

SCITUATE PLANNING BOARD MINUTES October 11, 2018

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

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

Members absent: Town Planner Karen Joseph

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 Burbine called the meeting to order at 7:00 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 10/11/18 Planning Board Agenda

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

Public Hearing - Scenic Road – Shade Trees – 0 Old Oaken Bucket Road

Assessor's Map/Block/Lot 47-2-29R

Applicant: Department of Public Works

Owner: Town of Scituate

Document

- PDF Application dated 9.11.18
- Doc Transmittal Letter dated 9.11.18

Attendees: Sean McCarthy, Department of Public Works Engineering Division

Mr. McCarthy indicated the DPW is working on a water improvement project that requires a tree be removed in the public right of way of Old Oaken Bucket Road to access the area of work. He said the purpose of the work is to redirect water flow under 3A to the reservoir from well 17A. He indicated the stone wall at the location appears to have been previously disturbed and is in need of repair and the DPW will restore the wall once the work is complete. He said they are filing with State agencies and have received a Notice of Intent from the Conservation Commission. Mr. McCarthy indicated that this is a more immediate fix to some of the water supply issues in the town in the summer months.

Ms. Joseph and Mr. McCarthy indicated the Tree Warden approves of the tree being removed. Mr. McCarthy indicated this proposal has the least amount of impact on the wetlands or any of the wetland buffers.

Motion:

Ms. Lambert moved to close the Scenic Road Act/Public Shade Tree public hearing and that the Planning Board vote to approve the disturbance of approximately 20 linear feet of stone wall and the removal of one 4" Pear tree in the public right of way of 0 Old Oaken Bucket Road, for a water

transmission line for applicant Town of Scituate Engineering Division. The stone wall shall be restored. Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Continued Public Hearing - Scenic Road – Shade Trees – 92 Neal Gate
Site Plan Administrative Review – Common Driveway
Assessor's Map/Block/Lot 57-1-3 and 57-1-6
Applicant/Owner: Gregory P. & Wendy S. Sears

Document

- PDF 18190 PB Review Report 10-4-18
- PDF Common Driveway Plan Sheet 1
- PDF Common Driveway Plan Sheet 2
- PDF Common Driveway Plan Sheet 3
- PDF Common Driveway Plan Sheet 4
- PDF 8487 Sears Post-Developed DA Plan
- PDF 8487 Sears Pre-Developed DA Plan
- PDF Notebook – Appendix A – Pre-Development 2, 10, 25, 100 year
- PDF Notebook – Appendix B – Post-Development 2 & 10 year
- PDF Notebook – Drainage Stormwater Analysis Report
- PDF Notebook – Soil Logs
- Doc Driveway Agreement DRAFT RE: Sears 92 Neal Gate Street 10.9.18(2)
- Email to Mr. McGovern from Mr. Elliot with approval of Fire Department

Attendees: Terry McGovern, Stenbeck & Taylor; Steve Guard, Attorney; Greg & Wendy Sears, Property owners

Mr. Guard indicated to the Board items from the last meeting have been addressed:

- Plan incorporates peer review comments
- Fire Department is satisfied with the emergency egress
- Common Drive Access and Utility easement has been updated
- Changed plan to read “basin” versus “rain garden”
- Drainage basin included in the plan

Mr. McGovern reviewed the plans for the Board highlighting the responses to Mr. Palmieri's review.

- Added roof recharge to several points around the proposed house
- Added swale along the property line
- Changed the rain garden to a detention basin
- Widened the driveway
 - 16' width of pavement with 2' stone shoulder on one side and 2' grass shoulder on the opposite side
- Added a Construction detail sheet which shows:
 - Detention Basin
 - Vegetated swale next to the driveway
 - Driveway width
 - Roof recharge system
 - Site distance which meets Town requirements
- Construction sequencing and erosion control are on the plan

Ms. Joseph indicated all comments from the consulting engineer have been addressed.

Mr. Pritchard thought one comment from Mr. Palmieri was still outstanding regarding the width of the spillway. Mr. McGovern indicated that he had spoken with Mr. Palmieri and the issue has been resolved; he said the point at which he thought would actually be below the spillway is a few tenths higher than the spillway and will not flow into the driveway.

Ms. Joseph indicated if this is approved this evening the applicant will come back with a Form A plan to break the property up into two lots.

Ms. Joseph indicated the Board has received comments from the Tree Warden and he is okay with the removal of the trees.

Scenic Road/Public Shade Tree Motion:

Ms. Lambert moved to close the Scenic Road/Public Shade Tree hearing and that the Planning Board vote to approve the disturbance of approximately 20 linear feet of stone wall to be relocated in the existing driveway section to be abandoned and the removal of three shade trees, 8" Pine tree, 8" Oak tree, and 4" Sassafras tree for construction of a common driveway for property at 92 Neal Gate Street, Scituate. Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Common Driveway Motion:

Ms. Lambert moved: Based on the Site Plan entitled Common Driveway Plan in Scituate, MA showing a Division of Parcels 57-1-3 and 57-1-6 revised dated September 28, 2018 by Stenbeck and Taylor, the comments, reports and testimony provided, the Planning Board opines that the requirements of the Town of Scituate Zoning Bylaw Section 770.6, Site Plan Standards of Review have been met to a degree consistent with the use of the site for the purpose permitted in the regulations of the district in which the land is located and to approve the Site Plan Administrative Review for a Common Driveway for 92 Neal Gate Street Parcels 57-1-3 and 57-1-6 with the following conditions:

1. All site work shall be in substantial conformance with a plan entitled Common Driveway Plan in the Town of Scituate, Massachusetts Showing a division of Parcels 57-1-3 and 57-1-6 92 Neal Gate Street by Stenbeck and Taylor, Inc. revised dated 9/28/18 Sheet 1 of 4, Sheet 2 of 4, Sheet 3 of 4 and Sheet 4 of 4 except as may be modified to meet the conditions below.
2. Documentation should be provided that the deed for each lot served by the common driveway include a restrictive covenant stating that the common driveway shall never be considered for acceptance as a town road and that all maintenance and repair of the common driveway and drainage facilities shall be the responsibility of the owners of the common driveway.
3. A preconstruction conference is required prior to starting construction. The applicant will provide a deposit of \$5,000 prior to the pre-construction conference to guarantee cleanup of the site and providing an as-built plan showing the common driveway, its easement and the site grading and amenities.
4. The Homeowners of the properties serviced by the common driveway shall be responsible for the maintenance associated with it.
5. Additional clarification should be added to the plan to specify the width of the spillway and clarify the contours shown at the basin, adjacent to the driveway.

6. The application has been reviewed for compliance to the Town of Scituate Stormwater Bylaw and Regulations. The engineering review indicated that it was their opinion that the requirements and standards have been met if the plan is constructed as shown.
7. The Town Planner is to be notified upon completion of construction.
8. The Common Driveway is contingent upon the endorsement and recording at the Registry of Deeds of Plymouth, MA of a Form A plan for property at 92 Neal Gate Street, Scituate, MA.
9. The standard conditions for common driveways approved by the Planning Board after a public hearing on December 17, 2015 shall be included as conditions of this decision.

Mr. Limbacher seconded the motion, there was discussion.

Mr. Pritchard asked to amended Condition #4 replacing “it” with “common driveway and associated stormwater management system.”

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

Site Plan Administrative Review – Public Meeting – Humarock Fire Station #4
Assessor’s Map/Block/Lot 72-17-A
Applicant/Owner: Town of Scituate

Document

- PDF 3790 Site Plan Administrative Review Permit Filing
- PDF 3790 Site Plan Exist Prop
- PDF Application dated 8.20.18
- PDF Rendering, elevations, floor plans
- Doc Transmittal letter
- PDF 10.2.2018 Memo Humarock Fire Station #4 Board of Health Comments

Attendees: Paul Mirabito, Ross Engineering; John Murphy, Fire Chief

Chief Murphy reviewed the highlights of the project:

- Phase I - installation and building of a two bay apparatus garage
 - Just over 2,000 sq. ft.
 - Met with all Boards
 - Conservation Commission has done peer review of stormwater
 - Intend to close the hearing for Conservation on the 10/22
 - All concerns from peer review have been addressed
 - Want to have slab and foundation poured before it gets too cold
 - 2 month process for building of the structure
- Phase II – replace/renovate the existing building
 - Have funding from the State and Town meeting
 - Additional funding needed
 - Two prices, doing homework for the building
 - If phase II approved would be late spring or fall project
 - Original building 1941
 - Building needs to be raised

Chief Murphy indicated there is no change from the first meeting with the Planning Board. Chief Murphy would like the Planning Board sign off for the entire project, but immediate is the building

of the apparatus bay; they will need to go back to Spring Town meeting for more funding for additional work on the building.

Ms. Burbine asked if there was any potential to put in public sanitary facilities with the new station. Chief Murphy said there has been discussion on that issue, but the septic may have to be addressed; he said they will continue to investigate that possibility. He did indicate the current system is functioning properly.

Mr. Pritchard opined that comments from before did not seem to be addressed; a new building is still going in a low lying area. Chief Murphy indicated the building will be elevated to where FEMA requires. He indicated they are able to maintain 5% slope and be raised up 2' and still be able to have apparatus exit the building. Chief Murphy indicated the building will be built to withstand 145 mph winds; in case of bigger storms may have to remove apparatus at times to higher ground. He said if they needed they would work with the Marshfield firehouse to make sure things are out of harm's way.

Chief Murphy said this is a long term solution in order to keep servicing the people of the area. Mr. Pritchard and Chief Murphy further discussed what options are for the future of the Fire Station if/when the area becomes inundated.

Mr. Limbacher opined that something has to be done, but he agrees with Mr. Pritchard that long term this is not the answer; but we can't keep putting money into the existing building.

Ms. Burbine opined FEMA needs to start preventing, rather than repairing.

Public Comments:

Ms. Deirdre Pizzuto an abutter to the Humarock Fire Station said she is in support of a new fire station and making it a facility that can help Firefighter's respond to the people of Humarock in a timely manner. She said she has a special interest in the project because her son installed the flag pole and historical signage at the site.

Chief Murphy said the flagpole will stay there for decades to come and they will be working around it.

Motion:

Ms. Lambert moved based on the Site Plan entitled Proposed Site Plan at River Street in Scituate, MA dated September 12, 2018 with revisions through 10/5/2018 Sheet 2 and 2 of 2 by Ross Engineering Company, Inc. the application, comments, and testimony provided, the Planning Board opines that the requirements of the Town of Scituate Zoning Bylaw Section 770.6, Site Plan Standards of Review have been met to a degree consistent with the use of the site for the purpose permitted in the regulations of the district in which the land is located and to approve the Site Plan Administrative Review for the proposed Site Plan at 4 River Street for the Town of Scituate with the following conditions:

1. All site work shall be in substantial conformance with a plan entitled Proposed Site Plan at River Street in Scituate, MA dated September 12, 2018 with revisions through 10/5/2018 Sheet 2 and 2 of 2 by Ross Engineering Company, Inc. except as may be modified to meet the conditions below.

2. Construction work shall not begin prior to 7:00 am on weekdays and 8:00 am on Saturday, and shall cease no later than 7:00 pm or sunset whichever comes earlier. No construction is permitted on Sunday or a legal/federal holiday. Construction includes operation of machinery, delivery of materials to the site and idling of vehicles.
3. Where this Site Plan Administrative Review requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or license is deemed a condition of the Town of Scituate Planning Board's approval of this site plan including but not limited to, those of the Town of Scituate DPW, Building Department, Board of Health, Conservation Commission, Commission on Disabilities. All necessary permits and approvals must be received prior to construction.

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

Public Meeting – Seaside at Scituate - Residential Cluster Special Permit Waiver or Modification Request for Building Elevations

Document

- PDF Original Names
- PDF Proposed New Names and elevations

Attendees: Jeff De Lisi, Attorney; Dave Buckley, Toll Brothers

Mr. De Lisi indicated that the special permit makes reference to specific elevations and unit groupings and that the project needs to be built in accordance with those noted on the special permit decision. Mr. De Lisi said he sent a letter to the Board requesting three things be changed with regard to the special permit; he noted condition #81.

- All names have changed
- Middle unit elevations now shows two garage doors verse single carriage door
 - Abram and Stanway
- 2 new offerings - a middle unit and an end unit
 - Vaughn and Kington
 - Adding variety to the development
 - Different roof lines
 - Interior layouts are different
 - Width, depth and height are all compliant with original plans
 - Exteriorly/architecturally similar, minor differences

Mr. Pritchard said that there was much discussion during the public hearings about the garage door design single versus double doors and the Board was told that is not possible; he questioned how it is now possible. Mr. Buckley indicated they have only changed the middle units in terms of the garage door, but they are asking for name changes because structurally every aspect of the homes has changed since the initial product presented. He said every aspect of the inside of the home has changed, thus they are now able to change the garage door. Mr. Buckley said they cannot change the end units without widening the units slightly and they would then not be in compliance with their building setback as it has been laid out in the subdivision plans. He said they are able to steal interior space in the middle units in order to have the double garage door.

Mr. Buckley explained how the buildings have changed interiorly, where they were able to gain space and the dimensions of single and double garage doors. Mr. Buckley said they are constantly trying to improve their product and they continue to review it and make changes to be current. Mr. De Lisi and Mr. Buckley explained to the Board how the two new elevations will add variety to and enhance the development.

Mr. Pritchard would like to see the demonstration of how double doors are able to be added to these units, but not to all units. Mr. Buckley said that they have exhausted all options to get double garage doors on the buildings, but they cannot make it work. Mr. Pritchard requested to see the detailed dimensions. Mr. Buckley demonstrated to Mr. Pritchard how they are now able to make the change to double garage doors; he noted how they are able to steal space from the interior, i.e. from the foyer, to allow for the double garage door. He further noted that the project has been fully engineered and changing the end units to have double doors would make them non-compliant with the plans, setbacks, widths, etc.

Motion:

Ms. Lambert moved that the Planning Board vote to approve the waiver/modification of Condition #1 of the special permit filed with the Town Clerk on May 17, 2018, as the waiver/modification is insignificant and does not materially adversely affect the purpose of this special permit decision.

1. Architectural elevations by Toll Architecture dated 8/31/2017 showing Andover, Bethel, Bristol, Bryn Athyn, Bucknell, Stathmere unit elevations shall now be known as the Abram, Bethel, Brenton, Braxton, Barron, and the Stanway, respectively as dated in the architectural elevations by Toll Architecture dated 9.13.2018.
2. Modify the Abram(a/k/a the Andover) and the Stanway(a/k/a the Strathmere) such that these middle dwellings will contain two garage doors instead of a single garage door as depicted on the Toll Architecture elevations dated 9.13.2018.
3. The addition of two new offerings the Vaughn and the Kington to be added to the offering of dwelling units depicted on the Toll Architectural elevations dated 9.13.2018.
4. Set of dimensional drawings of proposed models to be submitted showing all measurements of the single door and double door garage layouts.

Mr. Bornstein seconded the motion, there was further discussion.

Mr. Pritchard proposed to add a condition that the dimensional drawings for the double doors and the single doors; the garage layouts be submitted. Mr. Buckley said the drawings will be provided as part of the master set of plans is required as a condition for the special permit.

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

Form A – ANR - 90 Ann Vinal Road
Assessor's Map/Block/Lot 27-06-01
Applicant/Owner: 90 Ann Vinal, LLC

Document

- PDF 3739 – Filing Package
- PDF 3739 – FMA-4
- Doc transmittal letter dated 10.5.18

Attendees: Paul Mirabito, Ross Engineering, Inc.

Mr. Mirabito indicated there were approximately 29 acres for the Curtis Estate. Current owners of the subdivision split up the land about half for a Flexible Open Space Development and half to remain separate from the subdivision. The owners are trying to resolve some issues with the open space. The proposal is to divide the remaining parcel that is not part of the subdivision into two parcels; a portion that could be added to the open space in the subdivision and the remainder to be used by Hatherly School; if Hatherly School does not use it then it could become part of the open space of the subdivision.

Ms. Burbine indicated that the original 5+ acres for the subdivision of open space was not enough for Conservation to put a Conservation Restriction on the land; the parcel was too small to be managed. The land shown on the plans today to be divided was not included in the original permit for the Subdivision. By dividing this land before the Board today the open space for the subdivision becomes more desirable for the Conservation Commission to place a restriction on it which is a condition of the Special Permit. The land in question is not buildable.

Mr. Pritchard asked if there will be a Conservation Restriction placed on all of the open space inclusive of the new parcel. Mr. Mirabito confirmed yes. Mr. De Lisi said they are in discussions with how to comply with the Special Permit condition.

Motion:

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA 90 Ann Vinal Road prepared by Ross Engineering Co., Inc. for applicant/owner 90 Ann Vinal, LLC dated 9-24-18 as the division of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw.

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

Form A – ANR – 1 Crescent Ave
Assessor's Map/Block/Lot 56-2-17F
Applicant/Owner: One Crescent Ave Realty Trust

Document

- PDF 3940 – FMA 10.5.18 mylar
- PDF 3940 – FMA application Rev 10.5.18
- Doc transmittal letter dated 10.9.18

Attendees: Steve Bjorklund, Developer

Mr. Bjorklund indicated the Building Commissioner has asked for 100' of frontage from the street to the first part of the dwelling on Bridge Ave. He said they have redrawn the line to get 100' to the first part of the dwelling; he said the square footage for each lot stays over 10,000 sq. ft.

Motion:

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land in Scituate, MA Showing a Division of Parcel 56-2-17F 1 Crescent Ave prepared by Ross Engineering Co., Inc. for applicant/owner One Crescent Ave Realty Trust dated 10-5-18 as the division of land shown on the accompanying plan is not a subdivision because it shows every lot on the plan has frontage of at least the distance presently required under the Scituate Zoning Bylaw on a public way, namely Crescent Ave. and Bridge Ave.

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

50 Country Way - Plan change request for brick in public access sidewalk

Document

- PDF email to Karen Joseph from Peter Genta date 10.8.18 50 Country Way Pathway Detail
- PDF 50 Country Way Site Layout Plan
- PDF 50 Country Way Landscape details

Attendees: Michael Hoffman, 205 Country Way; Peter Genta, Owner

Mr. Hoffman explained to the Board that the original plans from 2013 called for the sidewalk to match the sidewalk on Country Way from Reynolds to Stockbridge. He said the plans had been misinterpreted by the Contractor and that the bricks are currently going to run along the sidewalk on the building side instead of on the intended curb side of the walkway. They are also proposing that when they replace and repair the sidewalk on Country Way that the concrete be made wider than currently proposed on the plan with a smaller amount of brick.

Ms. Joseph asked the applicant to come before the Board to get feedback on the brick placement.

Mr. Hoffman said they are proposing to have the concrete sidewalk be 5'6" wide with two rows of brick. Mr. Hoffman opined the bricks can become a safety issue as they settle over time. Mr. Bornstein opined that properly installed hardscape should not settle over time.

Mr. Pritchard opined that the applicant needs to find a way to transition the brick into the Country Way sidewalk.

The Board advised the applicant to keep the brick in the new proposed location and make tie into the sidewalk along Country Way; this will keep the intent and indication of the public way with the informational signage per the plan regarding the public access path. The information sign should be in a similar style as the other public wayfinding signs in town.

Mr. Genta indicated the project is in the home stretch. He said the fire access is in and prepped; they are waiting to get on the asphalt contractor's calendar. He hopes to that will happen within the next two weeks; paving will hopefully be complete by the end of October.

Accounting Documents

PO #1903441 (\$2,730.00), PO #1903440 (\$16.75), PO #1903625(\$4,000.00), PO #1903624(\$15,584.11), PO #1903671 (\$295.81), PO #1903670 (\$210.00), PO #1903686 (\$25.00)

Ms. Lambert moved to approve the requisition of \$2,730.00 to Merrill Corporation for site inspections for Curtis Estates, for \$16.75 to Schwaab Inc. for engraved name plate for Rebecca Lewis, for \$4,000.00 to Town of Scituate for purchase/installation of a Stormceptor, for \$15,584.11 to Blanchard Farm LLC for final release of surety, for \$25.00 to Environmental Business Council of New England, Inc. for Kyle Boyd's attendance to the Ocean and Coastal Resources Program: 3rd Annual Living Shorelines Conference.

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

Minutes

Documents

- Meeting minutes 9.13.18
- Meeting minutes 9.27.18

Ms. Lambert moved to approve the meeting minutes for September 13, 2018 and September 27, 2018.

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

Liaison Reports:

Advisory Committee – Ms. Lambert reported:

- Discussion regarding CPC and purchase of land parcel on First Cliff

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

Planning/Development Report – Ms. Joseph:

- Next meeting will have two public hearings:
 - Accessory Dwelling
 - Mixed use building
- Cumberland Farms working on submission before the end of the year
- MBTA/Drew Company beginning of the New Year

Master Plan – reported by Mr. Pritchard:

- Reviewed submission
- Narrowed down the submissions
- Will have in depth interviews with a couple of candidates

Documents

- Email to the Board from Shari Young dated 10.5.18 with agenda for 10.11.18
- Email to the Board from Shari Young dated 10.5.18 with meeting materials for 0 Old Oaken Bucket and Humarock Fire Station – 4 River Street.
- Email to the Board from Shari Young dated 10.5.18 with meeting materials for Seaside at Scituate and 90 Ann Vinal ANR.
- Email to the Board from Shari Young dated 10.5.18 with meeting materials for 92 Neal Gate.
- Email to the Board from Shari Young dated 10.5.18 with meeting materials for 92 Neal Gate.
- Email to the Board from Karen Joseph dated 10.5.18 with meeting materials for 0 Old Oaken Bucket and 90 Ann Vinal.

- Email to the Board from Shari Young dated 10.9.18 with meeting materials for 50 Country Way, 1 Crescent Ave. and 92 Neal Gate.
- Email to the Board from Shari Young dated 10.9.18 with amended agenda for 10.11.18
- Email to the Board from Shari Young dated 10.11.18 with meeting minutes from 9.13.18 and 9.27.18
- Email to the Board from Shari Young dated 10.11.18 with meeting materials for 4 River Street - Humarock Fire Station #4.

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 9:11p.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 10/25/18

