadway cross section

6/10/2008 Sheet 2 of 2 Street As Built Plan Woodworth Lane with colored marking recommendations

Gravel access drive section

Subdrain detail Garrison Drive cut slope

6/12/2008 Dwg 1 of 2 Street As Built Plan Garrison Drive with colored marking recommendations

Proposed Work to Complete Walnut Tree dated 2-3-12 by Chessia Consulting Services, LLC

Proposed Cost to Complete Estimate Walnut Tree Hill, Scituate, MA dated 1/27/12 by Chessia Consulting Services, LLC

Mr. Monger recused himself from the discussion and left the room at 8:25 pm.

Chairman Limbacher indicated that the Town Planner will summarize changes since last time, then the consulting engineer John Chessia will go over a scope of work and then there will be a discussion and public input. Town Planner, Laura Harbottle indicated the subdivision was approved in 1997 and by 2000 Modern Continental sought lot releases and building permits. In the timeframe of 2006 – 2008, the easement to the booster pump began having severe sedimentation issues to Old Oaken Bucket Rd and Garrison Drive began having road failure problems due to the construction. The Planning Board has been involved in trying to straighten out the work since prior to 2010 and pursuing the subdivision surety since a vote in August 2010. It took a while to obtain funds for the consulting engineer.

In Sept 2011, a formal demand for payment was sent to Travelers Insurance Co. A site visit with Travelers, John Chessia and Laura Harbottle took place on Oct 20, 2011 so Traveler's engineer could review the Town's list of all the items that needed to be fixed. It took a few months to get a report back from Travelers indicating what they would fix. There are some gray areas of whose responsibility it is to fix what problems. The Town had John Chessia look at Traveler's report and finalize the details of how the problem areas should be corrected. It is the Town's position that Travelers should do the work as the Town is not set up to do the work and it would have to be done at prevailing wage. Travelers has been asked to pay for the work

and the consulting engineer inspector. Town Counsel has advised there will be a formal settlement agreement with Travelers with specific time frames when the work must be completed. If time frames are not met there will be penalties and breach of contract notices if work is not done on time. Town Counsel will draft the settlement agreement.

The Town Planner indicated that the detention basins were not built exactly to plan. Maintenance of these will be the responsibility of the Homeowner's Association which may need to be party to the settlement agreement. There have been encroachments by homeowner's on the basin easements and Traveler's does not want to be responsible for fixing the basins. Hopefully an agreement can be reached tonight for this course of action.

John Chessia, the Town's consulting engineer, indicated his original scope of work included a punch list and a cost estimate to complete the work. There were items never done, not done correctly or damaged. Most of the punch list items are minor compared to the failures that have resulted in several areas of the project. The first major problem is the cul-de-sac at Greenbriar. It has many alligator cracks and is settling and is failing. The pavement and gravel needs to be taken out to subgrade. If the subgrade is unsuitable, over-excavation needs to occur and crushed stone put down before new gravel and a beefed up road section are put down. This is a groundwater related problem that is caused by tight soils and water coming up and freezing and thawing.

The second major problem is Garrison Drive. It is failing. The road is settling and falling apart and groundwater is flowing out of the slope in this cut area. The pavement and gravel needs to be removed, the roadway excavated down and crushed stone and filter fabric with subdrains installed, and then the road rebuilt. A 5 inch pavement section, a better road base and subdrains should help stabilize the pavement for the future. The water on the slope also must be addressed. The proposed solution is three tiered levels of subdrains to remove the flowing groundwater. The subdrains will tie into the existing drainage system. Experience shows there has been no problem with this type of solution in soils found in the Scituate area.

The third major problem area is Woodworth Lane. The pavement is failing in the new layout and old cul de sac. The same solution as Garrison Drive is being proposed; however the old cul de sac is not in the bond area so work can't be done there. Some work will have to be done in the existing public section of Woodworth Lane to tie proposed subdrains into the existing drainage system.

The fourth major problem area is the watermain easement off of Old Oaken Bucket Rd. It is a dirt path with a stilling basin dug for water and disturbed soil. Sedimentation and water were flowing to the road. A subdrain was added for 100 feet, but was poorly installed. A subdrain needs to be installed from Old Oaken Bucket to the corner near the booster pump. A drop inlet and manhole must be installed 25 feet back from the road and then the water will be in the piped system that goes across Old Oaken Bucket Rd. to the brook. A gravel access road would then be built for access up to the booster station.

Comment was opened up to the public. Jen Secaur of 14 Garrison Drive asked if the subgrade was not acceptable in Garrison Dr., would the bond cover the solution. Mr. Chessia indicated there would be overexcavation for crushed stone and filter fabric and when the non-frost susceptible material was put in it would be approximately 3 to 3.5 feet deep and be compacted to 95% and that the bond would cover the cost. The Town Planner agreed.

Ralph DeSimone of 64 Woodworth Lane asked how far apart Mr. Chessia and Travelers were on numbers and a solution that they would pay for. Mr. Chessia said Travelers hasn't given a number, but their job is to save as much money as possible. They know they have an issue and it is to their advantage not to call the bond. The Town is fortunate to have such a large bond. Travelers may be able to get some money back if they do the work themselves. Mr. DeSimone indicated that Town Planner, Laura Harbottle told him Travelers was disputing some of the work and he wants to know how much and where. Ms. Harbottle indicated there is a reasonable agreement for the amount of work to be done. She has copies of Travelers initial assessment if people want that and copies of John's assessment. Travelers does not want to rework the detention basins. They are okay with the Old Oaken Bucket easement work. Mr. Chessia did quantities

and then put numbers based on the state bid list. If Travelers did the work they could do it cheaper. Travelers did their own quantities which didn't always match John's estimate. If an agreement with Travelers is not reached, the Town pulls the bond.

Chairman Limbacher explained that if the Board accepts Mr. Chessia's recommended solutions they go back to Travelers and negotiate a settlement with specific details. Travelers has no specific details at this point. Town Counsel will negotiate an agreement that is legally binding. If the work is not done according to an agreement the bond would be pulled. The Town and Travelers agree that there is work to be done. The Board will incorporate comments from this meeting in the scope prior to going back to Travelers. The Town will give Travelers the scope of work for them to complete. Town Counsel will put it into a legally binding agreement.

John Duane of 47 Woodworth Lane asked why the insurance company was reluctant to do detention basin work if the work was not done correctly per the approved plans. Ms. Harbottle indicated that they have made it clear that homeowners have encroached upon the drainage basins via some retaining walls that affect volume and also make it hard to get to the basins. There would be engineering and equipment access that would be needed. She indicated the basins seem to be working so that maybe it is best to leave them alone.

Charlie Murphy of 43 Walnut Hill Drive asked about a timeline when their response would be to do the work. Mr. Chessia replied now is the time. Ideally the work should be done in the summer when the groundwater is the lowest. Chairman Limbacher restated that the agreement would have a timeframe and Town Counsel would make sure the work was completed. Mr. Murphy wondered how to keep the momentum going to get the work done. Chairman Limbacher indicated the size of the bond is the incentive. Mr. Mercer indicated the bond is not gaining interest and the insurance company is anxious to get the matter resolved.

Brian Chaisson of 64 Walnut Hill Drive asked why the Town couldn't pull the bond and the Town do the work. Ms. Harbottle indicated that the Town has called the bond and the leverage is in the bond money. She explained there was a demand letter from the Town for payment of \$865,000 for the cost to do all the improvements. They were to respond within 20 days which initiated the site visit in October. Ralph DeSimone then asked why the Town doesn't have the money for the Town to do the work. He understands that when a bond is called they need to pay up and don't have the right to question. Dr. Afanasenko indicated the process of calling the bond was ambiguous until September when the demand letter was sent. 4 months has passed since then and Travelers has come to the table with a response. The Board understands that the summer is nearing, but feels that an agreement on the demand by the Town is close. Mr. Chessia's detailed report will be given to Town Counsel who will come to an agreement with Travelers. Mr. Mercer indicated the Board wants to make sure it is right now and feels one year from a concept until construction is completed is not a long time.

Greg Lengen of 35 Walnut Hill Drive indicated people want to make sure the work happens this summer. They don't want another year of problems. Chairman Limbacher indicated the Board is working with Travelers on specific engineering items. Mr. Mercer indicated that the insurance company has a statutory obligation to prompt payment and settlement.

Greg Leasey of 18 Woodworth asked why the subdrain would have to tie into the existing pipes in Woodworth Lane. He lives on the public portion of the lane which is also wearing. Mr. Chessia indicated it is the only logical way to make the drainage work so they will have to do piping to tie into the existing drains. Chris Brabham of 24 Greenbriar Way indicated he appreciated the work for its specificity, but road acceptance is the goal. He wants the timetable forwarded there. Chairman Limbacher said an application is into the Street Acceptance Committee so the roads will be plowed this winter. The residents are looking for the road to be accepted as soon as possible after the work is done. Selectman Tony Vegnani, Chair of the Road Acceptance Committee, indicated that the residents are receiving the benefits of road acceptance now. He indicated the roads have to be accepted at Town meeting. He also indicated there is no lack of clarity for commitment for plowing. Ms. Harbottle indicated the Board has a letter that the Town will plow this winter. Chairman Limbacher indicated the letter will go to the Homeowner's Association once the Board

votes to accept the scope of work. The Homeowner's Association must determine if they will be part of the settlement. He said they are in cue for street acceptance

The Board indicated they will not settle for less than Mr. Chessia requires as that is what will be needed for street acceptance. Travelers may be able to do the work for less than \$850,000, but the Town will have an engineer to inspect the work. Ms. Harbottle indicated that the engineer will be part of the settlement agreement and that the Town will be dictating the solution. The groundwater problem must be corrected to a minimum acceptable level so it will not happen again. The Board would like to see the street accepted as well and won't settle for anything that won't result in street acceptance.

Ralph DeSimone inquired why the Town just couldn't pull the bond for the \$2.4 million and say goodbye to Travelers. Dr. Afanasenko replied that the Town can demand the amount that it will take to do the work, but that would be a lot more work and a longer time frame. Insurance companies don't write blank checks. It costs the Town money to go after the bond in lawyer and consulting fees. The Town wants the insurance company to do the work and do it properly once a finite scope is agreed to. The Town had Mr. Chessia come up with a solution so that they could go into a settlement agreement. Mr. DeSimone says a complaint should be filed with the insurance commission. The chair said that was referred to the Town Administrator.

Chairman Limbacher summed up the meeting saying they will file the proposed scope of work with Town Counsel and he will send it to Travelers. The letter on plowing will be sent to the Homeowner's Association as well as John's scope of the work. He thanked everyone for coming.

Site Plan Waiver – Luxury Nails and Spa
371 – 375 Gannett Road
Assessor's Map/Block/Lot 13/1/38-0-R
Applicant: Lieu Hai

Documents

Site Plan Waiver Application dated 1/23/12 with floor plans, employees and parking spaces and abutter notification dated 1/24/12
Email from David Ford, owner of building, dated 1/23/12
Memorandum from Director of Public Health dated 1/26/12

The Board discussed the parking and agreed that there seems like enough parking for the proposed use with the existing parking available as there are over 50 spaces available and the number of employees for all the shops is far less.

Dr. Afanasenko moved that the proposed building work is minor in nature because one retail use is being replaced with another retail use, and there appears to be adequate parking in the adjacent public lot and lot owned by David Ford, and to therefore grant the site plan waiver for the Luxury Nails & Spa to be located at 371 – 375 Gannett Road, with the following conditions:

Construction shall comply with the improvements shown on a plan entitled Proposed Luxury Nails and Spa at 361 Gannett Road (as shown on the assessor's records as 371 -375 Gannett Rd), Scituate Massachusetts prepared by T DESIGN dated 12/15/11 with sheet numbers A-1, A-2, A-3, A-4 and A-5. The applicant is limited to no more seats/spa tables than shown on these plans.

Mr. Monger seconded the motion. Motion was unanimous in favor.

Site Plan Waiver – 153 Jericho Road Assessor's Map/Block/Lot 46-14-7
Applicant: James Lewis
Applicant's Representative: Ross Engineering Co. Inc and Atty Francis Colpoys, Jr

Documents

Application for Site Plan Waiver dated 1/23/12 with architectural sketches by Axiom Architects dated 11/1/11 for a quad ground floor plan and main floor plan option and an undated perspective sketch and a

Foundation Plan dated 10/24/2011 by Ross Engineering Co.
Memorandum from Jennifer L. Sullivan dated 1-26-12

Attorney Colpoys introduced Mr. Lewis of Jericho Road Condominiums LLC and Mr. Mirabito. He indicated that this site at 153 Jericho Rd. has been a problem for a long time. It is condemned due to the flooding that occurred in Dec 2010. There are currently 6 units with parking on the street. The proposal is for four units with parking underneath. Two Special Permits have been approved by the ZBA - one to raze and reconstruct the property and the second for the Flood Plain Special Permit. The Conservation Commission has issued an Order of Conditions. Planning is the last stop for a Site Plan Waiver in accordance with Sec 770.2 A of the Zoning Bylaw. The applicant feels the site is worthy of a waiver.

Mr. Mirabito indicated the existing site is 4,985 sf. The existing structure has 6 dwelling units with a deck to the rear and the front is in the Jericho Rd. layout. The site is in two flood zones and is receiving a permit from the Conservation Commission. To the rear of the building is parking for Sand Hills Beach. To the left there is a building and to the right there is a foundation. Across the street are single family homes. He indicated that the proposed footprint has been approved by the ZBA. Parking will be under the building and the first floor will be above flood elevation. There will be open decks and the new building will be 2 ½ to 3 stories. Axiom Architects is doing the design.

Attorney Colpoys indicated that the abutters support the project. Town Planner, Laura Harbottle indicated it will be a positive change for the neighborhood. She sees no issues as the new building will be above the flood elevation. She recommends no on street parking as parking has been an issue in the past. The Board indicated that there are no parking signs on the street. The Board discussed the height of the building. The applicant indicated it will be compliant with zoning and the parking will come off Jericho Road. The new building will be setback three feet from Jericho Road, but the decks will go to the property line. All thought that the design looked good, but Mr. Vogel indicated the Planning Board cannot talk about the design. Mr. Monger asked if the Board should address parking and access since the Town Lot is next door. It was indicated that there is no access from the lot to the house due to grades and the lot is signed for no overnight parking. The Board indicated the proposed development would be an improvement.

Dr. Afanasenko moved that the proposed site and building work is minor in nature, based on the decision of the Zoning Board of Appeals on December 15, 2011 to allow reduction of housing units from six to four, and to therefore grant a site plan waiver for construction of four condominiums at 153 Jericho Road with the following conditions:

Construction shall comply with the improvements shown on a plan entitled Proposed Foundation Plan for 153 Jericho Rd in Scituate, MA prepared for Jericho Road Condominiums LLC by Ross Engineering Co dated October 24, 2011.

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

Mr. Mercer moved to adjourn the meeting at 10:07 pm. Mr. Vogel seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Dr. Nico Afanasenko, Clerk