

## **SCITUATE PLANNING BOARD    MINUTES    May 22, 2014**

Members Present: William Limbacher, Chairman; Stephen Pritchard, Vice Chairman; Richard Taylor, Clerk; Robert Vogel and Robert Greene, Alternate Member.

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, Scituate, MA.

Chairman Limbacher called the meeting to order at 7:04.M. The meeting was being recorded for airing on the local cable television station.

### **Documents**

- 5/22/14 Planning Board Agenda

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

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### **Continued Public Hearing – Definitive Subdivision Plan Modification – Colonel Mansfield Estates**

**55 Colonel Mansfield Drive**

**Assessor's Map/Block/Lot 30-1-10R**

**Applicant: Craig W. Hoffman**

**Owner: Richard W. & Helen V. Hoffman**

### **Documents**

- Draft conditions for Definitive Subdivision Plan modification
- Draft conditions for Definitive Subdivision Plan modification version 2 5-21-14
- Email from Laura Harbottle to the Board containing Revised Draft conditions for Modification of Subdivision Plan – 55 Colonel Mansfield Drive dated 5/22/14 and the Conservation Commission Order of Conditions for Lot 2 Colonel Mansfield Drive
- Email from Jeff DeLisi on Condition 3 dated 5/22/14
- Email from Laura Harbottle to Board dated 5/22/14 forwarding Town Counsel's comments on Condition 3

Chairman Limbacher opened the continued public hearing for the definitive subdivision modification for 55 Colonel Mansfield Drive at 7:00 pm. Present for the applicant were Attorney Bill Ohrenberger, Attorney Jeff DeLisi, Richard and Helen Hoffman and Paul Mirabito. Attorney Ohrenberger indicated that the Conservation Commission issued the Order of Conditions and Stormwater Permit on May 21, 2014 at their meeting. He indicated that Mr. DeLisi and Ms. Harbottle have been working on the conditions and the only condition left unresolved is condition 3. Ms. Harbottle indicated that the only item left to resolve is condition 3 which is a standard Board condition. She said the applicant's attorney feels it is too broad and thought they may be responsible for something they did not know about. She said the applicant's attorney thinks it overreaches. Ms. Harbottle said she asked Town Counsel for an opinion and he opined that it is a standard condition written to protect the Town. Attorney Ohrenberger said their change is not substantive and they don't want dual jurisdictions. He said they want the condition to say the applicant shall comply with

all approvals... Ms. Harbottle said the wording comes from the Planning Board regulations. Attorney Ohrenberger said the last four subdivisions all have the change they are requesting. Attorney DeLisi said that even though it is in the regulations, on another project Town Counsel thought it was a good idea. Ms. Harbottle said that was not how it happened. Mr. Pritchard said he was not prepared to modify the language now. Mr. Vogel agreed. He said he could see Attorney Ohrenberger's point of view; however, for the small difference the change is not justified. Mr. Greene thought the language protects the Board. Attorney Ohrenberger said it was not a paramount issue and requested to move forward.

Mr. Pritchard moved to approve a Modification of the Definitive Subdivision Plan of Colonel Mansfield Estates as shown on a plan by Ross Engineering Co., Inc. entitled Amended Subdivision Plan of Land in the Town of Scituate, Massachusetts, Colonel Mansfield Estates, dated January 23, 2014, revised March 17 and May 5, 2014 based on the following criteria:

1. Completeness and technical adequacy of all submissions;
2. Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others;
3. Conformity with the requirements of Section 6.0 and 7.0 of the Town of Scituate Subdivision Rules and Regulations, except as specifically waived by the Planning Board and the Zoning Bylaw;
4. Determination that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan;

and subject to the following Revised Draft Conditions and waivers as previously voted on May 8, 2014 (wherever a condition refers to "the applicant" this shall include his successors or assigns as applicable):

## **REVISED DRAFT CONDITIONS**

### **Modification of Subdivision Plan**

### **55 Col. Mansfield Dr.**

1. All construction shall be according to a plan by Ross Engineering Co., Inc. entitled "Amended Subdivision Plan for Colonel Mansfield Estates in Scituate, Massachusetts", dated January 23, 2014, revised March 17 and May 5, 2014 (hereinafter, the "Plan" or the "Amended Subdivision Plan"), and the Order of Conditions and the Stormwater Permit issued by the Scituate Conservation Commission.
2. The Amended Subdivision Plan shall be revised such that the materials of the surface of the hammerhead turnaround are as shown on the Stormwater Permit Plan filed with the Conservation Commission.

As required by the Stormwater Bylaw, a copy of the Stormwater Permit application shall be provided to the Planning Board prior to endorsement of the Amended Definitive Plan.

3. Where this Amended Subdivision Plan requires approval, permitting, or licensing from any local, state, or federal agency this approval, permitting, or licensing to this Amended Subdivision Plan will be deemed a condition of the Planning Board's approval.

4. Construction in the area of the cul-de-sac shown on the Plan and related infrastructure shall meet or exceed all requirements of the Scituate Subdivision Rules and Regulations dated August 13, 2010 except as specifically waived by the Planning Board.
5. No lot shown on the Plan may be further divided or subdivided to create additional building lots on this 5.4 acre parcel of land.
6. As requested by the Fire Department, a new hydrant shall be installed in the location set forth on the Plan which shall meet the standards of the Town of Scituate Subdivision Rules and Regulations, or in an alternate location approved by the Fire Department.
7. As required by the Town of Scituate Subdivision Rules and Regulations, electric, cable, telephone and similar utility lines serving Lot 2 shall be located underground, as shown on the Plan or in such other underground location as required by these utility companies.
8. All stormwater produced by the proposed development shall be accommodated on site by the stormwater management system shown on the Stormwater Permit Plan approved by the Conservation Commission, with no impact on the Town of Scituate stormwater management system through additional flow into or connection made to the drainage system in Colonel Mansfield Dr. without prior approval by the Planning Board.
9. The applicant shall agree to construct the hammerhead turnaround and complete all other work specified on the Amended Subdivision Plan or required under the Subdivision Rules and Regulations except as specifically waived by the Planning Board, including installation of required utilities, within three years of the date of endorsement of the Amended Subdivision Plan, or as may be extended by the Planning Board.
10. The applicant shall maintain the hammerhead and utilities within the 5.4 acre subdivision parcel in perpetuity. In the Homeowner's Agreement referenced below, the applicant shall grant to the Town of Scituate, a right and easement to construct, repair, replace, extend, operate, use and forever maintain the hammerhead turnaround as shown on the Plan in case of emergency. The above shall not be construed to relieve the applicant, and his successors in title, to the ownership of a portion of the land or any street within the amended subdivision nor diminish in any way his responsibility to complete all construction as required by the applicant's agreements with the Town and to thereafter maintain the hammerhead and utilities in satisfactory condition.
11. The applicant shall consent to allow members and employees of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. As a condition of subdivision approval by the Planning Board, the applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in the Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board pursuant to these conditions.
12. Any modification of this Plan, other than as authorized by G.L. c. 41, s. 81O, shall require modification by the Planning Board in accordance with G.L. c. 41, s. 81W. Failure to comply with this requirement may result in a vote of rescission of the Planning Board's approval by the Planning Board following notice to the applicant and all owners of the land shown on the Plan and a hearing thereon.

**Required Prior to Endorsement or Recording of Plans**

13. The system of water distribution including the additional hydrant, extension and/or looping of the water main if required, proposed water service for Lot 2 and any additional appurtenances shall be approved by the DPW Water Division prior to the pre-construction meeting.
14. The location of underground electric utilities serving Lot 2, now shown within the treeline, shall be adjusted so they are under the hammerhead turnaround shown on the Plan. If the underground utilities cannot be constructed within the hammerhead, the utility company or the applicant shall contact the Planning Board prior to installation.
15. All conditions of approval and waivers granted shall be inscribed upon the Plan prior to endorsement.
16. The applicant shall obtain the endorsement of the Planning Board upon the Plan within 180 days of the later of the date of approval, termination of the appeal period following approval, or the final adjudication or dismissal of an action appealing approval of the Plan if appealed. Failure to comply with this requirement may result in a vote of rescission of the Planning Board's approval by the Planning Board following notice to the applicant and all owners of the land shown on the Plan and a hearing thereon.
17. A Covenant or other form of surety as provided in MG.L. c. 41, s. 81U to guarantee construction of the hammerhead turnaround and required water system improvements shall be provided to the Planning Board prior to endorsement of the Plan by the owners of record of the land in the subdivision. This Covenant shall run with the land and be binding upon the owner(s) and their successors in interest. Upon approval by the Planning Board, the Covenant shall be referenced on the Plan.
18. The developer shall provide a draft Homeowner's Agreement for maintenance of the proposed hammerhead and utilities prior to endorsement of the Plan, which shall be reviewed by the Town Planner. This Agreement shall be provided to subsequent purchasers of the property.

**Required Prior to Pre-Construction Conference**

19. The applicant shall, within the later of six (6) months of the termination of the appeal period following endorsement of the Plan or the final adjudication or dismissal of an action appealing endorsement of the Plan if appealed, file all sheets of the Plan with the Plymouth County Registry of Deeds, and shall transmit two (2) mylar reproducibles of the plan which is submitted for recording for the Planning Board and DPW, and four paper copies of the recorded Plan to the Planning Board for the DPW Engineering Division, DPW Water Division, Building Department, Conservation Commission and Planning Board files.
20. Prior to the pre-construction conference, the applicant shall provide the Planning Board with a copy of the Plan on disk in CAD (.dwg format) and copies of the NPDES Permit if required, including its Stormwater Pollution Prevention Plan.

**Required Prior to the Start of Construction**

21. The grades shall be staked as noted on Sheet 4 and the Town Planner notified to allow for review prior to installation of the sub-base.
22. A pre-construction conference shall be held with the applicants and town representatives including the Town Planner and Conservation Agent. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board, Conservation Commission and DPW. At least one telephone contact shall be available 24 hours per day in the event of an emergency.

### **Required During Construction**

23. Construction work on the turnaround and related infrastructure shall not begin prior to 7 AM weekdays and 8 AM on Saturday and shall cease no later than 7 PM or sunset whichever is earlier. No construction shall take place on Sundays or legal holidays.
24. No equipment shall be parked or stored so as to render Colonel Mansfield Drive impassable. No portion of Colonel Mansfield Drive shall be used as a staging area. No parking or unloading on Colonel Mansfield Dr. shall be permitted during construction.
25. A registered professional engineer shall certify in writing to the Planning Board and DPW at completion that the proposed subdivision hammerhead turnaround was constructed in accordance with the approved Plans.
26. This certification shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and a professional engineer.

### **Acceptance of Street as a Town Way**

27. Approval of the Plan does not constitute the laying out or acceptance by the Town of the streets shown on the Plan.

### **Ongoing**

28. A copy of the recorded Homeowner's Agreement shall be provided to any prospective owners of Lot 1 or Lot 2 subsequent to the ownership of Richard and Helen Hoffman or Craig and Valerie Hoffman at the execution of a Purchase & Sale Agreement to a subsequent prospective purchaser.

Mr. Greene seconded the motion. Motion was unanimously approved with members Limbacher, Pritchard, Vogel and Greene voting in favor. Mr. Pritchard moved to close the public hearing. Motion was seconded by Mr. Vogel. Motion was unanimously approved with members Limbacher, Pritchard, Vogel and Greene voting in favor.

### **Public Meeting – Site Plan Waiver – Relocation of Irish Mossing Shed -301 Driftway Assessor's Map/Block/Lot 53-3-1 Applicant/Owner: Scituate Historical Society**

#### **Documents**

- Application, overview letter, site plan and 4 photographs of mossing shed and museum

Dave Ball and Pam Martell were present for the Scituate Historical Society. Mr. Ball introduced Ms. Martell as a Special Operations Manager of the Historical Society who is also a noted museum designer. She indicated that the CPC has approved funds to relocate the Irish mossing shed from the Maritime Center to the Irish Mossing Museum. She said the shed is the only one left from the many that once lined the Scituate beaches. She said this one was renovated 10 years ago and bears the signatures in the interior of mossers from the 1920's, 30's and 40's. She said it will be a huge asset to the Irish Mossing Museum when it is attached to the mossing exhibit via an ell. She said it is proposed to be lifted in one piece or multiple pieces and reassembled at the site. Ms. Martell indicated that they are requesting a site plan waiver as there are no changes to the existing parking, building and occupancy.

Ms. Harbottle said the mossing industry was unique to Scituate and this would be a better place to preserve the shed. Mr. Taylor and Mr. Pritchard agreed. Mr. Vogel and Mr. Greene concurred. It was noted that the location of the shed in the Marine Park was not its original location, but in the approximate vicinity.

Mr. Taylor moved that the Planning Board finds the proposed site work and building work is minor in nature because there appears to be adequate parking in the existing museum lot and no site work is proposed, and to grant the site plan waiver for the Scituate Historical Society to relocate the Irish Mossing Shed from the Marine Park to the Irish Mossing Museum, with the following conditions:

1. Construction shall comply with the improvements shown on a plan entitled Revision to the 5/7/1996 Site plan for the Scituate maritime and Irish Mossing Museum dated 10/25/13 submitted with the application.
2. Approval is contingent upon all local approvals being obtained from the Town of Scituate.
3. The Board waives the application fee of \$100.00.

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

**Form A – 0 Country Way**  
**Assessor's Map/Block/Lot 32-7-15 & 21**  
**Applicant/Owner: Bradford A. Merritt**

**Documents**

- Application and plan of land Country Way, Scituate, MA prepared for Bradford A. Merritt dated 4/24/14 prepared by Grady Consulting, L.L.C.
- ANR with wetlands overlay from MA GIS/Wetlands Summary Form 495 Country Way

Ms. Harbottle indicated that the applicant will not be in attendance for the meeting. She said they are proposing to create a 50 foot frontage lot leaving a parcel with inadequate frontage to comply with zoning on Country Way. She indicated that the wetlands on parcel A were added based on MA GIS information. She indicated the applicant has not gone before the ZBA on the 50 foot frontage lot yet so the Board should hold the mylar until the ZBA approves the plan.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law Not Required a plan of land Country Way, Scituate, MA prepared by Grady Consulting, LLC for applicant Bradford A. Merritt dated 5-21 -14 with the notation added to the plan that "Planning Board endorsement of this plan is not a determination as to conformance with the zoning regulations" as the division of land is not a subdivision because Lot 1 as shown on the plan has access and frontage on Country Way – a public way as required by the zoning bylaw when a 50 foot frontage Special Permit is approved by the Scituate Zoning Board of Appeals. Parcel A is labelled as not a buildable lot as it contains insufficient frontage. The Planning Board will hold the plan in escrow until the ZBA Special Permit is approved and recorded at the Registry of Deeds and proof of recording furnished to the Town Planner. Mr. Pritchard seconded the motion. Motion was unanimously approved.

**Continued Public Hearing – Accessory Dwelling Special Permit – 92 Marion Road**  
**Assessor's Map/Block/Lot 40-11-4**  
**Applicant/Owner: Alfred M. Boyajian, TRS**

**Documents**

- 5-13-14 letter from Paul Mirabito, applicant's representative, asking for the application to be withdrawn

Mr. Mirabito said that the applicant has decided against installation of an accessory dwelling in his home and requests to withdraw the application without prejudice.

Mr. Taylor moved accept the applicant's request to withdraw the application for the Accessory Dwelling Special Permit at 92 Marion Road without prejudice. Motion was seconded by Mr. Pritchard. Motion was unanimously approved.

**Form A – 529 & 531 Country Way**

**Assessor's Map/Block/Lot 26-2-3**

**Applicant/Owner: Shamrock Realty Nominee Trust**

**Documents**

- Application and plan of land in Scituate, MA prepared for Shamrock Realty Nominee Trust dated 3/17/14 prepared by SITEC with a memorandum from Steve Gioiosa, PE on pertinent case law

Steve Gioiosa of SITEC was present for the applicant. He said they would like to take the existing parcel and divide it in half into two lots each with a building that was built in the 1930's. He said the division is done under Section 81L and the Building Commissioner suggested that it could be done. Ms. Harbottle said that the two buildings predate the adoption of subdivision control law in Scituate in 1947, but she was not sure if they were used residentially. She said neither lot conforms to zoning, but that it subject to the Building Commissioner's determination. Mr. Gioiosa said that the submitted Assessor's records indicate the structures were built in 1930 and 1934 and under the Citgo case law the structure just has to be significant and predate adoption of zoning. He said residential use under the case law is not important. He also indicated that the ZBA formerly said the buildings were legitimate. Mr. Gioiosa said he understands that further action from the ZBA and Planning Board may be required. Ms. Harbottle said that the Scituate Zoning Bylaw says that the buildings need to be dwellings. She said they are dwellings now. She said it may be in the best interest of the neighborhood for betterment of the dwellings. Mr. Gioiosa said that they may possibly do a common driveway which Ms. Harbottle confirmed would be good.

Mr. Taylor asked about the structures on the lots. Mr. Gioiosa said that the former owner tried to have condominiums approved after the fact and they were denied. Shawn Harris asked if the Board was talking about the "doll houses" on Country Way. He said people lived there 20 years ago.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, MA at 529 and 531 Country Way, Scituate, MA prepared by SITEC for Shamrock Realty Nominee Trust dated March 17, 2014 with the notation added to the plan that "Planning Board endorsement of this plan is not a determination as to conformance with the zoning regulations" as the division of land is not a subdivision because two or more structures were standing on the property prior to the date of the Subdivision Control Law went into effect

in the Town of Scituate, and one of such buildings remains standing on each of the proposed lots. Mr. Pritchard seconded the motion. Motion was unanimously approved.

### **Informal Discussion with Superintendent McCarthy on Gates School Building Options**

Architects Donald Walter and Jon Richardson of Dore and Whittier, Shane Dolan of Daedalus and Robin Laverne, Chair of the School Building Committee were present. Superintendent McCarthy was unavailable. Mr. Walter indicated that they have been doing a study for the MSBA for the Gates School. Included in the study are the space, programming and facilities needs for the Gates School. 13 options were studied and 4 remain focusing on the existing Gates School site, the High School site and the Ellis property site at Mann Lot Road and Route 3A. The preferred option goes to MSBA in mid-June for a July 30 vote. This would allow Schematic Design to occur in the fall prior to another MSBA vote in November followed by a vote by the Town for a debt exclusion.

The first of the 4 remaining options is at the existing Gates site with renovation of the front portico area and gym and a new school addition. They realized a new school would be best, but the existing Gates gym is 9,000 sq. ft. and only 6,000 sq. ft. is allowed by MSBA. The school would be for grades 6 to 8 with pods for each grade which will be broken down further into 2 teams. In this scheme the Little Red Schoolhouse is moved up by First Parish Road and the tennis courts are maintained. School bus drop off is off First Parish and parent drop off is off Cudworth Road. The proposed school would be 2 stories with 125 parking spaces which is 1.5 per staff. Capacity has been calculated at 710 and the school is designed for a 50 year life. Class room wise there is room for expansion in this option, but not site expansion.

The second option is a whole new building on the Gates site. It will have the 3 grade pods and core facilities with a 6,000 sq. ft. gym. The building is where the existing soccer field is located. The Little Red School house can remain in its current location, but the tennis courts are lost. Bus drop off will be off Cudworth. Parking will be in the front of the building.

The third option is for a new school to be located off of Mann Lot Road behind a public safety facility fronting on Route 3A. The site is 22 acres with 6 being taken out for the public safety facility. It would have a multipurpose field and ball field. There are no sidewalks on Mann Lot Road and there is a high groundwater table. It is probable that sewer could be extended to the site for less cost than constructing a septic system.

The fourth option is to have a new facility linked to the existing High School. The Seaside Park would be lost as well as the field hockey field. This option would include a new larger High School auditorium and the existing auditorium would be made into space for the Middle School. There is no room for a softball field with this proposal. If the public facilities are moved then there may be room for a field or two.

The Board inquired if educationally there was a better plan. Mr. Walter indicated that the combination with the High School is opportunistic. There would be two separate facilities. Mr. Vogel inquired if other towns have a similar facility. Mr. Walter indicated that Rockland, Duxbury and Reading have some similarities in their school developments. He indicated that the cost of the High School option is approximately 70 million dollars versus 62 to 65 million dollars for the other 3 options.

### **Public Meeting – Site Plan Waiver – Convert Bait Shop to Yoga Studio -36 &38 Country Way**

**Assessor's Map/Block/Lot**

**Applicant/Owner: Kevin and Mary Norton**

**Documents**

- Application for Site Plan Waiver and existing conditions plan by Ross Engineering Co., Inc. dated March 2005.

Kevin Norton said he would like to convert the lower floor of the former Belsan Bait Shop into a yoga studio. Ms. Harbottle said it is a change in use from retail to service. She said she has previously attended Mrs. Norton's yoga class and it is well attended with a maximum of about 15 people. She said there is an existing apartment upstairs on the second floor. She indicated that the parking is tight, but there is room out back for more parking and on the property that the Norton's own next door. She said that if the project is approved that parking could be monitored for a year to see if any changes are warranted. She indicated that signage should be considered as the existing is large and there is room for a hanging sign. She said the carved wooden sign next door is attractive. Mr. Taylor asked if the sign was historic. Mr. Norton said it is at least 40 years old, but the sign is deteriorated and rotted out so a new sign would need to be smaller. Chairman Limbacher indicated that signage could be handled by the Town Planner with any questions directed to the Board from her. Ms. Harbottle asked if the building would look the same with the new windows. Mr. Norton indicated the windows are being replaced with the same as the existing. Mr. Pritchard was concerned that parking spot 2 in the front interferes with the steps so there are really only 15 spaces. The Board said they would monitor parking for a year.

Mr. Taylor moved that the Planning Board finds the proposed site work and building work is minor in nature because there appears to be adequate parking on the site despite the change from retail use to a service use and minimal site work is proposed, and to grant the site plan waiver for a yoga studio to Kevin and Mary Norton, with the following conditions:

1. Parking shall be as shown on the submitted plan with 6 spaces in front including 1 handicap space and 10 spaces on the side perpendicular to Drew Place. On street parking is not permitted. The Planning Board will review the adequacy and safety of parking for the building one (1) year from occupancy to verify adequate parking exists for all uses.
2. Approval is contingent upon all local approvals being obtained from the Town of Scituate.
3. Signage consisting of a carved wooden sign similar to the sign at 34 Country Way shall be submitted to the Town Planner for approval prior to implementation.
4. Exterior changes shall replicate the existing style of porch, windows, door and siding.

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

**Continued Public Hearing – Definitive Subdivision Plan – 50 Country Way**

**Assessor's Map/Block/Lot 53-5-3 and 3B**

**Applicant/Owner: 50 Country Way Trust, C. Christopher Ford Trustee**

**Documents**

- Letter from Town Counsel dated 4/30/14
- Stormwater Report and Calculations for Greenbush Park Definitive Subdivision Plan dated 5/8/14
- Greenbush Park Definitive Subdivision Plan Sheets 1-10 dated 5/8/14

Attorney Steven Guard, Jeff Hassett and Chris Ford were present for the applicant. Attorney Guard indicated that the requisite items have been filed, but peer review by Mr. Chessia has not occurred yet so they would like a continuance. No evidence or testimony was taken.

Mr. Taylor moved to accept the applicant's request to continue the public hearing for the Definitive Subdivision Plan for Greenbush Park at 50 Country Way until June 26, 2014 at 9:30 pm. Motion was seconded by Mr. Pritchard. Motion was unanimously approved.

## **Accounting**

### **Documents**

- PO # 1407037 (\$337.68), PR # 13009528 (\$150.00), PR # 13009527 (\$60.00), PR # 13009533 (\$23.28), PR # 13009530 (\$21)

Mr. Taylor moved to approve the requisition of \$ 337.68 to Gatehouse Media MA for legal advertising in the Scituate Mariner for 92 Marion Road Accessory Dwelling Special Permit, 50 Country Way Definitive Subdivision Plan and Colonel Mansfield Estates Subdivision Modification; for \$150 to Amory Engineers, PC for the zoning map update; for \$60 to Amory Engineers PC for engineering peer review for Blanchard Farm Estates; for \$23.28 to WB Mason for office supplies; and for \$21 to USGS for USGS Maps. Mr. Pritchard seconded the motion. Motion was unanimously approved.

## **Minutes**

Mr. Pritchard moved to approve the meeting minutes of 5/8/14. Mr. Limbacher seconded the motion. Motion was unanimously approved with Mr. Taylor not voting as he was not present.

## **Liaison Reports**

Chairman Limbacher and Mr. Taylor attended the EDC open house on 5/20/14 to review the market study. They indicated it was a low key event with the EDC asking what people liked about Scituate. They indicated that development along Route 3A did not receive much support as little opportunity for development exists there. More water related businesses in the harbor and a holistic strategic marketing plan for the community were seen as needs for the community.

## **Town Planner Report**

Ms. Harbottle indicated that the consulting engineers provide the Planning Board with different products. She said that it would make sense to develop standards so the products and costs are similar. Chairman Limbacher and Mr. Pritchard offered to review the standards. Ms. Harbottle reported that some street trees have been planted at Tilden Estates and some were rejected. She indicated that the Deer Common drainage solution for the basin is being reviewed. She reported that the HOA for Studley Farm is being reviewed and Blanchard Farm Estates is pursuing endorsement as well. Ms. Harbottle told the Board that a landscape island is being done on Jericho Road by the Community Center, that she is working on developing the housing plan update, that the zoning map and bylaw may be able to be printed before the end of June and that she does not see the Board supporting all of the Massachusetts Zoning Reform items brought to the Board's attention by Ann Burbine, Scituate's representative to the MAPC.

**Continued Public Hearing – Mixed Use Special Permit in the Village Business Overlay District  
- 50 Country Way**

**Assessor's Map/Block/Lot 53-5-3 and 3B**

**Applicant/Owner: 50 Country Way Trust, C. Christopher Ford Trustee**

**Documents**

- 4-17-14 letter from Planning Board to Chris Ford
- 5/14/14 letter from Morse Engineering on proposed mixed use development
- Stormwater Report and Calculations for proposed mixed use development revised dated 5/8/14
- Proposed Mixed Use Development Plans Sheets 1-11 – sheets 6 & 7 **not submitted**
- Email dated 5/6/14 from Laura Harbottle to Mr. McLaughlin on Commission on Disabilities responding to his concerns on 50 Country Way
- Letter from consulting engineer, John Chessia dated 5-19-14 along with a summary of the issues received 5/22/14

Attorney Steven Guard, Jeff Hassett and Chris Ford were present. They indicated that the numbers in the April 17, 2014 memo to Mr. Ford from the Board were flipped. They indicated the unit mix is to be 16 one (1) bedroom units and 14 two (2) bedroom units for a total of 44 bedrooms in 30 units. They said the table on the plans is accurate and that they have the parking to support the project. There are 37 residential spaces and 66 total spaces. The applicant acknowledged receipt of the 5-19-14 Chessia review letter.

Mr. Hassett reviewed the changes in the plans dated 5/8/14. He said the changes include documentation for nitrogen removal for the tree box filters, infiltration was adjusted to conform to the groundwater separation requirements, the applicant agrees that the wall on the north side by Stockbridge Road will be certified by a geotechnical or structural engineer as a condition of the project approval, island locations have been coordinated with Morning Glories for a 24' aisle and the applicant is seeking documentation from the bakery owner of his approval, signage for the walkway has been added, spot grades have been added, more detail on roof drains was added and more detail on erosion and sedimentation control has been provided.

Mr. Chessia reviewed a summary of his issues. He indicated that the Board should seek comments from the Water Resources Committee as work is in the Zone A, that the retaining wall detail by Stockbridge Road should have the limit of work and more information added to the detail with a certification by a structural or geotechnical engineer relative to the slope in the Town Way, that documentation should be provided that the work on the Morning Glories property is acceptable to them and that the Landscape Plan should be resubmitted. Mr. Chessia commented on the number of parking spaces. He said that 44 spaces for the residential use cannot be provided and the drainage system is supposed to be designed to accommodate the 44 spaces. He said he would need a plan to show the 44 spaces so that he could check the drainage calculations. Ms. Harbottle said the units will have to be marketed with a definitive number of spaces. The applicant indicated that 37 residential spaces are what is being proposed and designed for. Mr. Hassett said that the drainage could comply if a few more spaces were added and he would provide those calculations as well as calculations to verify that 20% open space is provided.

Mr. Chessia also indicated that not all of the comments from the traffic engineering review have been completed. He said truck turning analysis has not been provided, the access drive width at Country Way has not been reduced in width, there is no pedestrian connection between Building B

and C, the public path is not raised at the connection to the east side of the site and sight distance triangles have not been added to the plans. Mr. Chessia also questioned the discharge location for the rear drain at Morning Glories. He said he suspects it flows to a leaching pit, but that needs to be verified to verify the assumptions made in the drainage calculations. Mr. Hassett said he would seek permission to have a camera put in the drain, but that he modelled the drain so there is the same amount of drainage (volume and rate) pre and post development.

Mr. Chessia indicated that his interpretation of the DEP regulations is that no new drainage BMP's are allowed in the Zone A. He said under redevelopment it may be possible, but 50% more impervious area is being added to the catch basin in the front which is at the water table. He said he believes this should be piped to the other side of the Zone A. Mr. Chessia reaffirmed that the existing leaching pits need to move outside of the Zone A as impervious area is being added to them as well as a tree box filter. Mr. Hassett said there are currently untreated catch basins flowing to the leaching pits. He said they function and there are no issues with them. He said they intercept groundwater so they provide no treatment. He indicated they are raising the grades in the newer portions of the site by 4' to be above the water table. He said he can't feasibly provide groundwater separation at the front of the site, but less water is going to Country Way and the tree box filter provides some treatment so the site is better off than in the existing condition. Mr. Hassett said that the project is required to meet the DEP standards as best as it can as it is a redevelopment project. Mr. Chessia disagreed. He said this is close to the water table and if it is not feasible to move out of the Zone A then something else should be considered. He said the Scituate regulations link to the DEP Stormwater regulations, but Scituate takes out redevelopment. Mr. Hassett said that the rate and volume of untreated water to Country Way and the leaching pits is reduced.

Mr. Pritchard asked if there was a way to look at the situation as a whole. He understands leaving the structures alone provides not much treatment. Mr. Chessia said that the basin is not in a resource area so the Board can do what it wants, but the applicant should convince the Board that is the best solution. He indicated that the stormwater should not back up in a 10 year storm so replacing the system with something shallower and bigger would be better for the water supply. Mr. Vogel asked if Mr. Chessia was more concerned about the proximity to the groundwater or the infiltration rate. Mr. Chessia indicated he was concerned about the proximity to groundwater as infiltration testing could be done to see if the water drains faster. Mr. Chessia also thinks that the proposed infiltration systems should be fenced during construction to prevent compaction and that the binder be down before framing begins especially in the southeasterly lot. He said maintenance of the leaching system was not in the O & M Plan and needs to be regardless of who owns it. Mr. Hassett said that by keeping the catch basins by Morning Glories disturbance will be minimized, but he would review Mr. Chessia's concerns and provide an overall percentage of reduction. Ms. Harbottle said that the DEP regulations need to be looked at to see if the piping should go further upsite. She said that the Water Resources Committee needs to be aware of Mr. Chessia's concerns. Attorney Guard said that they met with the Water Resource Committee (WRC). He said they wanted an overall reduction in the Zone A. He indicated the applicant will do the best they can. Mr. Pritchard said the WRC needs to see all the analysis.

Ms. Harbottle brought up the historic preservation issue of the house. She said any condition on preservation of the historic structure can't be left open ended because the project could be sold and the Board could end up in an awkward position. She suggested that before the project is approved it should be known if the building is going to be preserved or replicated. She said it is important for the applicant to know this as well as any potential buyer. Mr. Taylor added that it may not be a public benefit if the building has to be torn down. Attorney Guard said that it is not easy to

determine if the building can be saved or replicated thus the applicant would like as a condition that if it has to be replicated the applicant will come back to the Board for approval of the plans. He said the applicant would like both physical and economic feasibility on the historic house. Mr. Pritchard said that the Board talked about the applicant making his best efforts to save the building. He said if there is a way to do a preliminary analysis now, he would be in favor of that. Mr. Ford indicated that his son and Mr. Sandell both think the building can be saved, but the contractors feel it can't. He indicated he will be out of compliance with the bylaw if the building is saved and if it is so economically unfeasible as it will be just a shell, he could offer it to the historical society for their taking away. Chairman Limbacher said preserving the building is the key to the development. He said the Board needs to make sure what is conditioned can be done by someone else. Ms. Harbottle said there are people who can assess the feasibility of moving the building.

Mr. Ford indicated that he has reduced the density to 44 bedrooms and could have more and doesn't want the killing of the project held over his head. Mr. Taylor said Ms. Harbottle is trying to protect the Town in the event the property is sold. Ms. Harbottle said that there is uncertainty in the language and if the town wants the building preserved it should get an assessment now. She said she would look in to prices. Attorney Guard said he is not sure it sends the message of what the Town wants. He indicated that it could limit the people Mr. Ford could sell the property to. Mr. Pritchard said that the structure should be preserved and if it can't the Board needs to know why. He said if a perspective developer does not want to do it, it is not the right buyer for the project.

Chairman Limbacher said both sides will look at the issue. He said that they are not going to get permission to build the apartments before they have the retail. He said the mixed use building comes first. Mr. Ford said he wants to build the back building first so as not to dislocate the tenants. He said the mixed use was the third phase. He asked the Board to revisit the architectural drawings.

Mr. Taylor moved to accept the applicant's request to continue the public hearing for the Mixed Use Special Permit in the Village Business Overlay District for 50 Country Way until June 26, 2014 at 9:30 pm. Mr. Pritchard seconded the motion. Motion was unanimously approved.

## **Old Business and New Business**

### **Documents**

- Staff report for 5/22/14
- Zoning Reform Summary
- Email dated 5/22/14 from the Conservation Commission on the resource areas for the Form A's and 50 Country Way

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 10:28 p.m. Mr. Greene seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Richard Taylor, Clerk  
6/12/14  
Date Approved