

SCITUATE PLANNING BOARD MINUTES November 29, 2018

Members Present: Ann Burbine, Chairman; Patricia Lambert, Clerk, William Limbacher and Benjamin Bornstein and Alternate Member Rebecca Lewis.

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

Members absent: Stephen Pritchard, Vice Chairman

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

- 11/29/18 Planning Board Agenda

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

**Continued - Public Hearing – Special Permit - Mixed Use Special Permit in Village Business
Overly District – 6 MacDonald Terrace
Assessor's Map/Block/Lot 53-5-21 & 53-5-27
Applicant/Owner: RJB Development**

Document

- PDF 181025_6 MacDonald Terrace_Lighting scheme
- PDF A2020_11x17_Massing Comparison 11.29.18
- PDF Drainage Report Rev 11.12.18
- PDF Landscape Plan Rev 11.15.18
- PDF Response to comments by Morse Engineering 11.15.18
- PDF Site Plan Rev 11.12.18
- PDF 18314 PB Review Report dated 11.20.18 by Merrill Engineers
- PDF 181126_MacDonald Terrace Planning Board 11.26.18 – Revised architectural
- PDF 181127_Trash Enclosure Plan 11.27.18
- PDF 181129_MacDonald Terrace_Planning Board revised architectural 11.29.18
- Email to Karen Joseph from Sean Anderson with Water Division comments dated 11.28.18
- Email to Karen Joseph from Kelly Ennis with Trash Enclosure Materials dated 11.29.18

Attendees: Greg Morse, Morse Engineering; Robert Burwick, Owner/Applicant; Kelly Ennis, Architect

Mr. Morse reviewed plan changes since the last meeting on November 8, 2018.

- Architectural changes - additional detailed moldings along the eve lines
- ADA access ramp
- Added A/C units with screening and fencing
- Provided massing schematic
- Site Plan changes
 - Dumpster has been removed

- Each owner will have their own bin and will be responsible for own disposal
 - Enclosed structure of white PVC fencing
- Added ADA ramp and parking space at the office end of the building
- Increase parking spots to 11 from 10 with a van accessible space
- Additional landscaping and fencing on the southern lot line
 - Arborvitae screen along Chaisson property
 - New fence along Cook property
- Drainage update meets all comments from Merrill Engineers
- Erosion controls added along lot lines
- Water department provided comment the second hydrant no longer necessary

Ms. Joseph reiterated that the applicant has supplied revised plans with a new trash receptacle enclosure to eliminate the dumpster, they now have 11 parking spots, actually giving 2 per bedroom. She indicated that work needs to be done on the planting plan there is a minor conflict with the trash enclosure, a correction is needed on water line in MacDonald Terrace; it is 8". As indicated the Water Department is happy with the location of hydrant.

Board Comments:

Ms. Lewis asked for clarification on where the plantings are in conflict on the plan. Ms. Joseph indicated that there are arborvitae that need to be relocated to the landscape and grading easement from where the trash receptacle is located. She suggested a final plan be submitted with those changes to the Planning Board.

Mr. Bornstein asked if the tree box filter is a pre-treatment before it goes into the infiltration system under the parking lot. Mr. Morse confirmed yes and provided some more specific details of the tree box system.

Mr. Bornstein further commented that this project is just below the 15 percent threshold for requiring affordable housing units in the mixed use development and he would like to see more inclusion of affordable housing moving forward. He also commented he would have liked to see more elements of mixed use; it seems more like a condominium development with a small office space than a true mixed use development. He opined this will be the start of a lot of change in the area and there will be growing pains. He said this project meets the requirements of the bylaw, the building is attractive and the stormwater is good.

Ms. Lambert asked what happens when it snows, there is no garage and will this be a problem with MacDonald Terrace. Mr. Morse indicated the parking lot will be plowed and there may have to be some coordinating to move cars.

Ms. Lambert also said it had been very important to have the fire hydrant at the first meeting, now it is not. She asked if the hydrant on MacDonald Terrace is functioning properly. Mr. Morse said yes and a new line and hydrant were installed within the last 10 yrs.

Ms. Lambert agreed with Mr. Bornstein that a little more mixed use would have been nice; she indicated this is really setting the mark as one of the first building in the area.

Mr. Limbacher asked Mr. Morse what conclusion should be drawn from the massing drawing. Mr. Morse reviewed the drawings. He indicated the proposed new building is 35' in height, but that 40'

is the maximum permitted. He said MacDonald Terrace is essentially single family one story homes, but there are some taller buildings on Ford Place; this new building is much taller in size.

There was discussion about the handicap access and it was noted that only the office will be ADA accessible. Mr. Morse indicated that the individual units do not need to be ADA compliant, only public access areas need to be accessible. There is one van accessible space that is the closest space in relation to the ramp.

Public Comments:

Mr. Jim Cook resident of 18 Ford Place asked to be shown where the dumpster has been relocated to. Mr. Morse pointed out it will no longer be a dumpster, but will be an enclosure 6' high, with 3x3 foot square for trash barrel for each unit.

Ms. Mary Lou Consilvio resident of 22 Ford Place said that Ms. Lambert brought up a good point about snow plowing, she indicated that MacDonald Terrace is private way and the town does not plow. She questioned who will take care of that and where the snow will go. She also commented that she does not think a 35' building behind Mr. Cooks' house at only 16' tall will blend into neighborhood. She opined the people that live there will be over shadowed by the building and it opens the door for the next person to build to the fullest extent allowed.

Mr. Burwick indicated the condominium documents will require that MacDonald Terrace is plowed by the residents of the building and that Mr. Sullivan will be part of the association to ensure the street is plowed.

Ms. Burbine said she agrees this is not as much mixed use as the Board would have liked, but this is the beginning and this will be setting the standard; the bar needs to be set high.

Ms. Taryn Consilvio of 22 Ford Place asked what the street light will be like and if it will be facing down. Ms. Ennis indicated they will look like the lights on Ford Place and will face down.

Motion:

Ms. Lambert moved that the Planning Board make the following Findings of Fact:

1. RJB Development Corporation filed an application for a Mixed Use Special Permit in the Village Business Overlay District under Scituate Zoning Bylaw Section 560 on August 6, 2018. This application included a Project Narrative, Stormwater Permit Application & Drainage Calculations and plans by Morse Engineering Company, Inc. entitled Proposed Mixed Use Building, 6 MacDonald Terrace, (Assessor's Parcels: 53-5-21 & Parcel A) Scituate, Massachusetts, dated 7/24/18. The most recent revised plans were dated November 12, 2018.
2. The applicant also submitted a Proposed Elevations (Sheet A-200 and A-201) and Proposed Plans (A-100 and A-101) for MacDonald Terrace dated 3/8/2018 by Kelly Ennis Design. The most recent revised plans were dated 10/25/18 to incorporate comments from the Design Review Committee and further revisions dated 11/29/18 and 11/26/18 to incorporate comments from the Planning Board. A Massing Comparison, Sheet A-202 was submitted with a revised date of 11/29/18. A Trash Enclosure, Sheet A-203 dated 11/27/18 was also submitted.
3. The applicant also submitted a Planting Plan for the Proposed Mixed Use Building, 6 MacDonald Terrace, (Assessor's Parcels: 53-5-21 & Parcel A) Scituate, Massachusetts, dated

7/24/18 with revisions through 11/15/18 by Kennedy's Country Gardens, Scituate, MA; a photometric lighting plan for 6 MacDonald Terrace dated 10/23/18 and lighting sheets for Wall Mounted Classic Onion Sconces by Norwell lighting for doors and Lumenpulse Allegra 12' light standards.

4. The property that is the subject of this application is a 12,512 sq. ft. upland parcel improved with an existing single family home and garage. The property is shown on the Scituate Assessor's Maps as parcels 53-5-21 with 10,400 sq. ft.; however a Form A was recorded on May 7, 2018 adding Parcel A consisting of 2,112 sq. ft. to create the 12,512 sq. ft. parcel. The property is in the Business District and Village Business Overlay District.
5. The lot or yard area required for the new building or use do not include any part of a lot that is required by any other building or use to comply with any requirements of this bylaw. The proposal meets the requirements of Section 560.4 A.
6. The application was reviewed under Section 750 by the Design Review Committee on October 16, 2018. As required by Scituate Zoning Bylaw Section 560.8, Design Review Standards, the Planning Board has considered the extent to which the applicant satisfies the Design Review Standards detailed below:
 - a. Roofs – Roofs are pitched to the center ridge and the slope meets or exceeds the 8:12 slope required by Section 560.8 A. Dormers are no more than 20' in width as scaled from the architectural drawings.
 - b. Façade Treatment – On the façade of the building facing MacDonald Terrace, a private way, and shown on the plan by Kelly Ennis Design referenced above, 23% of the ground floor and 31% of the second floor façades are glazed. Section 560.8 B. requires a minimum of 50% of the first floor and 30% of the second floor to be glazed when on a public way.
 - c. Front Yard Setbacks – The front setback for the building, situated on MacDonald Terrace, will be 10.4 feet to the edge of the southwest corner of the building. 10 feet is the minimum permitted. No parking is located in the front yard setback. The proposal is considered to meet this requirement.
 - d. Side and Rear Yard Setbacks – The side setback is proposed to be 8.4' on the left and 26.2' on the right; the rear setback will be 55.5'. The adjacent lots at 18 Ford Place and 10 and 14 Ford Place contain residence. The minimum side or rear setbacks are greater than 20' from a residential and the proposal is considered to meet this requirement.
 - e. Special Setbacks- Scituate Harbor – This requirement is not applicable.
 - f. Greenbush Design Standards – The building at 88' has the longest façade facing MacDonald Terrace. This is less than the 120' maximum. This is the only front façade over 50' and is articulated. This proposal is considered to meet this requirement.
 - g. Parking and Landscaping – The driveway for the proposal will be 20' wide. A Landscape Plan was submitted. No invasive plants are proposed. Screening is proposed abutting residential uses. The site is not in the Water Resource Protection District. Stormwater is proposed to be treated by a tree box filter and subsurface recharge system. No parking is proposed beyond that which is required.

The proposal meets the requirements of Section 560.4 B. and the Design Review Standards of Section 560.8.

7. As the proposal contains less than 8 housing units, no affordable units as defined in Section 560.7 are required or proposed. The proposal meets the requirements of Section 560.4 C.
8. The requirement that 50% of the floor area be a retail use is not applicable here as the property is not on Country Way in Greenbush. The proposal is considered to meet the requirements of Section 560.4 D.
9. According to Gregory J. Morse, P.E., the lot contains 12,512 sq. ft. 16 units per 40,000 sq. ft. are allowed. This equates to 5 residential units for the lot area.

According to the Site Plan (Sheet 1 of 3) stamped by Gregory J. Morse, P.E., 4,740 sq. ft. or 38% of the site shall be maintained as open space. This exceeds the required 20%.

Frontage is required to be an amount sufficient in the opinion of the Planning Board to provide adequate access, and not less than 20'. Frontage of approximately 138.05' is provided on MacDonald Terrace according to the Site Plan (Sheet 1 of 3) stamped by Gregory J. Morse, P.E.

The proposal is considered to meet the requirements of Section 560.4 E.

10. The applicant is not seeking a bonus density. The requirements of Section 560.5 are not applicable.
11. The proposal will contain 11 parking spaces including one ADA van accessible space and 8.1 spaces are required with approval of the Planning Board. This is 1 space per 1 bedroom units and 1.5 spaces per the 2 bedroom units and 1 space for the office unit consisting of 314 sq. ft. The applicant has provided parking which meets the requirements of Section 560.6.
12. As the proposal contains less than 8 housing units, no affordable units as defined in Section 560.7 are required or proposed. The requirements of Section 560.7 are not applicable.
13. The proposed stormwater management system has been reviewed by the Town's consulting engineer, Peter Palmieri, P.E. of Merrill Engineers and Land Surveyors, whose comments indicate his concerns have been satisfactorily addressed if the stormwater management system is built as designed.
14. The review of the stormwater management system by the Planning Board's consulting engineer and their approval of this special permit eliminates the requirement for a separate stormwater permit under the Stormwater General Bylaw and its regulations for any work that conforms to the plans. Gregory J. Morse, P.E. has certified that the drainage system can be expected to result in post-development runoff characteristics (including peak flow, total volume of runoff and water quality of runoff) to be equal to or less than the pre-development runoff characteristics.

Based on these findings, the Mixed Use Special Permit meets the requirements under the Village Business Overlay District, Section 560.

Mr. Limbacher seconded the motion; the motion was unanimously approved. Ms. Lewis did not vote.

Mr. Bornstein moved that the Planning Board approve the special permit with the following conditions:

General Requirements

1. All construction work shall be done in accordance with the plans submitted by Morse Engineering Company, Inc. entitled Proposed Mixed Use Building, 6 MacDonald Terrace, (Assessor's Parcels: 53-5-21 & Parcel A) Scituate, Massachusetts, dated 7/24/18 with revisions of 11/12/18 and any additional revisions needed to conform to the conditions contained herein (the "Mixed Use Special Permit"); Planting Plan for the Proposed Mixed Use Building, 6 MacDonald Terrace, (Assessor's Parcels: 53-5-21 & Parcel A) Scituate, Massachusetts, dated 7/24/18 with revisions through 11/15/18 by Kennedy's Country Gardens, Scituate, MA; Proposed Elevations (Sheet A-200 and A-201) and Proposed Plans (A-100 and A-101) for MacDonald Terrace dated 3/8/2018 by Kelly Ennis Design with revisions dated 11/29/18 and 11/26/18 and any additional revisions needed to conform to the conditions contained therein; Trash Enclosure for 6 MacDonald Terrace dated 11/27/18 by Kelly Ennis Design; photometric lighting plan for 6 MacDonald Terrace dated 10/23/18 and lighting sheets for Wall Mounted Classic Onion Sconces by Norwell lighting for doors and Lumenpulse Allegra 12' light standards, and as further revised too meet these conditions. All conditions of approval shall be inscribed on the Mixed Use Special Permit Plans.
2. Where this Mixed Use Special Permit requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's (the "Planning Board" or the "Board") approval of this Mixed Use Special Permit. All necessary permits and approvals must be received prior to construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw. All conditions of approval shall be inscribed on the Mixed Use Special Permit plan.
4. The applicant shall mean the current applicant and all its successors in interest (the "Applicant"). This special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause. The Planning Board may extend said period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which request shall provide a detailed description of the good cause necessitating an extension.
5. The total number of residential dwelling units on the site shall not exceed five (5). The housing mix shall be one (1) bedroom units and four two (2) bedroom units. The total number of bedrooms shall not exceed nine (9) using the definition of a bedroom by Title V. All units will be under condominium ownership as indicated by the applicant.
6. The Applicant shall obtain the endorsement of the Planning Board for the Mixed Use Special Permit within 90 days of the expiration of the appeal period and this decision becoming final.

Utilities, Parking and Traffic

7. Until a Condominium Association is formed, maintenance and repair of the driveway, parking areas, stormwater management system, snow removal, lighting and landscaping shall be the responsibility of the owner/applicant.
8. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy made effective by the Board of Selectmen on October 8, 2014. All irrigation systems installed in

accordance with the policy must be supplied by on-site sources at the expense of the property owner.

9. All parking will be constructed as shown on the Plan.
10. The building, parking, walkways, paths and required signage shall meet all applicable requirements of the ADA and Scituate Commission on Disabilities.
11. Trash management shall be in the trash enclosure with six (6) Unit owners will be responsible for hiring a private trash service or taking their trash to the transfer station. The trash enclosure and all fencing on the site shall be white PVC material.
12. All electrical, telephone, cable and similar utilities shall be located underground.
13. The applicant shall obtain the approval of the Planning Board through the Town Planner if minor changes from the plan and/or details are needed for lighting, signage, fencing or landscaping.
14. The landscaping in the grading and landscape easement located on the adjacent 17 New Driftway property must be permanent with no permanent structures located there in the future. An easement shall be provided to the Town Planner for review prior to recording.

Required Prior to Release of Special Permit to Applicant for Recording

15. Funds shall be provided for review of a Condominium Trust and Condominium Master Deed by Town Counsel.
16. Plans shall be revised to show the water line as an 8" ductile iron pipe and its location in MacDonald Terrace; the deciduous tree placed in the Filterra tree box to be a minimum of 2 ½" caliper dbh; the Planting Plan shall be revised to show the arborvitae in the grading and landscape easement instead of where the trash enclosure is and the shrub to be relocated on the property from the MacDonald Terrace right of way.
17. The Applicant shall provide a draft Condominium Association Trust document to include the owner(s) of the office unit and residential units and a Condominium Master Deed to include the owner(s) of the office unit and residential units. The Condominium Association Trust and Master Deed shall include:
 - a. A statement that the driveway, drainage system, sewer, walkways through the site, landscaping and other common areas shall be owned by a Condominium Association and shall not be maintained by the Town. The driveway, drainage system, walkways at the site, landscaping, lighting, tree box filters, stormwater leaching system and other common areas shall be inspected, maintained and repaired by a Condominium Association. This shall also be stated in a note on the plan.
 - b. A requirement that maintenance of the drainage system, pedestrian walks, parking, driveways, and landscaping shall be in accordance with the Operation and Maintenance Plan approved by the Planning Board's consulting engineer; provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways; and a description of annual maintenance of the driveway, parking areas, walkways, landscaping, lighting and other common amenities.
 - c. A requirement that the Association maintain an account always containing a minimum of one year's costs for this maintenance. A contractor's estimate of this maintenance and proof of the available funds in this account shall be provided to the Planning Board with the Agreement and annually on the first of the year. The Agreement shall require an

annual certification that the Stormwater System is being properly inspected and maintained per the Operation and Maintenance Plan.

- d. A requirement that the owner/applicant notifies contractors, builders and real estate agents that membership in a Condominium Association and a table showing the available parking for each unit are required to be disclosed to all prospective buyers. The developer shall make copies of the Condominium Trust/Condominium Master Deed available to be provided to all prospective purchasers of units in the development.
- e. A requirement that the Condominium Association notify the Planning Board of the name, address, phone no. and e-mail of the trustees within seven days of their election, and to provide an annual report of their maintenance activities to the Planning Board by January 1 of each year.
- f. A table of the number and general location of parking spaces assigned to each unit.
- g. The Operation and Maintenance Plan shall be provided to the Planning Board as a stand-alone document.

Required Prior to Scheduling the Pre-Construction Conference

- 18. The final building plans, stamped by a registered architect, shall be provided to the Planning Department for review for consistency with the elevations and renderings described in Condition 1. If the plans appear inconsistent, approval by the Planning Board will be required.
- 19. Installation of all sewer lines and appurtenances shall be performed according to the specifications of the DPW Sewer Division. The development shall obtain all necessary approvals for the use of Town sewer prior to scheduling a pre-construction conference. Any required upgrades, modifications or connections shall be at the Applicant/Owner's expense. Copies shall be furnished to the Planning Board.
- 20. If required, a determination of the adequacy of the existing water service for the proposed use shall be provided to the DPW for their approval prior to scheduling a pre-construction conference. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Any required upgrades, modifications or connections shall be at the Applicant/Owner's expense.
- 21. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
 - a. Copies of the recorded special permit and plans;
 - b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum, inspections of Subdivision Rules and Regulations Section 9.0, for the driveway, parking areas and stormwater management systems, and in addition, inspection of applicable items in the Construction Sequence and any curbing and water and sanitary sewerage facilities as coordinated with Scituate DPW. The specific amount shall be provided by the Planning Dept. based on the consulting engineer's estimate, shall be subject to amendment from time to time and shall be supplemented by the applicant as requested by the Planning Dept.

- c. A construction schedule including approximate dates for installation of erosion control and other site protection/stabilization, construction of the building, all applicable items in Subdivision Rules and Regulations 9.0 and
- d. A type and amount of security satisfactory to the Planning Board to cover the satisfactory completion of features shown on the site plan including parking, drainage, landscaping, walkways, lighting, signs, fences, trash enclosures and conditions imposed by the Board shall be provided by the Applicant/Owner. The amount shall be based on the Applicant/Owner's contractors' estimates of the costs of these items, reviewed by the Town's consulting engineer and shall be approved by the Planning Board prior to the pre-construction conference.

Required Prior to the Start of Construction

- 22. A pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, the Planning Board's consulting engineer and other representatives of the Town as the Board feels are necessary. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board and the DPW. At least one telephone contact shall be available 24 hours per day in the event of an emergency.
- 23. The property lines of the subject property shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of three business days prior to the start of construction.
- 24. A stabilized construction entrance and silt sock as shown on the Plan (Sheet 1 of 3 of the Proposed Mixed Use Development Plan) must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing.

Required During Construction

- 25. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturday 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.
- 26. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures are in place and approved by the Town Planner or Town's Consulting Engineer. Such control measures shall remain in place until the Board's consulting engineer determines after consultation with the Town Planner, that the danger of erosion or sedimentation no longer exists.
- 27. No parking or unloading on MacDonald Terrace shall be permitted during construction. Construction vehicles shall use the designated construction access.
- 28. The Board reserves the right to require the consulting engineer to visit the site weekly during times when required construction inspections are further than one week apart.
- 29. Construction of the proposed driveway, parking and site drainage system shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board at the completion of the project that the driveway, parking and drainage system were constructed in accordance with the approved plan. This certification shall be accompanied by as-built plans, showing all site utilities and grading, signed and stamped by a professional land surveyor and the supervising professional engineer. The as-builts shall be reviewed by the Town's consulting engineer for compliance with the design.

Required Prior to Issuance of Occupancy Permits

30. Following review and approval by the Planning Board, the Condominium Master Deed shall be recorded at the Registry of Deeds prior to the Building Department's issuance of an occupancy permit. Proof of recording Condominium Master Deed must be provided to the Planning Board.
31. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the driveway, parking area and installation of necessary utilities is in full compliance with the approved plans and the special permit.

Administration

32. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
33. This Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 90 days of expiration of the appeal period or such extension of that time period granted by the Planning Board following approval of this Special Permit.
34. This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.
35. All plan sheets of the Mixed Use Development Special Permit Plan shall be recorded at the Registry of Deeds. All construction work shall be done in accordance with the plans

Ms. Lambert seconded the motion; the vote was unanimously in favor with Ms. Lewis not voting.

Motion:

Ms. Burbine moved to close the continued public hearing for the Mixed Use Special Permit in the Village Business Overlay District for 6 MacDonald Terrace and extend the time to file for the Special Permit to December 14, 2018.

Ms. Lambert seconded the motion; the vote was unanimously in favor. Ms. Lewis did not vote.

Continued - Public Meeting – Site Plan Administrative Review – 8 Allen Place – Mullaney's Fish Market

Assessor's Map/Block/Lot 50-3-21-A

Applicant/Owner: Joseph P. Norton II, TR

Document

- Email to Karen Joseph from Joseph Norton dated 11.14.18
- ZBA Filed Decision dated 11.27.18

Attendees: Joby Norton, Owner

Ms. Joseph indicated that the ZBA Decision had been filed and distributed to the Board.

Motion:

Ms. Lambert moved based on the Site Plan for 8 Allen Place Assessor's Parcel 50-3-21-A dated 10/2/18 by Morse Engineering Co., Inc., plans entitled Mullaney's Fish Market 8 Allen Place Scituate, MA by Rivermoor Engineering, LLC, a letter dated 11/7/18 by Rivermoor Engineering

LLC 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 Mullaney's Fish Market with the following conditions:

1. All site work shall be in substantial conformance with a plans entitled Site Plan for 8 Allen Place Assessor's Parcel 50-3-21-A dated 10/2/18 by Morse Engineering Co., Inc., plans entitled Mullaney's Fish Market 8 Allen Place Scituate, MA by Rivermoor Engineering, LLC, except as may be modified to meet the conditions below.
2. Approval is contingent upon all local approvals being obtained from the Town of Scituate. Materials and details of construction shall meet all the requirements of the DPW, Board of Health, Fire Department and Building Department. Where this Site Plan Administrative Review requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's approval of the site plan. Any required upgrades on site for sewer or water shall be at the owner's expense.
3. The Planning Board agrees to a waiver for the parking requirements for four additional spaces under Section 760.8 of the Zoning Bylaw for office and retail space as there is parking in Cole Parkway.
4. 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.
5. Signage to remain as currently exists with two carved wood signs. Any changes to the existing signs shall be reviewed and approved by the Town Planner before application to the building department for a sign permits.
6. The project shall comply with applicable ADA and Massachusetts Architectural Access Board requirements.
7. The applicant has indicated that mechanical equipment will be on the flat roof and screened by railings on the roof. He has also indicated that "green" technologies such as rain barrels on the east side of the building, solar panels and green scape on the roof will be used. Any substantial changes to the "green" technologies shall be submitted to Planning Board for review and verification that the Standards of Review are still met.
8. Solid waste is to be continued to be trucked off site. Solid fish waste will be donated to lobstermen to reduce their bait costs. Any substantial changes shall be submitted to the Planning Board for review and verification that the Standards of Review are still met.
9. The Town Planner is to be notified upon completion of construction.

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

Informal Discussion – Curtis Estates/90 Ann Vinal – Bond, Donation of Open Space, Foundations, Gas Line Relocation
Assessor's Map/Block/Lot 27-06-01
Applicant/Owner: 90 Ann Vinal, LLC

Document

- Email to Karen Joseph from Paul Sheerin dated 11.19.18 request to be on November 29 agenda

- PDF 90 Ann Vinal Open Space Deed, Signed and Accepted by Conservation
- PDF 90 Ann Vinal Road Recorded Open Space Deed
- Email to Karen Joseph from Don Gillespie dated 11.15.18
- PDF Curtis Estates Basin 2 Outlet Connection Plan dated 11.26.18
- PDF Revised O&M Plan with Cover Letter dated 11.27.18
- PDF letter from Bob Vogel to Ann Burbine dated 11.20.18
- PDF letter from Ann Burbine to Bob Vogel dated 11.28.18
- PDF 3739 Gas Elec Re-Location Plan

Ms. Burbine addressed the letter from Mr. Vogel, Building Commission and said that the Planning Board will not set precedent and allow foundations to happen prior to lot releases.

Bond:

- Bonding company has been accepted by Town Counsel and Nancy Holt; the Board will need to decide if they will accept the bond.
- Consulting Engineer is reviewing applicant's submittal for the bond amount.
- Bonding company is in process of working on language that will be submitted by Town Counsel.
- Final amount of the bond is still to be determined
- Several items still not completed and noted in Merrill's report from 11.29.18
 - Partial As-built once a binder installed
 - Drainage connection to Ann Vinal Road approved at the last meeting
 - Location change needed of the drain man hole due to a tree
 - Certifications have been provided
 - DPW working with the applicant to address this ASAP

Open Space:

- Deed has been recorded, copies have been forwarded
- Planning Board will need to decide if condition is met prior to building permits
 - Ms. Joseph opined they have meet the requirement

Gas Line Relocation:

- Plan showing line will be on left side of road way layout
 - Electric on right hand side of road way layout
 - Gas will be 1' from the left hand side layout line
 - Sleeves in the ground so they will not have to dig up the road way.
- Columbia Gas most likely not available until the Spring; moratorium on new projects
- Applicant considering propane since it can be converted to natural gas with the same equipment; propane would just be temporary.

Motion:

Ms. Lambert moved to accept the applicant's request as a minor field change to relocate the gas line from under the proposed roadways to one foot off the left side of the right of way as shown on the Revised Utility Layout Section dated 11/29/18 and the revised Utility Layout Plan dated 11-29-18 by Ross Engineering Co., Inc. for 90 Ann Vinal/Curtis Estates.

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

Mr. Hayes indicated that the applicant would like to get down the binder coat down due to the impending weather. The Town's Consulting Engineer is unable to be at the site. The applicant is suggesting that S.W. Cole be on site to act as the Town's Consultant as the binder coat is being laid down.

Ms. Joseph opined that there should a letter stating the credentials of the suggested Engineer and DPW needs to be in agreement with the selection, since it is proposed to be a public roadway. She further indicated that all compaction testing has been complete and meets the standards. Mr. Mirabito described the process of inspections that would be done during the binder coat installation.

The Board determined if Merrill and DPW agree with the credentials provided of the inspecting engineer the applicant can go ahead with paving. The applicant must also provide a stamped report of the observations from inspections completed while binder is laid down; this must be received by the Board prior to the next meeting. If Mr. Palmieri finds any issues upon his inspection they are to be rectified by the applicant.

Ms. Joseph recapped the discussion:

- Gas line relocation is approved
- Drainage in Ann Vinal to be constructed next week
- Engineer name to be provided for binder coat inspections
 - Review with Merrill and DPW if acceptable
 - Board requires stamped report of the observations prior to the next meeting
- Bond
 - Will the Board accept a Bond
 - Bond amount to be determined, potentially to include the below:
 - Top Coat, street trees, sidewalk, anything with Basin 2 to complete and ensure functioning correctly
 - Bond is allowable under the Subdivision Rules and Regulations
 - Merrill is reviewing the Bond estimate provided by the applicant
 - It should include any work that has not yet been completed
 - Inflation and contingencies

Ms. Joseph indicated that if necessary the Board can vote to release the lots once the Bond is in the office if amount is still being negotiated and everything else has been done and surety is there. The only options are a Bond or Cash.

The Board determined that with an agreed upon amount they will accept a Bond.

The applicant will be coming back to the December 13th meeting. At that time they will ask for lot releases, so they will not be asking for foundations now. There was further conversation about clearing the lots prior to lot releases. Ms. Joseph opined that clearing is not permitted until lot releases are granted; Ms. Joseph to review the conditions and the covenant.

Accounting
Documents

PO #1904986 (\$120.00), PO #1904987(\$104.52), PO #1904988(\$108.54), PO #1904989(\$104.52), PO #1905093(\$1,440.80), PO #1905245 (\$5,378.30), PO #1905313 (\$69.74)

Ms. Lambert moved to approve the requisition of \$120.00 to Chessia Consulting Services LLC for site inspections for 50 Country Way, for \$104.52 to Gatehouse Media for legal ad for 16 First Ave., for \$108.54 to Gatehouse Media for legal ad for 6 MacDonald Terrace, for \$104.52 to Gatehouse Media for legal ad for 10 Driftway, for \$1,440.80 to Merrill Corporation for site inspections and as-built review for 105 Hatherly Road, for \$5,378.30 to Frank R. Snow, Inc. for release of final surety and unexpended funds for 541-545 Common Driveway, for \$69.74 to Schwaab, Inc. for office supplies.

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

Minutes
Documents

- Meeting minutes 11.8.18

Ms. Lambert moved to approve the meeting minutes for November 8, 2018.

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

Liaison Reports: No reports

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

Planning/Development Report – Ms. Joseph:

- Paving 50 Country Way on Saturday with John Chessia and the testing company
- Non-monetary zoning place holders to be provided to Town Administrator Friday
 - Flexible open space provision for Homeowner's Trust
 - Flood Plain map amendment to match 1972 Flood Plain Map in the Bylaws
 - Greenbush Zoning
 - Ted Brovitz will be at next meeting
- Ms. Joseph to provide a letter of acceptance for the master set of elevations for Seaside at Scituate, any deviations will need to come before the Board.
- 50 Country Way Building B has not paid sewer fee, replacement pipe has not yet been done for building A
- Design Review Committee - 2 resumes submitted

EDC reported - Ms. Burbine:

- North Scituate turning into ghost town
 - Lost 2 biggest anchors – Jamie's and Hingham Savings
- Wilbur's closing, Live Fit closed, Mono Mono closed on Monday and Tuesday
- Serious issues with regards to economics in North Scituate
 - Grant to study zoning in North Scituate

Documents

- Email to the Board from Shari Young dated 11.21.18 with agenda for 11.29.18 and meeting minutes from 11.8.18.

- Email to the Board from Karen Joseph dated 11.21.18 with meeting materials for 6 MacDonald Terrace.
- Email to the Board from Karen Joseph dated 11.21.18 with meeting materials for 6 MacDonald Terrace and Mullaney's Fish Market
- Email to the Board from Karen Joseph dated 11.21.18 with meeting materials for Curtis Estates.
- Email to the Board from Karen Joseph dated 11.26.18 with meeting materials for Curtis Estates.
- Email to the Board from Shari Young dated 11.27.18 with meeting materials for 6 MacDonald Terrace, 8 Allen Place
- Email to the Board from Shari Young dated 11.28.18 with meeting materials for Curtis Estates.
- Email to the Board from Shari Young dated 11.29.18 with meeting materials for Curtis Estates.

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 8:43 p.m. Mr. Bronstein seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: December 13, 2018

