

## **SCITUATE PLANNING BOARD    MINUTES    January 26, 2017**

Members Present: Stephen Pritchard, Chairman; William Limbacher, Vice Chairman; and Alternate member, Gerard Wynne.

Others Present: Ms. Laura Harbottle, Town Planner.

Others Absent: Ann Burbine, Clerk and Richard Taylor.

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

Location of meeting: Selectmen's Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chairman Pritchard called the meeting to order at 7:30 P.M. The meeting was being recorded for airing on local cable television.

### **Documents**

- 1/26/17 Planning Board Agenda

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

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### **Continued Public Hearing – 91 Humarock Beach**

#### **Assessor's Map/Block/Lot 72-4-18**

#### **Applicant/Owner: Jacquelyne Murphy/Jacquelyne G M Vaughan**

### **Documents**

- 1-17-17 revised Accessory Dwelling Site Plan by Ross Engineering
- Assessor's Card 91 Humarock Beach
- Board of Health variance from Title V letter dated 12/20/16
- Revised floor plan with stairs added on Oct. 14, 2016 to A4 Permit Set dated 4/28/16
- Email from Laura Harbottle to the Board dated 1/20/17 with above information
- Board of Health comment dated 1/20/17
- Email from Karen Joseph to Board dated 1/24/17 with Board of Health comment dated 1/20/17

Chairman Pritchard indicated that the applicant's agent has requested a continuance due to the lack of a quorum to hear the special permit. Mr. Limbacher moved to accept the applicant's request to continue the public hearing for 91 Humarock Beach until February 9, 2017 at 8:00 pm and extend the time to file the decision until February 28, 2017. Mr. Wynne seconded the motion. Motion was unanimously approved.

### **Potential Bylaw changes to Propose for 4/26/17 Annual Town Meeting**

Ms. Harbottle said there could potentially be an article for a moratorium for recreational marijuana establishments. She indicated that other towns are doing a temporary moratorium for recreational sales outlets tied into the timeline of the Cannabis Control Commission.

Ms. Harbottle indicated that the other zoning article was to be for regulation of sign sizes for public buildings in a residential zone. She indicated that the size now is limited to eight square feet with one sign. She said that the library sign consultant says that they can work with the size limitation and still have the new lighthouse logo on it. Ms. Harbottle said that the Public Safety Building will have one sign and an internally lit public safety sign too. Chairman Pritchard asked if there was a problem pushing off these issues until next year. Ms. Harbottle said not really. Maybe the sign bylaw could be changed to allow two signs next year.

### **Surety Return for Aquinnah Path**

Attorney Mike Hayes was present representing Doug Sheerin. Attorney Hayes indicated that Mr. Sheerin owns two lots on Aquinnah Path. He indicated there is a report from Pat Brennan of Amory Engineers that says the road has been completed. Attorney Hayes said that the road was fixed up today as it was a rough fall and winter with all the heavy trucks on the road constructing another lot. He said the requirements of the October 15 letter have been met. Ms. Harbottle said that she talked with Pat Brennan of Amory Engineers and came to an agreement that \$26,000 could be released with \$2,200 being held for loaming and seeding, \$800 for additional gravel if needed and \$1,000 for general clean up for a total of \$4,000. Attorney Hayes asked if the loaming and seeding was part of the road construction and if surety could be held back for that. Ms. Harbottle said that the road cross section shows loam and seed.

Mr. Limbacher moved to approve that the Planning Board release \$26,000 to Doug Sheerin, representing the surety held to guarantee construction of Aquinnah Path, or \$30,000 less \$2,200 for loaming and seeding, \$800 for gravel topdressing and \$1,000 for cleanup. The maintenance agreement for the road shall also be modified to include a requirement for annual grading. Attorney Hayes indicated that the two lots Mr. Sheerin bought were subject to an existing roadway agreement which he had no part of. He said the agreement says that the road must be upgraded as needed. He indicated it is difficult for Mr. Sheerin to be involved in changing that agreement and the agreement was put in place prior to any lots being sold. Attorney Hayes said there is incentive to keep the road in good shape as the homes are worth approximately \$900,000 each.

Ms. Harbottle asked who owns the road. Attorney Hayes indicated it is Mr. Brennan and the four other home owners. Ms. Harbottle said there have been complaints from the owner of 8 Aquinnah Path. Attorney Hayes said there was a lot of activity there prior to the sale eight to ten days ago and the only heavy machinery in the future is likely to be a moving van. Ms. Harbottle said that Mr. Brennan and Mr. Donovan have recorded the agreement to maintain the road, but it seems like a good idea to have annual grading. Chairman Pritchard said it is a private road and he feels the signatories to the agreement are responsible for working among themselves. Ms. Harbottle said that everyone tries to get the Town involved so the impulse is to try to get the subject straightened out ahead of time.

Attorney Hayes indicated that these are land court lots and not a subdivision. He said there are five homes and the property owner sold three lots and made the lots subject to the maintenance agreement. He said there are methods under common law to enforce the agreement. Chairman Pritchard and Mr. Limbacher both agreed that it made sense to strike the words "The maintenance agreement for the road shall also be modified to include a requirement for annual grading" and Mr. Limbacher amended the motion. Mr. Wynne seconded the amended motion. The Board voted unanimously on the amended motion.

## **Sign Land Court Mylar for 80 Mann Lot Road**

### **Documents**

- Plan of Land in the Town of Scituate, MA 80 Mann Lot Rd being a division of Lot 2A Land Court Plan 13028D dated 1/16/17 by Ross Engineering

Steve Bjorklund was present and indicated that the Board previously signed a Form A for the lot. He indicated that at that time that he would be bringing back a mylar for the Land Court as the property is registered land. He indicated the previous mylar was not done to Land Court standards and this one was reviewed by the Land Court. He said the land Court asked for the stone wall to be held so there is a very minor boundary change whereas the other plan held the math. He said there is a minor change in the interior of the lot that does not affect access, frontage or any lot width dimensions and the lot meets zoning. He said the biggest discrepancy was 7/10 ths of a foot and the standards today are highly accurate. He asked that the Board sign the plan which they agreed to do.

### **Minutes**

Mr. Limbacher voted to approve the meeting minutes of 1/12/17. Mr. Wynne seconded the motion. Motion was unanimously approved.

### **Town Planner Report**

Ms. Harbottle reported that a new tributary was found on the boundary of the adjacent lot to the Summer Street land that the Board previously approved a Form A on. She said the plan has morphed from three lots to two and now one. She said this could be an issue with the Board of Health, the Conservation Commission and zoning. She said Bruce Bouck of Mass DEP was out to the site today with the surveyors from Morse Engineering and they marked and surveyed the edge of the tributary on the adjacent property. She also indicated there will be a zoning setback too due to being tributary to a reservoir in the Water Resources Protection District.

Ms. Harbottle said there is going to be a public meeting on February 8 from 7pm to 9 pm to discuss action items for the Open Space Plan. This will include a discussion of trails, open space in the Town and where more open space and fields are needed.

Ms. Harbottle indicated that she and Chairman Pritchard have had some correspondence on the proposed Director of Planning and Development position. Ms. Harbottle will send the position description to the Board and it will be added to the agenda for discussion next time. Ms. Harbottle said she would also include a chart of reporting responsibilities and a list of other towns that have a similar position.

Ms. Harbottle indicated that she has received a phone call from Attorney Jeff DeLisi asking to come in for informal discussions on two projects. She said one was the 55 acre Toll Brothers development off of Hatherly Road at the former Proving Grounds site. She said she believes the contamination has all been cleaned up and the neighborhoods are very concerned. She indicated the project has gone through some very early stages of pre-application review in town hall. She said nothing has been submitted. She said an informal meeting can be a simpler way to get some preliminary information to the Board. She offered that an informal meeting may be good for the public too so they don't feel something is done without their input. She inquired if the Board would like a better notification for an informal discussion or if just the agenda posted to the website is what is wanted.

She said the public can be told there will be limited public input as no formal application has been received. She said that abutters were notified of the informal discussion with the Studley Farm development, but not with 105 Hatherly Road. Mr. Limbacher said there were several informal discussions with 50 Country Way that the abutters were not notified of. Chairman Pritchard said that in an informal discussion anything discussed is subject to change during the formal public hearing process and people could take information the wrong way. Ms. Harbottle said it would good to let everyone know that when the applicants are here.

Chairman Pritchard said that maybe there is a threshold level when the public should be notified. Mr. Limbacher opined that there is no need to notify abutters for an informal discussion. He said that there is more to be gained by having an informal discussion with just the applicant present. Chairman Pritchard reiterated that everything is subject to change once an application is officially filed. He said the website posting is fine for most projects. Mr. Wynne said he didn't see the need to notify abutters right away. Chairman Pritchard said an informal discussion will be an item on the posted public agenda. Ms. Harbottle said the Toll Brothers project is very big being over 50 acres with 10,000 sq. ft. zoning. She said there is already a citizen's group and concerned citizens with the property. She said she would like the Board to think what they want to do.

Chairman Pritchard said that for a small project there is no need for abutter notification for an informal discussion as it will be posted on the agenda. He said he did not see the need for notification for the 90 Ann Vinal informal discussion. He said Toll Brothers may be different. Mr. Limbacher said an informal discussion is more beneficial to the applicant by not notifying the public outside of the posted agenda. Chairman Pritchard said that on a bigger project there is a lot of information to be learned and he thinks the sooner the Board has the information the better for an informed decision. Ms. Harbottle said the request is to have the informal public discussions fairly soon for 90 Ann Vinal and Toll Brothers. Attorney Mike Hayes said that he is a member of the Ohrenberger DeLisi and Harris law office and the reason to get both moving is timing. Chairman Pritchard said that if notification is provided, that both projects could be on the agenda for informal discussions on February 9.

## **Old Business and New Business**

### **Documents**

- Email to Board dated 1/20/17 from Karen Joseph with agenda for 1/26/17 meeting
- Email from Karen Joseph dated 1/24/17 with meeting minutes from 1/12/17
- Email from Laura Harbottle to the Board dated 1/20/17 with meeting materials

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 8:20 p.m. Mr. Wynne seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Ann Burbine, Clerk  
2-23-2017  
Date Approved