

SCITUATE PLANNING BOARD MINUTES January 10, 2019

Members Present: Ann Burbine, Chairman; Stephen Pritchard, Vice Chairman; Patricia Lambert, Clerk, William Limbacher, Benjamin Bornstein and alternate Rebecca Lewis.

Others Present: Karen Joseph, Town Planner; Shari Young Planning Administrative Assistant

Members absent: None.

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

Location of meeting: Joseph P. Norton Emergency Operations Center, Public Safety Complex, 800 C J Cushing Highway, Scituate.

Chairman Burbine called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 1/10/19 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chairman Burbine indicated there was a posted agenda. Mr. Pritchard seconded the motion for the posted agenda and the vote was unanimously in favor.

Design Review Committee Interviews

Document

- PDF Resume and Cover Letter from Lawrence Ryan dated 11.2.18

Interview: Lawrence Ryan

Question: Why would Mr. Ryan like to be on the Design Review Committee (DRC)?

Answer: Mr. Ryan said it is something he has thought about doing as he has been seeing changes in town. He is friends with Hal Stokes who mentioned the opportunity to him. He said he loves architecture and design and thought it would be interesting to be involved and give back to the community.

Ms. Burbine indicated that the role of the DRC is advisory; Mr. Ryan acknowledged that he understood the role.

Question: What in your background gives you the vision necessary to be on the Design Review Committee?

Answer: Mr. Ryan indicated he studied design and architecture. He has been involved with residential design and works for MFS Investment Management where he does all the interior space/design. He said he does do some freelance work, but enjoys working with shapes and working with scale of the neighborhood to keep the characteristics of a building. He said that he paints and draws as well and thinks he could be an enhancement to the existing team.

Question: Do you have an overall vision of what the town should look like?

Answer: Mr. Ryan said that he likes diversity; there should be some standards but likes differences in design. With this committee it would just be looking at designs and making sure everyone is on the same page.

Question: What do you foresee as some of the greatest challenges for the community as it would apply to the responsibilities of the Design Review Committee?

Answer: Mr. Ryan said the growth that the town is seeing everywhere and trying to keep the quaintness of the town. Mr. Ryan spoke about the likeness of Scituate to both Gloucester and Rockport where he grew up and why he chose to settle in Scituate; things are changing and it is something that the community should be aware of, scale of new buildings and modifying existing spaces to be used as new buildings and their designs.

Question: Based on your comments is it your view that some of the development is out of scale, that the architecture is not quite right?

Answer: Mr. Ryan said in certain structures and areas. He indicated his home is from 1832 and they have tried to keep the character of that time and when you see some changes around town and it makes you wish the character would be kept. He gave an example of the Harbor and scale, not as big, keeping things lower. He opined some things do stick out as you drive through town and maybe there was a better way to do it.

Mr. Pritchard reiterated that the committee is not a decision making committee, but reviews and recommends, discussion and compromise with the applicants. He asked Mr. Ryan how his background gives him the ability to work with conflict.

Answer: Mr. Ryan said that he presently works with many different business units for which he provides a service, works with different countries and was a teacher for 20 years. He said he feels he can help guide and suggest ideas, conversation is important and try to collaborate.

Mr. Ryan asked the Board to describe the process. Ms. Burbine indicated the DRC is a liaison of the Planning Board and ZBA. She said the Design Review Committee may be charged with looking at what is being done, how it is being done and then asked to make recommendations. She again said the committee is advisory; the Boards do the best they can to keep everything in the framework of the zoning bylaws. When rules and regulations are met the Boards cannot force recommendations; the hope is that applicants will keep the look and feel of the neighborhood with their developments. Mr. Pritchard said that the Board looks to the DRC as an expert resource; looking for knowledge and expertise within the bounds of rules and regulations, what is doable and what can be improved on a particular project and work with the project proponent and then provide recommendations to the Board.

The Board thanked Mr. Ryan.

**Public Hearing – Special Permit – Accessory Dwelling Unit – 27 Hood Road
Assessor's Map/Block/Lot 28-23-4F
Applicant/Owner: St. Mary and St. George Coptic Orthodox Church**

Document

- PDF of Application dated 12.10.18
- PDF of East Elevation Gutters
- PDF of Plans dated 12.10.18
- PDF of Scituate Site Plan of Church
- PDF of West Elevation Gutters
- Doc Transmittal Letter dated 12.11.18
- Email comments from BOH dated 1.7.19
- Email comments from Water/Sewer Department dated 1.7.19

Attendees: Father Pishoy Mikhail and Farouk Youssef, Architect

Ms. Burbine read the public notice.

Mr. Youssef explained to the Board the Church plans to use the accessory dwelling as the rectory for the Church. He said it is an accessory building for the use of the Church.

Ms. Joseph indicated the applicant has applied for a Special Permit for an Accessory Dwelling to be built on the second floor of the activities building as the residence for the priest. She noted the Board has received comments from the BOH indicating the activities building has not yet been connected to town sewer and will need to be connected or have a new septic approved and constructed. She also indicated that the Sewer Department provided comments that the Church has been connected to town sewer, but the activities building has not yet been connected; however there is a wye connection point for the second building to connect in the future; a grease trap would also need to also be installed and the applicant would need to follow sewer rules and make necessary payments. Mr. Youssef said the intention is to connect to town sewer; they will follow all the rules of BOH, etc.

The applicant discussed this will be a fulltime residence and they are appearing before the Board of Selectmen as the Sewer Commissioners on January 22, 2019 to discuss the fees. Father Pishoy indicated they were waiting to have the special permit approval prior to going to the Selectmen.

Mr. Pritchard asked if there are any legal implications with the Bylaw in terms of an "accessory dwelling" when there is not a primary dwelling. Ms. Joseph indicated she discussed this with Town Counsel; the activities building is accessory to the church and therefore can have an accessory dwelling. There was further discussion if the dwelling could ever be rented out and if it should be conditioned that only employees of the church can live in the dwelling. Ms. Joseph indicated that a letter has been signed that Father Pishoy will be living there and will only be occupied with the clergy of the church. Mr. Youssef said the dwelling is serving the function as a rectory for the church. It was decided that it could not be conditioned that only employees of the church could occupy the dwelling as some clergy are married with children.

Mr. Youssef indicated the accessory dwelling is 3 bedrooms with a full kitchen and two stair towers at the comers for the building for two means of egress. He said everything will be complaint with building codes. The applicant is aware of the comments from the Board of Health and the Sewer division and fees that will need to be paid. The applicants said they will discuss the fees at their next meeting with the Selectmen on January 22nd.

Ms. Lewis asked for some clarification on if there was anything being adding to the first floor. The applicant indicated nothing is being added to the first floor all that is shown on the plan exists, they are just adding a second floor going up and it will cover about 3,100 sq. ft. of the existing building.

Ms. Burbine commented that 3,100 sq. ft. is very large; it is 3 bedrooms and the den/office could also be a bedroom. She asked if this would ever be used as a dorm for a group of young people if they were to visit. The applicants said no; it will be used for officials that come to visit. Father Pishoy said there are priest that have 2-3 children, this plan is for the future.

Public Comments:

Mr. Tim Montgomery resident at 345 Hatherly Road thanked the Church for buying the property. He indicated the plans showed a deck and he is concerned there could be noise; he asked how big the

deck is, could it be used for receptions, how many people does it hold, would some sort of noise mitigation be considered? The applicant said the deck is approximately 100 sq. ft. and it would never be used for receptions. Father Pishoy said the primary use is as a residence; there would not be church activities.

Ms. Sally Cutler resident of 55 - 61 Mann Hill asked about a driveway, parking and potential for a garage. That applicant said the parking lot of the Church will be the only parking. There are no plans for a garage.

There was discussion that the Board may want to have the decision on the sewer connection prior to making their finding. Father Pishoy indicated he had planned to see the BOS twice and has been rescheduled because the BOS wanted to hear the result from the Planning Board. The Board decided to condition the sewer/septic and continue with a decision.

Ms. Lambert moved to make the following Findings of Fact:

1. On December 10, 2018, St. Mary & St. George Coptic Orthodox Church applied for a special permit for an accessory dwelling as a second floor addition to an existing building on the property at 27 Hood Road.
2. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 3,100 sq. ft. This is 25% of the total square footage of the primary building which is 12,360 sq. ft. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
3. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
4. The Proposed Accessory Dwelling Existing Conditions Plan shows a paved parking area which appears capable of providing two onsite parking spaces for the accessory dwelling.
5. The owners have submitted a signed, notarized statement that a representative of the Church will live on the property.
6. The primary building and the accessory dwelling will be serviced by town sewer and water as indicated in correspondence from the architect.
7. The accessory dwelling addition to the existing building complies with all required setback, building height and yard requirements for a primary structure.
8. The Accessory Dwelling will have gutters which will be attached to dry wells to handle roof drainage.
9. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Mr. Pritchard seconded the motion as amended with the finding that a representative of the church will live on the property; the vote was unanimously in favor.

Ms. Lambert moved to approve the Special Permit for an accessory dwelling at 27 Hood Road with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to the Site Plan entitled Existing Conditions Plan, Project Location 27-

31 Hood Road, Scituate, MA 02066 Assessor's Parcel: 28-23-4F Scituate, MA by William J. Dorgan dated 11/3/18 also shown with the church, parking and second floor addition labelled; Architectural Plans by Farouk F. Youssef dated 11-21-18 and revised through 12-7-18 consisting of 9 sheets for St. Mary & St. George Church at 27 Hood Road Accessory Dwelling including Existing/Proposed 1st Floor Plan Entire Building A.1; New Apartment 2nd Floor – Left Side A.2; North Elevation Existing & Proposed A.3; Existing & Proposed East Elevation A.3.1 also shown with gutter and down spout locations; Existing & Proposed West Elevation A.3.2 also shown with gutter and down spout locations; Existing/Proposed 2nd Floor Apt. Plan Entire Building A.2.1.

2. The number of bedrooms in the accessory dwelling is limited to three in the location and size indicated on the floor plan submitted with the application.
3. The accessory dwelling shall be serviced by Town sewer as approved by the Board of Selectmen and in accordance with comments from the Sewer Division dated 1/7/2019 or an upgraded septic system with necessary permits provided to the Planning Board prior to issuance of a building permit.
4. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
5. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
6. The standard conditions for accessory dwellings approved by the Planning Board on 12/17/15 shall be conditions of this decision and shall be included for recording at the Registry of Deeds.

Mr. Bornstein seconded the motion as amended; the vote was unanimously in favor.

Ms. Burbine moved to close the public hearing, Ms. Lambert seconded the motion; the vote was unanimously in favor.

Minutes

Documents

- Meeting minutes 12.13.18

Ms. Lambert moved to approve the meeting minutes for December 13, 2018.

Ms. Burbine made a correction to the last page, Mr. Bornstein seconded as amended; the vote was five in favor. Mr. Pritchard did not vote as he was absent from the meeting on December 13, 2018.

Accounting

Documents

PO #1906536 (\$249.00), PO #1906535 (\$1,352.40), PO #1906366 (\$20.60), PO #1906245 (\$1,350.00), PO #1906163 (\$20.82), PO #1906243(\$520.00), PO #1906816 (\$520.00), PO #1906815 (\$650.00), PO #1906829 (\$520.00)

Ms. Lambert moved to approve the requisition of \$249.00 to Chessia Consulting Services LLC for inspections and compaction testing for The Glen, for \$ 1,352.40 to Chessia Consulting Services LLC for meetings and inspections at 50 Country Way, for \$20.60 mileage reimbursement to Karen Joseph, for \$1,350.00 to Merrill Corporation for stormwater review for 203 Old Oaken Bucket Road, for \$20.82 to WB Mason for office supplies, for \$520.00 to Merrill Incorporated for 4 Union Street, to Merrill Incorporated for \$520.00 stormwater review/inspections for Otis Place 37-39 (Lot #2), to Merrill Incorporated for \$650.00 stormwater review/inspections for Otis Place 41-43(Lot #1), to Merrill Incorporated for \$520.00 stormwater review 92 Neal Gate Street.

Mr. Bornstein seconded the motion; the vote was unanimously in favor.

Liaison Reports:

Water Resources Committee – reported by Mr. Bornstein:

- Provided and update on water system
 - Not much progress on water study

School Committee – reported by Ms. Burbine and Ms. Lambert:

- Elementary School buildings – money had been appropriated for the study
- 4 different scenarios
 - 1 – Fix Cushing, Hatherly keep Wampatuck and Jenkins
 - 2 – Add on to one school and eliminate another
 - 3 – Eliminate either Cushing or Hatherly
 - 4 - Eliminate both Cushing and Hatherly and build a new school
- Change grade alignment
- Analysis done shows student population to grow 1.5%
- Schools are disproportionate in number of students at each one
- Cushing and Hatherly 50 yrs. old need tremendous amount of work
- Educational model of today is changing, more project based learning
- Lack of maintenance – schools need so much work in order to be brought up to where they should be
- Timeline, statement of intent needs be done in April

Public Workshop - Zoning Amendments for Annual Town Meeting – Greenbush, Flexible Open Space, Map Amendment

Document

- Doc Section 550 Flexible Open Space Bylaw with proposed amendments
- PDF of Article to Amend Zoning Map Humarock
- PDF of Citizens Petition Article Humarock Village Overlay District
- PDF Greenbush-Driftway letter from Mr. Golden dated 1.8.19

Attendees: Brad Washburn, Director Planning & Development Town of Scituate; Ted Brovitz, Consultant

Greenbush Zoning: Brad Washburn and Ted Brovitz

Mr. Washburn gave a brief summary of the proposal for Greenbush Zoning

- Public process to date
 - 2016 and 2017 the Economic Development Commission (EDC) hosted public workshops and meeting to discuss Greenbush Vision Plan
 - 2018 three public meetings were held to discuss the DRAFT Zoning
 - Public hearing to be held in early February
- Purpose of proposed zoning
 - Re-organizes existing sections of the bylaw
 - Replaces obsolete or inappropriate standards with best practices
 - Encourage traditional village style development with appropriate amount of mixed use, density and high quality building design
 - Integrated passive and active living spaces
 - Updated parking standards
 - Foster strong connection with the public realm, i.e. sidewalks
- Centerpiece of new zoning
 - Village Center Neighborhood District (VCN)
 - Replaces the general business district, VBOD and Planned Development District just in the Greenbush-Driftway area
 - Form based zoning
 - Integrates context based building and development design standards to reach a planning vision goal
 - Towns where adopted, Danvers, New Bedford, North Hampton, Medway, Norwood and Grafton
 - Zoning proposal is to develop strong village centers, make more pedestrian friendly
 - Development projects continue to be reviewed under same processes with local Boards and Committees
 - Change in zoning does not change the responsibilities of legal permitting processes
- Infrastructure capacity is a development review approval issue versus a zoning issue
 - Received \$2.2 million grant from MassWorks for infrastructure development with Drew Company and Toll Brothers helping to secure the funding
 - Limited capacity should not be deterrent to zoning.
- Alternative to proposed zoning changes would likely be strip commercial developments like Route 53 in Norwell and 139 in Marshfield.
- Climate Change/vulnerability existing zoning will not go away
 - Salt marsh, tide land conservation districts, floodplain and watershed protection districts will supersede other development districts
 - Town has MVP Plan for building a resilient Scituate

There was review of the current zoning map and the proposed zoning map to provide a visual point.

Public Comments:

Mr. William Tibbets resident of 79 Jericho Road and owner of 48-52 New Driftway said this is a way to give the Planning Board and to ZBA more “power”. He believes there has not been enough time from other zoning changes and feels plans have been shot down, i.e. his plans for Cumberland

Farms. Ms. Burbine said that Mr. Tibbets's information was incorrect and the Planning Board did not terminate Cumberland Farms; they withdrew from the project for their own reasons, not because of the Planning Board.

Mr. Scott Greenbaum resident of 40 Damon Road said he did not see the flood plain watershed protection district or the salt marsh conservation district. Mr. Washburn confirmed the districts are there, but are difficult to see on the map; the map online can separate the overlay districts.

Mr. Washburn reiterated the idea of the proposal is to encourage development and the Planning Board to meet the goals of the Vision Plan. The proposed zoning includes:

- Site development standards include parking placement, access, landscaping, lighting, screening, utilities, signage, low-impact development standards;
- Building design standards include placement location on site, building typology, uses and standard dimensional guidelines, height, setbacks;
- Street Design standards not in the current zoning bylaws;
- Public Realm were private property and public come together, i.e. sidewalks, café space, space that should be enhanced.

Mr. Washburn explained information has been posted on the EDC webpage that this has been an EDC initiative until now; if the Planning Board decides to take this as its own initiative it will then go on the Planning Board webpage.

Mr. Greenbaum indicated his major concern with the DRAFT Bylaws was that two districts, the saltmarsh conservation and watershed flood plain districts are being eliminated. Mr. Washburn and Mr. Brovitz said the districts are not being eliminated they are just being reorganized into special districts. Mr. Washburn said another DRAFT version will be made available to help clear up any confusion or inconsistency as the process continues to evolve.

Mr. Brovitz provided comparison of the current Village Business Overlay District (VBOD) to the new proposed Village Center & Neighborhood District pointing out that currently this is only proposed for the Greenbush/Driftway area which is now divided into five different districts. New zoning does the same thing essentially.

- Gateway Business District – area from roundabout past Widows Walk
- Neighborhood Residential – area on south side of the corridor- Riverway and James Landing
- Village Center/Greenbush Village Center
- Transit Oriented Development Area – area around the train station

There was discuss and explanation of what is currently allowed “by right” and what is allowed by “special permit” in the VBOD district. The intention is to show a comparison of where the current zone is versus the proposed zoning.

Ms. Valerie Vitale resident of 34 Driftway would like to know where she can go to find the information; she would like to see the maps comparing the districts. The information is available on the Town website on the EDC webpage.

Mr. Chris Patrick of 17 New Driftway asked if there would be more regulations for businesses; is the proposed zoning opening or constricting small business? Mr. Brovitz said it will be more definitive

in terms of the quality of development and has some more flexibility in terms of the parking and some other layers.

Mr. Tibbets asked if there is a proposal to build a bridge over the North River from the 40B to the old rail track area. Mr. Washburn indicated there had been talk about it historically, but there is not an active proposal. Ms. Burbine indicated Mr. Tibbets should speak with the ZBA regarding proposals from the 40B.

Mr. Washburn reviewed some development case studies to give a sense of the style of development that is encouraged under the proposed zoning updates. There was further discussion with Mr. Tibbets on his opinion of the Planning Board having "more power". Mr. Washburn indicated the zoning gives more guidance to provide tools for development to be consistent with the Vision Plan.

Mr. Jim Trenz, owner of 20 Country Way, asked what the process is to make comments; call or email Brad Washburn.

Ms. Joseph commented that there will be a public hearing on February 7, 2019. Documents for the meeting will be available in the Planning Board Office after the public hearing is posted; legal ads will be published in the Scituate Mariner on January 24th and 31st.

Mr. Ted Golden resident of 241 Chief Justice Cushing Highway asked about the opportunity for some of the lots on the fringe or perimeter to be included. Ms. Burbine indicated there have been thoughts to extend up Rt. 123 to the Town line and down to the river and up to the ball field on Route 3A, but it is something for the future. She opined things will evolve and the area may at some point be incorporated into the business district; expanding the village business district is a few years down the line. Ms. Burbine opined it is not time to put it out to the town, because it has not been planned for appropriately.

Ms. Maureen Karlberg resident at 1 Greenfield Terrace said her biggest concerns are the traffic and infrastructure. She mentioned the lack of sidewalks on Stockbridge Road and said basic neighborhoods haven't been taken care of. She said she is having trouble grasping all of these changes/development when there is no infrastructure to accommodate what is there now. She said she does not hear anything being done in the immediate future. Mr. Pritchard acknowledged the Board shares in her concerns; the idea behind this zoning is to set up standards for the community, to have the community to go in the direction she speaks of. He said this is designed to help the Planning Board, ZBA and those entities reviewing proposed development and certain criteria to drive it in certain direction; the intent is to provide standards for planning development, the Planning Board is not a developer. Mr. Washburn added the intent is to give better development, what it looks like, what it is, safety, etc. this is a roadmap to give the rules to developers. The resident asked about a traffic study. Mr. Washburn explained this zoning does not have a traffic study; but individual projects may need one if appropriate. Mr. Brovitz added that the Vision Plan notes all the streets where improvements are necessary, i.e. sidewalks, safety, etc. He said this proposed bylaw is based on the Vision Plan; he provided an example of space and the quality of open space that will be needed under the new proposed bylaw versus the quality of open space that can be provided currently, i.e. parking lot islands.

Mr. Patrick opined this might make it harder for small business owners because it will become too expensive and only big business will be able to come in because they can afford to make new

sidewalks, open spaces. Mr. Washburn spoke about Untold Brewery as model for what this zoning could do, pedestrian friendly, aesthetically pleasing.

Ms. Lambert said this plan is in response to what we don't want to happen, to the concerns that were spoken of; we want smart growth and sustainability.

Ms. Mary Ellen Schloss resident of 50 Mann Lot Road wanted to make sure the drinking water supply by the reservoir stays the same. Ms. Burbine said the watershed protection district remains and standards will need to be met with any development.

Ms. Sharon Harrington resident of 15 Jenkins Place asked how the parking would have been handled when they were developing the Brewery if his plan was in place. Mr. Washburn said they could have looked into shared parking and looked at it more holistically. Mr. Brovitz indicated in the proposal there are options for parking if not enough can be provided on site, offsite auxiliary parking in walking proximity.

Flexible Open Space: Karen Joseph

- Proposed to change the way the land is preserved
 - Current options - Town for Conservation purposes, Conservation Trust, or Deed Restriction from the Secretary of Environmental Affairs
 - Update options to - Town for Conservation purposes, Conservation Trust or Homeowner's Association Trust accompanied by a Deed Restriction
 - Make the Homeowner's Association in charge of the open space
 - Could never be developed
- Take away the option for Deed Restriction from the Secretary of Environmental Affairs
- Add option for Homeowner's Association in a Flexible Open Space Development

Citizens Petition: Proposed extension of Humarock Village Residential Overlay District

Adam Brodsky, Attorney; Scott Herzog, Principal at Union Street Realty Trust, LLC

Mr. Brodsky addressed the Board.

- Property at 21 Central Avenue, South River Yacht Yard
 - Property located within two districts
 - Located in Humarock Business District and portion is located in the Humarock Village Residential Overlay District
- Proposal to put the entire property within the Humarock Village Residential Overlay District
- Property currently has large metal building and boat marina
- 2007-2008 property had been included in map of zoning change to be included in Residential Village Overlay District
 - At some point property was taken off the overlay district in 2008
- Not economically viable to have historic boat yard
 - Will maintain some of the marina use
- Proposal will promote economic development with multi-family use
- May be the only parcel left in the district large enough to have some kind of development to create economic growth; no particular project in mind at this time

- Request is a map change only to put the parcel back into overlay district

Ms. Burbine asked why it was removed in 2008. Mr. Brodsky indicated based on his investigation that at the time of the workshop there were some citizens worried that the boat yard and marina use would be displaced, members of the Board agreed, thus it was removed prior to going to Town meeting.

Board Comments:

Mr. Limbacher opinions that it makes sense; similar to the little spot in Greenbush.

Ms. Lambert agreed with Mr. Limbacher.

Mr. Bornstein asked for clarification on how this would change things since the parcel is already in the business district. Mr. Brodsky indicated that back in 2008 the Town was trying to create more economic development in the area by permitting multi-family dwellings creating the overlay district; the idea to create a year round nucleus for residential then there is reason to have business and businesses would come.

There was discussion on the size of the property, approximately 43,560 sq. ft. and that it somewhat of an outlier; however one can understand why there would be push to keep it a marina. Mr. Brodsky said that the map change would add some flexibility.

Mr. Bornstein asked to clarify the applicants intent would be to keep the underling zoning district; he noted 570.3.b that says there can be commercial use on the first floor of a multi-family unit. Mr. Brodsky said at this time they do not have any plans for the property. Mr. Bornstein opined it would be nice to take advantage of the frontage in terms of a business element.

Public Comment:

Ms. Lisa Caisse resident at 242 Central Ave. asked for clarification of the map. She asked if the proposal has anything to do with where a restaurant was proposed on Marshfield Ave. This proposal does not have anything to do with that property. She opined it would be nice to have a restaurant under the condominiums. Mr. Brodsky indicated they are looking for flexibility in the property.

Mr. Richard Torsney, resident at 10 Marshfield Ave., said this is an exciting opportunity and he is happy to see the property be cleaned up. He would like to know more about the thoughts of what the property will become and without that he is a little cautious. Mr. Brodsky indicated they obviously would like to have a residential component; nothing is planned because they do not know what they can do with it yet.

Mr. Richard Taylor resident of 6 Northey Farm Road asked for clarification of the zoning map and said he is in support of this change.

Documents

Informal Discussion – Curtis Estates/90 Ann Vinal – Bond and Lot Releases
Assessor's Map/Block/Lot: 27-06-01
Applicant/Owner: 90 Ann Vinal LLC

Documents

- PDF 64 Townsend Road Abutter Letter
- PDF 3739 Ann Burbine Performance Bond Surety letter dated 1.3.19
- PDF 3739 Partial Road As-built
- PDF Abutter 70 Townsend dated 1.3.19
- PDF Performance Security Estimate dated 12.5.18
- PDF Ross Engineering response to Stormwater complaint for 64 Townsend
- Email with lot release request dated 1.7.19
- PDF of Merrill As-Built Review and Site Inspections dated 1.8.19
- PDF Performance Security Estimate 1.8.19
- PDF 17177 As-built Plan Review & Site Inspection 1.8.19
- PDF Test Reports Asphalt – Curtis Estates unstamped
- PDF Test Reports Asphalt – Curtis Estates stamped

Attendees: Mike Hayes, Attorney; Don Gillespie, Manager of LLC; Paul Mirabito, Ross Engineering

Mr. Hayes opened by saying they would like to discuss the setting of the Bond/Surety amount, the mechanism to get in place and a vote for 16 lot releases.

Mr. Hayes said they applicant has received reports and the suggested amount for surety from the town's consulting engineer. He proposed to eliminate \$15,000 for the electric cable reserve because the LLC has paid the bill and will do when weather permits; the planning board office has a copy of the bill. He further asked for the Board to consider a reduction to the Contingency figure at 20% and suggested that the factor be reduced to 16.6%.

Ms. Joseph indicated the Town's Consultant thought the \$15,000 should stay in the surety reasoning it is not a contract with the Town, but with the LLC and National Grid. She noted that the 20% contingency has been done on other projects and at the time did come out lower than the amount of inflation compounded annually over five years. Ms. Joseph further noted the amount does not include anything for the septic system or the pump chamber; but the Board needs to determine under section 81U if it is a municipal service for the lots. Mr. Hayes opined it would be a stretch to call a private septic system a municipal service. There was continued discussion with what happens if the applicant goes bankrupt and what the Town's responsibility would be and what the Bond would cover. Mr. Hayes said the bond will protect the Town for municipal services, the way and the drainage.

Ms. Joseph indicated that currently there is a covenant for surety. She read an excerpt from the document. There was continued discussion on if the septic system is part of the municipal services.

Mr. Hayes indicated the applicant is prepared to provide a bond of \$175,000.00 and the remainder would be cash to meet the required amount of surety per the Board. The Board felt the amount suggested by the Town's consultant should stand; the applicant said they will accept and post the amount as requested.

Mr. Hayes indicated if the Board votes on the acceptance of the bond amount, etc. they will also request as part of the vote that lots be released upon receipt of the bond.

Mr. Limbacher thought lot releases should be conditioned to the septic. Mr. Hayes said the applicant would like to start on foundations; he said in a normal construction phase septic systems are not generally

the first things done. There was further deliberation over 81U and the portion of the Covenant that Ms. Joseph referenced.

Ms. Burbine suggested they could release 4 lots. Mr. Gillespie indicated they intend to start on four houses plus the historic house and will be working on the septic system at the same time. Mr. Pritchard asked if lot releases could be phased. Mr. Gillespie said that handcuffs them if a customer comes in and wants to build and wants a different lot; they would have to come back to the Board for additional releases. Mr. Mirabito indicated the leaching field and pump house work is not in proximity to where houses will be built; the whole system needs to be fully operational before any occupancy permits are granted. Mr. Pritchard expressed concern of the cost of the leaching field, quarter of million dollars and making sure it is completed. Mr. Gillespie was not sure of the construction schedule for the leaching field, but would most likely be spring and they would start on foundations now.

Public Comments:

Mr. John Sullivan resident of 64 Townsend Road expressed concerns about water issues on the back of property. Mr. Mirabito indicated the basins are working as designed. Mr. Sullivan said he is getting water in his basement when he never has before and there is a material change the water to his property and his neighbors. Mr. Mirabito indicated that based on their soil testing the ground water is anywhere to 2-3 feet below the surface; he said the water table is high in that area. Mr. Sullivan said he has lived in his house since 1992 and have never had this amount of water in his basement; with heavy rains there has been some puddling, but he has had 2-3 inches of water since this construction has started. He asked if there could be a small trench to go to the catch basin so that water won't flow to his property. Mr. Mirabito said that grading has not taken place and won't happen until houses are in and plantings as part of the landscape plan.

Mr. Sullivan showed the applicant some photos of the catch basins and water. They had discussion about grading and discussed a potential solution.

Mr. Bornstein expressed concern that the drainage system is not functioning properly. Mr. Pritchard also stated there cannot be flooding while construction is going on it needs to managed all the way through the project.

The applicant is going to work on temporary measure with the abutting neighbors.

The Board was in support of a partial lot release, with a bond in place and written response to the comments of the as-built plan and inspection reports from the town consultant and town planner.

- Several issues need to be cleaned up from inspections
 - Road cleaned,
 - Basins 2 and 4 have water and will have to maintained
 - Mr. Sullivan said basin 4 has never been dry
 - Basin 3 needs additional calculations demonstrating it will function as designed
 - Rocks behind the new stonewall need to be moved
- Issues need to be addressed from the town consultant and town planner
- Temporary problem needs to be addressed

There was additional discussion on the number of lots to be released. The applicant asked for 16, asked to compromise to 8. The final number agreed upon was 5 to account for the historic house and the conditions attached to it.

The Board discussed what they want with lot release:

- Address any issues with volume and calculations
- Address additional issues raised by Town Consulting Engineer
- System, even if temporary, to be function during construction to remedy issues for the abutters. The Board expects that any temporary problems are fixed so that during the entire process the applicant is not dumping water on anyone else.

Mr. Limbacher moved to accept Paul Sheerin's request, as Manager of 90 Ann Vinal LLC, to release 4 Lots as well as the fifth which will be the historic house, the lots to be determined by the applicant of Curtis Estates Flexible Open Space Development approved by the Board on 2/8/2018 and endorsed on 4/12/2018 from the covenant dated 4/10/2018 and recorded 5/15/2018 in the Plymouth County Registry of Deeds in Book 49800 Page 91, provided that an acceptable performance bond in the amount of \$241,000.00 be provided to the Planning Board to secure the performance of the remaining work in a form that is acceptable to Town Counsel, and that the Town Planner hold the lot releases until the drainage is proven to function, a surety Bond has been received in the Planning Board office and proof of the recorded lot releases is furnished to the Town Planner.

Ms. Lambert seconded the motion; the vote was unanimously in favor.

Old Business, New Business, Correspondence, Administrative Items, Update

Planning/Development Report – Ms. Joseph

- Seaside at Scituate
 - Remediation starting – will be mobilizing and set up fencing
 - Will be live loaded – cannot be stored, will go right on the truck
 - Master elevation will be approved
 - Preliminary plan for the field
- Materials for Site Plan Administrative Review for the Athletic Fields project
 - February 7th after zoning
- Drew Company will be filing next week
 - Public Hearing on February 14th
 - Send to DRC after the hearing has been opened
- Multiple Accessory Dwellings
- Multiple Stormwater Permits

Vote Design Review Committee Member:

The Board discussed the candidates for the position. Three interviews were held; one with a practicing architect, Richard Taylor, and tonight's applicant. It was discussed that Mr. Taylor during his interview said the architect was more qualified so he would bow out to the architect. Additional comments were made that the architect brings professionalism to the committee, it was noted that he was on the school redesign committee for the town and his resume talked about historical buildings.

Mr. Limbacher moved to appoint Craig Mutter to the Design Review Committed. Ms. Lambert seconded the motion; the vote was unanimously in favor.

Documents

- Email to the Board from Shari Young dated 1.4.19 with agenda and minutes from 12.13.18
- Email to the Board from Karen Joseph dated 1.4.19 with meeting materials for DRC candidates and 27 Hood Road
- Email to the Board from Karen Joseph dated 1.7.19 with meeting materials for Zoning and 27 Hood Road.
- Email to the Board from Karen Joseph dated 1.7.19 with meeting materials for 27 Hood Road and Curtis Estates
- Email to the Board from Shari Young dated 1.7.19 with amended agenda for 1.10.19
- Email to the Board from Karen Joseph dated 1.8.19 with meeting materials for Curtis Estates and Zoning.
- Email to the Board from Karen Joseph dated 1.9.19 with meeting materials for Curtis Estates

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 10:21 p.m. Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved 1/24/19

