

## **SCITUATE PLANNING BOARD    MINUTES    November 25, 2014**

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

Members Absent: Alternate Member, Ann Burbine.

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 7:35.M. The meeting was being recorded for airing on the local cable television station.

### **Documents**

- 11/25/14 Planning Board Agenda

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

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### **Review proposed zoning bylaws for Annual Town Meeting 2015**

#### **Documents**

- Letter and pictures from P. Grable on the accessory dwelling bylaw
- 10/24/14 proposed changes to accessory dwelling bylaw
- 9/26/14 draft building height and setback in the flood zone bylaw
- 11/18/14 proposed Section 580 Scituate Smart Growth Overlay District bylaw
- 40 R Map for discussion
- Ludlow Design Standards
- Sharon 40 R Design Standards

Town Planner, Laura Harbottle reviewed the proposed 40 R zoning and map for the zoning district. She indicated much of the content of the bylaw is dictated by the state including the minimum density. She indicated a single family residential development is allowed 8 units/acre and a mixed use development density would be 20 units/acre. She said that the density and front, side and rear setbacks correspond with the Village Business Overlay District (VBOD) and it is desired that buildings be brought out to the street and parking be in the rear. She indicated the Permitting Administrative Authority can be the Planning Board, Zoning Board or Selectmen, but she recommends the Planning Board as they are the authority for the VBOD.

The Board discussed the density requirements of “no greater than a density of 8 units per acre for single family homes”, 12 units per acre for a duplex or triplex and at least 20 units per acre for multifamily residential use. The Board asked that clarifying language of “shall be no greater than” 12 units per acre and a “density of no greater” than 20 units per acre for multifamily housing be added to meet the intent of the bylaw. Ms. Harbottle explained that the 40 R map came from the general MAPC recommendations. She said all of the VBOD is in the 40 R as well as parcels out to the rotary and the Scituate Concrete Pipe site. She said that sites walkable to the train are included.

Mr. Taylor inquired about the difference in the mixed use subdistrict and the multifamily residential subdistrict. Ms. Harbottle said the difference is that under the multifamily residential mixed use is not allowed. She said Country Way is a narrow residential street with the public water supply immediately adjacent to it. She said the New Driftway part of the proposed district lends itself to commercial activity and if mixed use is allowed everywhere in the district the Town might not get what it wants. The New Driftway area will be visible from Route 3A and will have traffic to support the businesses. The Board determined that commercial uses should be stricken from the multifamily residential district on page 3 of the draft. Ms. Harbottle indicated that properties would still have the option to use the VBOD bylaw and the area along Country Way is already in the VBOD. She said that the 40 R bylaw reflects the same density as the VBOD and the area is on sewer, but it will not be developed all at once. She indicated that there is only so much market and New Driftway seems to be the better place to focus denser development. Ms. Harbottle said that the Town also receives a payment for every residential unit created in the district.

Mr. Taylor asked if the design standards need to be completed for Town Meeting. Ms. Harbottle said her first thought was to try to achieve this, but timing and funding is an issue. She indicated she is pursuing funding to have the design standards developed with the VBOD standards as a base. She said that the district was reviewed with the state earlier today and they recommended not doing both at once. She said that the state approves the bylaw and the standards and both are needed for a project to be approved. She said that the design standards can't be so specific as to add cost to a project that would prohibit development. Mr. Vogel asked if this would eliminate going to the Design Review Committee. Ms. Harbottle explained that the standards are there to make things less subjective. She said that illustrations can be used to show roof pitch etc. for clarity purposes for town meeting.

Mr. Vogel inquired as to the goal and strategy. He said it is a lot of information for Town Meeting and too much information can result in a no vote. Ms. Harbottle said that all the property owners in the business district have been invited to attend the December 11 meeting to learn about the proposal. Mr. Vogel said there needs to be support from the merchants and Economic Development Commission (EDC). Ms. Harbottle said that the EDC is excited about 40 R. Mr. Taylor said that it needs to be made clear that 40 R is another option augmenting the VBOD. Ms. Harbottle said that the Town receives a payment of \$75,000 for passing the 40 R bylaw then \$3,000 for each residential unit. Mr. Pritchard said the money should not be the reason for doing it. Ms. Harbottle said that the bylaw and guidelines spell out the rules so people will know what to expect making development simpler and a majority vote tends to simplify consultant expenses. Mr. Pritchard inquired if the zoning was evaluated in terms of other resources in Town, for example the Water Resource Committee. Ms. Harbottle said that MAPC did look at the issue, but she wanted the Board to review the bylaw first before sending it out to other departments which will be done in the future. She said that the Board, EDC, Selectmen and Advisory Committee will drive the bylaw. She indicated the density in the 40 R is already what is allowed in the VBOD. She said that the idea is for the development to be located on the street with an easy walk to public transit. She said the Selectmen will need to have a separate public hearing that is separate from the one required for the zoning. She said some parcels are included now that are not in the VBOD to give options for the future.

Joe Joyce asked if the proposal was parroting the state 40 R and setting a minimum for development. Ms. Harbottle indicated that the law allows the minimum to be a maximum for Scituate. Mr. Joyce asked if this could be done in North Scituate. Ms. Harbottle said the districts are approved location by location and there is no sewer in North Scituate now which restricts higher densities. Mr. Joyce asked if the Town did nothing, what would be the difference. Ms. Harbottle said that 40 R makes it

easier for business. Mr. Joyce thought that it would have a hard time passing Town Meeting. Mr. Taylor said that 40 R standardizes a process that is already in the state and people can understand that.

For the proposed accessory dwelling bylaw, Ms. Harbottle said that language on subordinate has been added along with definitions of net floor area and a primary dwelling. She said that the size has been clarified to be 900 sq. ft. or 40% of the floor area of the primary dwelling, whichever is less. Mr. Taylor thought the article was good and not trying to do too much at one time.

Ms. Harbottle also reviewed the draft of the building height and side setback in flood zones proposed bylaw. She said height is as the Board talked about and that going into the side setback has been added. She indicated that Town Counsel has reviewed the language. Mr. Vogel asked what happens on a nonconforming lot as there can't be more than 50% encroachment. Ms. Harbottle said that there is language to give the Building Commissioner or Zoning Enforcement Officer some leeway in allowing extensions into setbacks for no other practical solutions. She said this will not help everyone, but will help many people.

Mr. Vogel moved that the Planning Board sponsor the about 3 articles at the annual Town Meeting. Mr. Greene seconded the motion. Motion was unanimously approved.

**Public Hearing – Stormwater Permit – 46 Watch Hill Drive  
Assessor's Map/Block/Lot 53-5-3 and 3B  
Applicant/Owner: Inly School**

**Documents**

- Application, Cover letter and drainage calculations for Inly School field expansion received 9/29/14 by McKenzie Engineering Group, Inc.
- Site Improvement Plan for Inly School dated 9/23/14 by McKenzie Engineering Group, Inc.
- Transmittal to departments dated 10/1/14
- 10/29/14 comment from abutter Ron Simons of R & C Farms with proposed drainage comment drawn on Inly School Site Plan
- DPW comment dated 11/5/14
- 11/17/14 letter from McKenzie Engineering with revised plan
- 2 emails from Dan Smith, DPW Engineering dated 11/24/14

Scott Henderson from McKenzie Engineering Group was present for the applicant. He indicated that the Inly School would like to expand the playing field by about 30 feet to the northeast side. He said a line of trees would need to be removed and the slope would be pushed out and changed to a 2:1 vegetated slope. He indicated that the submitted drainage calculations show that the pre and post development peak rate of runoff is not increased. He said that the applicant is proposing an infiltration trench as a secondary precautionary measure for large storms. He said the trench will be directed to a drywell and will operate as a level spreader to make it a non point source to reduce erosion potentials. He indicated that a new Operation and Maintenance Plan has been submitted in response to DPW's comments.

Ms. Harbottle indicated the permit is before the Board as a steep slope of greater than 15% with an area greater than 1,000 sq. ft. is proposed to be disturbed. She said there are homes below and an abutter has expressed concern about water coming onto his property due to the changes. Ms. Harbottle said that DPW did review the plan and said it would work, but the slope will need to be

maintained. Mr. Henderson indicated it would be part of the typical grounds maintenance. He said they already maintain one dry well on site and anticipated poor soil so added the dry well so there wouldn't be any increase in runoff. Mr. Pritchard asked what the slope was changing from to be 2:1 and how it was going to be irrigated. Mr. Henderson said that erosion control will be in place and the slope will be grassed with an erosion control mix and hand watered as needed. He confirmed the slope mixture would be similar to the MA highway slope mix.

Ron Simons of R & C Farms, the immediate abutter below the slope, said that he has lived there his whole life and normally some water comes onto his property. He offered a proposed solution based on discussions with Paul Mirabito. He said he has just built a new house at the top of the slope and built trenches around the house to keep water out of it. He expressed concern that the drywell tank is only 300 gallons and said in a heavy storm water will flow down the hill through the wall to his house. Mr. Pritchard asked if it would be more water or would it change the flow. Mr. Henderson said no additional rate of runoff will occur without the trench. He said the infiltration trench is being proposed as a precautionary measure. He indicated that he did look at the abutter's proposed solution, but said that the flow would not be evenly distributed and could have a point source discharge and potential erosion to the street. He said the infiltration trench/level spreader will overflow equally if it overflows. Ms. Harbottle read the latest DPW memorandum which says the design meets the regulations and indicated that slope maintenance is very important. Mr. Simons said there is drainage there now and he gets water up until the summer months. He said he didn't know how calculations could be done when they haven't done soil samples and it is all clay. He said that the infiltration trench water will go over the wall and into his trench. Mr. Henderson said that they know it is poor soil based on SCS data and in a larger storm the drywell will intercept the water. He said in a 100 year storm water will spill down. He said they are not eliminating or creating a point source discharge; it is the same slope only steeper. Mr. Vogel confirmed that there is no increase or decrease in runoff so the abutter will not be getting any more runoff than today.

Mr. Simons said that the field is being made wider with a steeper slope and the grade will need to be raised. Mr. Vogel said it should still be the same amount of water. Mr. Henderson said that the elevation at the top is 87.5, it is being maintained as level, the drywell is installed level at the existing grade resulting in no point source discharge. Mr. Pritchard said that erosion would more of an issue than water. He asked how much the velocity would increase and if it creates a problem would the school fix it. Mr. Henderson said there would be erosion control and the flow would be spread out and not concentrated as is possibly the existing conditions case. Mr. Simons said he would accept a signed sheet from the school that they will fix whatever is destroyed if there is a problem. Mr. Henderson reiterated that the drywell will provide storage and is surrounded by stone for increased storage. He said it is not included in the calculations and is the same size as the other one on site.

Mr. Greene asked Mr. Simons about the water. Mr. Simons said when the wall was put in water came from the middle, but dries up in the summer. He said water is still going to go into his drain. Mr. Henderson said they are not changing the existing flow and would not be surprised if groundwater breakout did occur. Mr. Simons said he has no objections to the project, but doesn't want additional water flooding his basement. He said he hasn't had water yet and just doesn't want to be stuck with water coming over the wall in the future. He said he would like a condition. Mr. Henderson said that Mr. Simons should document the existing condition now that his basement is dry. He said the school does not want to impact its neighbors. He said that the water is not channelized now and there is no designated point source. Mr. Simons said there is no point source discharge visible now, but wants recourse if it doesn't work.

Mr. Henderson said there is no point source/channelized flow now. He said that 3 to 3.5 feet of good fill will be used for the job. He said it won't be septic sand. He said that the drain is located 3 to 4 feet from the top of a slope with a fence. He said that angular stone cannot be used on the slope as kids may need to go beyond the fence to retrieve balls. Mr. Simons asked who would guarantee that the maintenance will occur. Mr. Pritchard said they committed to the maintenance in the Operations Plan and that the school or Town can be contacted if the slope is not maintained.

Mr. Taylor moved to approve the Stormwater Permit for the Inly School field expansion with the following conditions:

1. Construction shall comply with the Stormwater Permit Application filed September 29, 2014, calculations dated September 22, 2014 and the plan entitled Site Plan dated September 23, 2014, Sheet 1 of 1 including all revisions through November 17, 2014 prepared by McKenzie Engineering Group, Inc. except as may be modified to conform to the conditions below.
2. The applicant shall meet all the requirements of the Building Dept., Board of Health, DPW, Water Resources Committee, Fire Dept. and other town agencies as well as all state and federal regulations.
3. Stormwater control measures incorporated in the Stormwater Management System include a crushed stone infiltration trench with a 300 gallon precast concrete drywell that acts as an infiltration trench and level spreader.
4. The stormwater control measures listed in Condition 3 shall be maintained according to a submitted Stormwater Best Management Practices – Long Term Operation and Maintenance Plan and Stormwater Management Practices - Inspection Schedule and Evaluation Checklist dated November 17, 2014.
5. Any change from the proposed materials shall result in a permit modification through the Planning Board.
6. Prior to the start of construction, erosion control measures shall be installed as shown on the plan. Silt fence with haybales shall be installed and maintained as indicated on the plan. A crushed stone construction entrance shall be required and installed prior to any work on the site. It shall be a minimum of 24 ft. long x 16 ft. wide and 12 in. deep and located where trucks shall enter the field. **The Town Planner shall be notified when these are in place and shall be given 48 hours notice to inspect same prior to the start of work.**
7. Construction inspections will be provided by the Town Planner. The applicant or their representative shall notify the Town Planner 48 hours prior to the start of construction; 48 hours prior to installation of grading and drainage; when installation is completed and when all work including site cleanup is completed. All inspections shall be documented with written reports that describe compliance with the approved plan(s) and supporting application documents and construction specifications. Any variations shall be noted.
8. Erosion control measures shall be maintained throughout construction to prevent sediment from reaching adjacent lots or the road.
9. The new slope located to the southeast side of the playing field must be fully vegetated prior to its first winter in place; or alternative approaches may be utilized with the agreement of the Town Planner in coordination with the DPW. A pre-construction conference shall be held at the site prior to the start of construction and shall include the contractor, Town Planner and a

representative of DPW.

10. In accordance with Town policy, water for any new irrigation system must be supplied from a private well. A new irrigation system shall not be connected to the Town water supply.
11. Submittal of as-built plans depicting the construction conditions of the stormwater management system and grading is required to ensure that stormwater runoff generated from the site is contained on the site without encroachment to adjacent properties.
12. The Town Planner shall be notified upon completion for an inspection to determine compliance with the conditions prior to issuing a Certificate of Completion (COC) indicating that the project has been completed in compliance with the conditions set forth in the Stormwater Permit and Bylaw.
13. If a problem arises and the abutter downslope can document a change in the drainage condition as a result of this work, the Planning Board may request the Inly School to remedy the situation.

Mr. Pritchard seconded the motion. Discussion occurred so that conditions 9 and 13 were modified as written above to respond to Mr. Henderson's concerns about doing construction this fall and Mr. Simons' concerns of potential impacts to his property. Mr. Vogel said that the maintenance log should be available for viewing at the school. Ms. Harbottle said that the people who will have the maintenance log should be identified to the Town at the preconstruction conference. Motion was unanimously approved.

**Benjamin Studley Farm Lot Releases – 214 Clapp Road**  
**Assessor's Map/Block/Lot 18/1/2**  
**Applicant/Owner: Fern Properties, LLC**

**Documents**

- Email from Jim DeBarros dated 10/22/14
- Lot Release request and surety estimate by Fern Properties, LLC
- Bond Estimate from Amory Engineers dated 11/19/14

Joe and Dave Iantosca were present for the applicant. Joe Iantosca said they were looking to release Lots 1-9 from the covenant. He indicated that they provided a surety estimate which was reviewed by Amory Engineers for a dollar amount of \$ 76, 784.39.

Mr. Taylor moved to accept Joseph J. Iantosca's request, as Manager of Fern Properties, LLC, to release Lots 1 - 9 of the Benjamin Studley Farm Definitive Flexible Open Space Development Plan approved by the Board on 1/30/2014 from the covenant recorded 6/18/14 in the Plymouth County Registry of Deeds in Book 44431 Page 282, provided that cash surety in the amount of \$76,800.00 be provided to the Planning Board to secure the performance of the remaining work, and that the Town Planner hold the lot releases until the money is deposited in an account approved by the Town Treasurer and proof furnished to the Town Planner of the deposit along with the recorded lot releases. Mr. Pritchard seconded the motion. Motion was unanimously approved.

**Review Planning Board Budget for FY 2016**

**Documents**

- Draft goals and objectives for FY 16
- Draft budget for FY 16

Ms. Harbottle said there are two parts to the budget – the goals and objectives and the budget. She indicated that some of the goals came from the Permitting Open House. She said that the Stormwater Bylaw needs work and involvement from other departments including DPW and the Conservation Commission. She said that a Scituate resident, Gabe Crocker, offered his help too. She said she would like to have a guide to permitting in the Town with ties to the Conservation Commission and ZBA. She indicated a workshop on erosion control would help to explain why we ask for what we ask for. She said that the Coastal Resource Officer is part of the Planning Board budget and that she hopes the Development Review Team in Town Hall will be able to review large projects before they are submitted to the Boards so that better communication for the applicants and departments is available.

Mr. Vogel suggested that Bath, Maine is an oceanfront community with similarities to Scituate. Mr. Taylor asked if the Masterplan should be updated. Ms. Harbottle said ideally yes, but funding in the next few years will be tight. She said she is pursuing additional grants for sea level rise, economic development and GIS. She said the Open Space and Recreation Plan is almost done but needs more money too. Ms. Harbottle said that the Town Administrator wants the Board to comment on the recommendations for Economic Development. She said the Board could discuss that on January 8. Ms. Harbottle said that she would also like to create a fact sheet for the web about starting a new business. She indicated that she added \$75,000 to the revenue projection for next year in anticipation of the 40R approval. She said she would send the revenue documents to the Board.

## **Accounting**

### **Documents**

- PO # 1503520 (\$103.00), PO # 150 (\$187.50), PO # 150 (\$3,395.05), PO # 150 (\$2,263.38), PO # 150 (\$258.96), PO # 150 (\$1,897.50)

Mr. Taylor moved to approve the requisition of \$ 103.00 to Schwaab Inc. for Planning Board stamps, for \$ 187.50 to Amory Engineers for construction inspections for 543 Country Way, for \$ 3,395.05 to Amory Engineers for constructions inspections for Blanchard Farms, for \$2,263.38 to Amory Engineers for construction inspections for Studley Farm, for \$258.96 to Amory Engineers for construction inspections for Ingrid Lane and for \$1,897.50 to Chessia Consulting for engineering peer review for 50 Country Way Definitive Plan. Mr. Pritchard seconded the motion. Motion was unanimously approved.

## **Minutes**

Mr. Taylor moved to approve the meeting minutes of 10/23/14. Mr. Greene seconded the motion. Motion was unanimously approved.

## **Town Planner Report**

Ms. Harbottle distributed the EDC market study recommendations to the Board for their review. She indicated she is pursuing funding for development of Design Guidelines for the 40R District and for the Hazard Mitigation Plan which is important for future seawall funding. She said that invitations have been sent to land owners in the Greenbush area for a discussion on December 11 on 40 R. She indicated that there will be a presentation of the Housing Production Plan to the Board on December 18, 2014.

## **Old Business and New Business**

### **Documents**

- Staff report for 11/25/14

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 10:02 p.m. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Richard Taylor, Clerk  
12/11/2014  
Date Approved