

SCITUATE PLANNING BOARD MINUTES November 21, 2017

Members Present: Stephen Pritchard, Chairman; Ann Burbine, Vice Chairman; Benjamin Bornstein, Clerk, William Limbacher and Richard Taylor

Others Present: Town Planner Karen Joseph

Members absent: Stephen Pritchard, Chairman

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

Location of meeting: Scituate Town Library, 85 Branch Street, Community Room in the Lower Level, Scituate.

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

Documents

- 11/21/17 Planning Board Agenda

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

Public Meeting - Site Plan Waiver – Restaurant & Bar – 7-9 Marshfield Avenue

Assessor's Map/Block/Lot 72-19-3B

Applicant: Humarock Seafood LLC (Stephen Leaman) dba Nautical II

Owner: Humarock Industrial, LLC

Documents

- PDF of parking plan dated 10.10.17
- PDF of application - site plan waiver
- PDF Assessors Field Card
- Jpeg image of back of 7-9 Marshfield
- Jpeg image of front of 7-9 Marshfield
- Jpeg image of side of 7-9 Marshfield
- PDF of Humming Rock Gifts dated 7.22.17
- PDF of letter to the Board from ODH Attorneys dated 8.8.17 on behalf of Mr. Medeiros
- PDF of revised restaurant floor plan
- PDF of Table of Uses Parking - Septic
- Transmittal letter dated 11.6.17
- Email to applicant from Karen Joseph dated 10.25.17 regarding square footage
- Email from Attorney Jon Aieta, Esq. dated 11.20.17 with lease
- Email from Jennifer Keefe to Karen Joseph dated 11.17.17 with BOH comments
- Email from Al Elliott to Karen Joseph dated 11.16.17 with Fire department comments
- Email from Jennifer Keefe to Karen Joseph dated 10.24.17 with BOH comments

Attendees: Jon Aieta, Attorney; Stephen Leaman applicant

Mr. Aieta indicated the applicant is requesting a Site Plan Waiver for restaurant

- 17,000 sq. ft. used as a warehouse.
- Mr. Leaman has been tenant for the last 5 yrs.

- Building is 12,000 sq.ft. with 6,000 sq. ft. of space on each floor
- Restaurant is proposed with an expansion of the existing kitchen
- Second floor is not in use
- In the business district
- Proposing a 16 seat restaurant and bar as of right use
- 25 spots off street parking, requires 4 additional parking spaces.

Mr. Aieta said site plan waiver is appropriate based on three points.

1. Appropriate in this location
 - a. Minor change in nature, restaurant is less than 10% of building
 - b. Internal work
 - c. Exterior work is proposed deck, 16' x 20'
 - d. Minor impact to neighborhood
 - e. Memo from Building Inspector concurs waiver is suitable
2. Parking appropriate
 - a. Parking adequate
 - b. Customers have access to on street parking
 - c. Patrons come by foot
3. Proposed work satisfies the goals of the Master Plan
 - a. Letter from Owner of Humming Rock Gifts to use portion of her property
 - b. Scituate has limited space for business expansion; request does not hurt Master Plan.
 - c. Mr. Leaman has been a business owner in Scituate for over 20 years.
 - i. Operates a food truck, wants to give back to the residents
 - ii. Use a space that is under utilized

Mr. Aieta said rough inspections have been done, there is a sprinkler system. The applicant is asking for site plan and parking waiver.

Ms. Joseph indicated the request is for a site plan waiver and parking waiver. She noted several issues:

- Plan shows 19 existing parking spaces, but applicant has indicated 25 are needed
- Board of Health concerns about capacity of the septic system for proposed use
- Fire Department concerns with access and sprinkler code
- Planning Board concerns with pedestrian and vehicular traffic, parking space delineation

Ms. Joseph said the Board needs to decide if the changes are minor enough both inside and outside to determine if a waiver is the way to proceed.

Parking:

Mr. Taylor indicated that from the last meeting there was concern about 6 parking spaces backing out on to the street does not appear there have been any changes to that. Mr. Aieta indicated that parking goes 4"-5" into the sidewalk, this does not impact the side walk, there are current businesses that have back out parking, but the applicant is working with engineering to see if they can be diagonal. The 5 parking spaces in front of the building would need to be jogged out, but can't make improvements like fencing.

Mr. Leaman said he spoke with the Fire Department, but didn't know where the property line was.

Mr. Bornstein asked about snow removal. Mr. Leaman said he has equipment.

Ms. Lambert asked how close to the boat yard the deck would be if he had any concerns with cigarettes. Mr. Aieta said the deck will not be a designated smoking deck, there will be fencing with railings and it if 4'-5' from the property line.

Ms. Joseph reiterated the BOH comments that there were certain DEP minimum calculations that had not been taken into account. BOH has calculated that 1730 gallons/day is required and there is a discrepancy that needs to be addressed.

Mr. Limbacher said the issue for him is whether to grant a waiver for 16 seat restaurant and finds it difficult to believe there would be no outdoor seating. Mr. Aieta indicated there will be no seating outside. He presented this plan to the Board of Selectmen and if the applicant wanted seating they would have to go back to the Selectmen. He said Mr. Leaman has been the only tenant for 5 years; the building has been a warehouse for 13-14 years; it is underutilized, minimum impact on parking.

Ms. Burbine indicated she understands the need for economic development in town, but she has some concerns.

- How long is the lease?
 - Mr. Aieta indicated it is to 2021 with a 5 year option
- Property owner is responsible for the exterior of the building
 - Building needs work, who is responsible
 - Rust, holes, clutter around
- Concern about a site plan waiver when so many balls in the air
- Rubble out front
 - Mr. Leaman said there would be seashells out front and would also have handicap accessibility for the front entrance

Mr. Aieta indicated that as the tenant Mr. Leaman won't do anything outside the building without approval. Mr. Leaman indicated that he has replaced some siding on the building as necessary and paid for the septic system.

Public Comments:

Attorney Mr. Jeff DeLisi representing Steven Medeiros indicated a letter was submitted with the previous application and asked that it be submitted with this application as well. He opined that the reduction in seats does not address issues mentioned in the letter. Mr. DeLisi gave a summary of issues:

- No area for trash
- Lighting
- Outdoor patio is enough to warrant Site Plan Review
- Parking currently gravel, site is in the Flood Plan Overlay, if to be asphalt would require Conservation review.
- No delineated parking spaces
- No designations in traffic flow, there are 2 driveways
- Emergency vehicle access is critical
- Letter from Mr. Bob Vogel, opined the letter states the application qualifies for consideration of sight plan waiver and the Board is permitting entity
- No area for pedestrian circulation, no area for accessibility

- Occupancy versus seating in liquor license application is for 54 people
- Food truck needs to be removed
- Without site plan review there is nothing to enforce the applicant comply and address concerns with the Zoning bylaw
 - Traffic – what does TRR think
 - Hours of operation
 - Bike storage
 - Sidewalks and roads – most heavily traveled area in Humarock, needs to be looked at for safety
- Parallel parking to Marshfield Ave. limited to 1 hour
- Design Review Committee looking for addition information
- Zoning bylaw requires additional landscaping for number of parking spaces

Mr. DeLisi indicated the Business District does allow for the use, but the bylaw says only upon site plan review for change of use. Mr. DeLisi indicated there is a new retail space on the plan and that is a change of use.

Mr. Medeiros, property owner of 6 Marshfield Ave. made additional comments:

- Mr. Leaman said the reason for the deck is so people could go outside smoke and have a drink
- Two egresses in the building and once the deck goes up, because it will have to be enclosed so patrons cannot step off the property, the second egress not work
- He is concerned with how close it is to the shrink wrapped boats
- Mr. Medeiros said the site has been a mess since he moved to the area
- Mr. Medeiros does not have confidence Mr. Leaman will do what he says

Owner of Voyage Restaurant said that his family run business will be affected with a pub style restaurant adjacent to his establishment. Ms. Burbine opined that more competition is good and that is not relevant; the Board needs to adhere to the Rules and Regulations for everyone. She said there are issues here, i.e. the deck, the parking, the septic; all need to be in an Administrative Site Plan Review regardless of the Building Inspector comments. She said the building does have tremendous possibilities, but it does need to meet DEP septic requirements for full build out; sidewalk use is paramount and needs to be considered for all people. Ms. Burbine said that she would not vote in favor of the waiver. Mr. Leaman indicated that Ms. Harbottle told him to stop all work. He further said that other businesses having parking where that requires backing out.

Mr. Limbacher indicated he would not grant a waiver. Mr. Taylor said he thinks there needs to be more information gathered.

Motion:

Mr. Bornstein moved that the Planning Board finds that the proposed site work and building work is not minor in nature because the proposed deck 16' x 20', the 20' x 50' restaurant results in an external enlargement and expansion of a commercial use that will result in site work that is not insignificant in nature. The plan shows no parking analysis to determine the number of parking spaces required for the existing and proposed uses, although existing spaces have been shown. The proposed circulation vehicular traffic and pedestrians has not been shown, nor have provisions for waste disposal. There are septic and fire department concerns that also need to be addressed. Mr. Limbacher seconded the motion; the vote was unanimous in favor.

Motion:

Mr. Taylor moved to accept the applicant's request to continue the public hearing for the Major Site Plan Administrative Review for 7-9 Marshfield Avenue until January 11, 2018 at 7:00 pm. and to continue the time for action for filing with the Town Clerk until January 31, 2018. Mr. Limbacher seconded the motion; the vote was unanimous in favor.

Informal Discussion – MBTA Parking Lot – The Drew Company

Documents

- PDF of Greenbush parking

Attendees: Jim Sandell – Carr Lynch Sandell Architects, John Drew, Theonie Alicandro, John P. Drew, Mr. Alexander

Ms. Alicandro addressed the Board and indicated that the applicant has addressed comments to their site plan since the last meeting in September:

- Moved the site closer to the street
- Moved the parking
- Met with MBTA
 - Plan before the Board is preferred by the MBTA
 - Cleaner, safer site, easier for snow removal
- Shorten south lane, lessens impact
 - Traffic analysis done
- Altered the parking – additional residential parking
- Larger plaza from commercial side, provide outdoor seating
 - More open space
- Work in progress plan, not a final plan
 - May make more common area in center
- Meeting tonight to show that working on direction from the Planning Board
- Mixed retail site

Ms. Burbine said that initially she likes the plan, but asked if there is a way to make it accessible to the center way.

Mr. Washburn clarified that the proposed site is the back overflow MBTA parking lot.

Mr. Taylor's comments:

- Well done – likes the parking is in the back, segregates the uses more – retail versus residential
- Likes Greenbush Plaza – will be nice amenity
- Parallel Parking on Old Driftway how does it get regulated
 - There will be 2 hour parking signs, meant to be for retail
- Architecture looks like it fits the area
- Coffee Shop how does the drive thru work for traffic
 - Will have to drive around the Driftway
- Feels pedestrian friendly, more like a village
- Celtic Paws

- Plan is to grow grass where Celtic Paws parking currently is
- Will keep current site lines

Mr. Bornstein's comments:

- Likes the concept
- Opined the applicant should focus the architecture on the historical aspects of the Greenbush area
- Involve landscape design early on in the development of the project
- Mr. Drew indicated they will look at runoff and connectivity of pedestrians

Ms. Lambert's comments:

- Wants to see grey water use, solar panels

Mr. Limbacher's comments:

- Plan has come a long way
- More ahead of where expected they would be

Ms. Burbine indicated that water and sewer will be discussed at another time. Ms. Burbine opined the tops of the buildings will have some incredible views and asked if there has been any thought to a restaurant in that location. Mr. Drew indicated that have discussed having residential roofs for outdoor seating, etc. that residents would use.

Ms. Burbine said there will be stakeholders meeting on January 10, 2018 for Greenbush and opined that the applicants should be there. Mr. Drew said that John P. Drew will there.

Mr. Taylor asked if there was any drone footage to see what the views are. Mr. John P. Drew said they will work on getting some.

Form A – 33 Tichnor Place

Assessor's Map/Block/Lot 45-2-20

Applicant/Owner: William and Linda Kochman

Documents

- PDF of Form A revision – layout dated 11.13.17
- PDF of Form A revision – layout image dated 11.13.17
- PDF of Application for Form A
- Transmittal letter dated 11.15.17

Attendees: Mr. William Kochman

Mr. Kochman indicated to the Board that he would like to create parking spaces for his neighbor.

Ms. Joseph said Mr. Kochman is looking to sell part of his land to his neighbor to provide frontage in order to create additional parking.

- Two lots will be labeled non-buildable lots
- ZBA decision has expired, that gave frontage reduction
- Not sufficient frontage on Tichnor Place
 - Parcel with house has frontage and access from Tilden Road
- Creating small lot to give to neighbor for parking
 - Parking will be gravel
- Will have to change address for 911 purposes

Motion:

Mr. Bornstein moved to endorse as Approval Not Required a Plan of Land in Scituate, MA Showing a division of Parcel 45-2-20 33 Tichnor Place by Moran Surveying Incorporated for applicant/owner William and Linda Kochman dated 10-9-17 as the division of land shown on the accompanying plan is not a subdivision because the plan shows a proposed conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw as both Lot 1 and Lot 1A are labelled as Not a Buildable Lot with both lots having insufficient frontage under the Scituate Zoning Bylaw on Tichnor Place. Lot 2 has sufficient frontage and access from Tilden Road and will now be known as 112 Tilden Road. Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Discussion – The Riverway

Documents

- PDF of compliance letter dated 10.24.17
- PDF of letter from Riverway developer dated 11.8.17

Attendees: No representatives from The Riverway

- Board has sent a letter to Mr. DiNanno regarding the status of completion on the mixed use building special permit issued several years ago.
- Mr. DiNanno does not want to build the mixed use building
 - Proposing to make it park land
 - Potentially selling the rights to develop the property
 - Donation to the Town
 - May not meet any of the Selectmen criteria
- Mixed use building was to have 2 affordable units and retail
- Mixed use building requirement was in the decision for the project
- Ms. Joseph to let advise Mr. DiNanno land does not meet criteria for donation to the Town
 - Board is willing to look at modification to the Special Permit
 - Bank is still holding money, \$50,000.00
- Discuss potential use of property along with the Greenbush Zoning, etc.
- New letter from the Board
 - Not appropriate to donate as open space or Town land
 - Board willing to look into other options for development
 - Meets the spirit of the original condition of the special permit

Discussion – Greenbush Zoning – Residential to Business and Village Business Overlay District and update for Greenbush Zoning

Attendees: Brad Washburn, Director of Economic Planning and Development

Mr. Washburn indicated the proposal is to extend zoning to 7 New Driftway.

- Extend the Village Business Overlay District (VBOD) and the Business District to this parcel

- Parcel is a gap in the area
- Public hearings on this issue
 - Including something that has been neglected
- Ted Brovitz prepared DRAFT Bylaw for Greenbush visioning
 - Will be phased in
 - Start stakeholders meetings

Accounting

Documents

- PO # 1805212 (\$129.00), PO # 1805211 (\$486.00), PO # 1805210 (\$9,148.55)

Mr. Bornstein moved to approve the requisition of \$129.00 to Chessia Consulting Services, LLC for construction inspections for The Glen, for \$486.00 to Chessia Consulting Services, LLC for construction inspections for 50 Country Way and for \$9,148.55 to Horsley Witten Group, Inc. for engineering peer review for Seaside at Scituate – Toll Brothers. Mr. Limbacher seconded the motion; the vote was unanimously approved.

Liaison Reports

ZBA – Mr. Bornstein reported:

- Herring Brook 40B
 - Voted to look at modification of special permit
 - Public Hearing on December 7^h
- Lawson Green
 - Informal discussion, anticipated filing around the New Year
- Planning Board will send letter to ZBA for December 7
 - Note issues and concerns, i.e. flooding in flood plan, parking, density, FEMA, etc.

EDC – Ms. Burbine reported:

- Discussed preparation for January 10 meeting with Greenbush stakeholders

Planning/Development Report

- 13 Ford Place
 - Eliminating dumpster pad
 - Close to occupancy permit
 - Sign reviewed of one of the Tenants
 - All units will be numbered
 - Trash internal
- Budget – level service budget
 - Asking for Warrant Article for money for Master Plan
- Coastal Area Bank
 - Installing emergency generator

Old Business and New Business

Documents

- Email to the Board from Karen Joseph with meeting materials dated 11.15.17, materials for 7-9 Marshfield, email 1.
- Email to the Board from Karen Joseph with meeting materials dated 11.15.17, materials for 7-9 Marshfield, 33 Tichnor Place and Riverway, email 2.
- Email to the Board from Karen Joseph with meeting materials dated 11.20.17, 7-9 Marshfield
- Email to the Board from Karen Joseph dated 11.20.17, lease for 7-9 Marshfield
- Email to the Board from Karen Joseph dated 11.21.17, material for 7-9 Marshfield

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 8:47p.m. Mr. Taylor seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Benjamin S. Bornstein, Clerk

Date Approved 4/26/18

